

Subj: Transmittal of Vogel Report
Date: 12/2/2002 1:44:22 PM Pacific Standard Time
From: mpike@calparksco.com
To: tcwaterman@aol.com
File: **TenDeficiencies.pdf (24016 bytes) DL Time (28800 bps): < 1 minute**
Sent from the Internet (Details)

Art: I am fully aware that you have received Dave's report in a timely fashion. Please add this summary as the transmittal from the CVB of his data. Thanks for the opportunity to help craft a solution to the needs of the Authority and the community. Sincerely, Marshall Pike

*Emailed on 12/2/02
(after deadline)*

DATE: November 30, 2002

Mr. Art Bullock
Tehama-Colusa Canal Authority
P.O. Box 1025
Willow, CA 95988

RE: Written Comment on the Draft EIS/EIR for the Fish Passage Improvement Project published in the Federal Register on August 30, 2002 with comments due by extension to November 30, 2002.

Dear Mr. Bullock:

After receiving the Comments on the RBDD Draft EIS/EIR prepared by Dave Vogel of Natural Resource Scientists, Inc. it becomes apparent that the process must account for the deficiencies noted in his study and research before any further action is contemplated to modify the current conditions for Fish Passage at Red Bluff Diversion Dam. This summary of Mr. Vogel's work is provided to give laymen an understanding of the findings. Please incorporate these remarks for further consideration of the project.

Ten Key Deficiencies in the Biological Presentation of the DEIS/EIR for the Fish Passage Improvement Project at Red Bluff Diversion Dam

Key 1 The DEIS/EIR makes use of dated study data and relies on unpublished raw data that has not been reviewed for methodology or relevance: Most of the dated studies quoted, even if accurately characterized, were conducted during the 6 to 12 month gates in conditions prevalent until 1992 when the current 4 month gates in regime was adopted.

- The most egregious is the overstatement of the delay and blockage of fish passage indexed at 21 days taken from raw data extrapolations and in direct contradiction to previous reviewed studies that indexed the delay at much less, typically closer to 4 days.

Key 2 The DEIS/EIR fails to correctly characterize the run timing of the various adult upstream migrations. That is, if the presence of the diversion dam causes the delay in fish movement upstream, then the absence of the dam would predict that the actual peak in passage would be sooner than depicted in the graphic presentations and that a higher than depicted % of fish would have passed by the time the gates were lowered. The DEIS/EIR predicts too great an impact on the total % of the spring run chinook salmon run due to this mischaracterization. It also erroneously concludes that the effect of the RBDD is the same on all species evaluated, a clearly incorrect and misleading assumption. Study after study indicates that run timing is dependent of total flow and seasonal peaks. In fact, the greatest impediment to upstream movement is in high flow periods, typical of heavy storm periods and high spring run-off periods. In years of low flow from rain and run-off, the timing of the peak of the run is typically much earlier.

Key 3 The DEIS/EIR makes incorrect assumptions on Flow Attraction and the efficacy of new fish ladders. Studies noted that management of the flow through various gate configurations had a dramatic effect on the delay of salmon at the dam. Studies noted a strong relationship between flow through gates adjacent to the fish ladders and improved passage. This fact alone invalidates much of the subsequent findings and conclusion about delayed passage. Additional local empirical data shows an exponential relationship between the proportion of flow through the ladders and delay of salmon below the dam. More flow, less delay.

- The DEIS/EIR virtually ignores the ample evidence on the record of successful fish passage facilities, particularly in the Pacific Northwest.
- The DEIS/EIR ignores the record of recommendations dating back to at least 1970 when improvement in the ladders was first noted as likely to provide significant improvement in fish passage, nor does it address the failure of authorities to implement these recommendations.

Key 4 The DEIS/EIR distorts the impact of RBDD on the Spring-run Chinook by failing to correctly characterize the dimension of the total species and the extent of the species range. The DEIS/EIR leads the uninformed reader to conclude that as much as 72 % of the spring run are impacted by the gates in period beginning May 15. In fact, the spring run chinook are much more prevalent in 5 tributaries below the RBDD (Antelope, Mill, Deer, Big Chico and Butte Creeks) than in the 3 tributaries above RBDD (Battle Creek, Clear Creek, Cottonwood Creek) where their range and return is intermittent. Of the total species run for these 8 tributaries alone (not including the runs in the Feather, Yuba, and other drainages south), the RBDD affects less than 3%. Of this small percent, an even smaller percent migrate past RBDD after May 15 and as previously stated, the run time projected is actually much earlier. In effect, the impact on Spring Run Chinook is a small percent of a small percent and not an impact on the entire population.

Key 5 The DEIS/EIR provides misleading concern about the green sturgeon in the face of a near complete lack of study or statistically relevant data. If extrapolation of the known extent and range of the species were used, RBDD affects as few as one to two dozen fish that may transition the area of the RBDD in May and an even fewer number are actually blocked by the lowering of the gates on May 15. In addition, prime habitat of the type sturgeon seek for spawning and rearing is more abundant below the RBDD than above. As the DEIS/EIR uses green sturgeon as one of the primary fish species for focused attention, the failure of the DEIS/EIR to properly characterize the impact is very misleading, particularly to the uninformed reader. In addition, the common, oft-stated premise that fish ladders cannot pass sturgeon is erroneous as the north ladder on Bonneville Dam on the Columbia River successfully passes some sturgeon. The DEIS/EIR should have noted that the design warrants further study and investigation.

Key 6 One of the most prevalent misleading statements in the DEIS/EIR is that the mortality of smolt (out migrating juvenile salmon) is 55% due to problems with passage and predation around RBDD. The statistical basis for this was a single study conducted in 1984 by the author of this commentary (Vogel et al. 1988). Many factors that were present at that time are no longer in place, not the least of which is the gate operating period was reduced from 12 months to 4 months. In addition, the various other improvements including relocation of the juvenile fish bypass outflow, use of drum screens, elimination of back eddys that encourage predator staging have also been implemented. The observed, natural dispersal of predatory pikeminnow due to the reduction of gate operation also objectively predicts much lower mortality. In addition, the study quoted was based on experiments conducted on daytime activity. Further, more relevant studies during night time activity that were ignored by the DEIS/EIR, when the majority of smolt transition of the RBDD takes place, shows that mortality was 16%. And lastly, the study quoted also notes that, of the pikeminnow captured with stomach contents (about 66% by weight largely of smolt) goes on to say that only 25% of the pikeminnow captured had any stomach contents at all, a fact not provided by the DEIS/EIR. Once again, the DEIS/EIR uses the percent of a percent argument to make its case for high mortality that simply does not exist.

Key 7 The DEIS/EIR fails to acknowledge a continuing list of changes in operation and management of the RBDD that have contributed to significant improvement in fish passage.

- RBDD lights turned out at night to discourage predator feeding below the dam
- Improved louver and screen maintenance
- Unclogging the fish bypass pipe
- Abandonment of the salmon spawning channels
- Installation of a training wall at the right bank fish ladder to remove a predation-inducing back eddy
- Installing new drum screens at the headworks
- Installing the new bypass outfall down river in maximum stream flow conditions
- Reduction of the gate operation from 12 to 8 to 6 to 4.
- Fixing leaks in the dual purpose canal screens
- Changing the treatment of the dual purpose canal for algae control
- Elimination of the flow straightening vanes in the bypass pipes
- Implementation of spring pulse flow practices

Key 8 The DEIS/EIR mischaracterizes the lake-like conditions created by Lake Red Bluff. Flow rates typically cause a complete turn over of impounded water ever 3-4 hours. The impoundment is much more akin to an elevated river than a lake. Conditions that improve due to lake-like circumstances simply do not occur and the predator values predicted by lake conditions do not exist. If conditions predicted by the DEIS/EIR did exist, they would be dwarfed by much more extensive examples of this condition in the naturally occurring oxbows downstream from RBDD. The inconsistency of the logic as applied in the DEIS/EIR becomes overwhelming.

Key 9 The DEIS/EIR fails in its primary purpose to present a complete and unbiased statement of the project to be reviewed by its utter failure to describe in any detail the scope and impact of the construction of a massive pumping plant on the main channel of the Sacramento River (the Mill site). This deficiency is enough to reject the DEIS/EIR on its face. For all intents and purposes, the decision makers are asked to approve and undefined engineering project, the size of which is undetermined, with virtually no commentary on the environmental impacts associated with the construction and ongoing operation and maintenance requirements. **Simply stated, if the project area did not exist as a diversion dam and headworks to a canal system at this point in time, would the DEIS/EIR provide sufficient detail to allow the decision makers to authorize a 2500 cfs pumping installation with 1000 feet of screening and the mid channel training wall required to maintain flow across the screens and the excavation of several acres of sediment and cobbles at the confluence of Red Bank Creek and the likelihood of annual excavation requirements based on the DEIS/EIR as drafted?** Clearly, the answer would be no.

Key 10 The profound influence of all of the deficiencies noted on the analysis of impacts presentation cannot be understated. The statistical model (Fishtastic) used to rate the alternatives for the acknowledged project purpose of “substantial improvement in fish passage” is totally compromised and of no relevance for this reason. Even if the deficiencies were corrected in the model, the result would be the same. Indeed, it is deduced that the model, “Fishtastic,” was designed specifically to assure the highest rating of biologic improvement was assigned to the gates out alternative under any and all iterations of the data entry process. The consultant can be rightly criticized for allowing this model to impact its presentation.

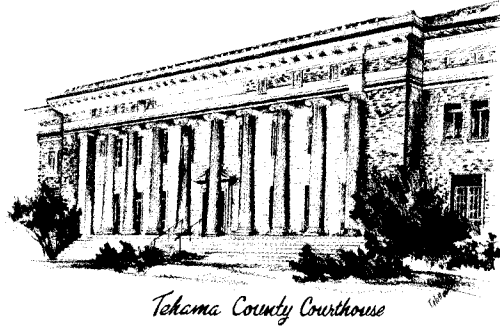
The analogous situation to this presentation would be an estimation of present day automobile mortality using data collected decades ago before installation of modern-day safety features (e.g. seat belts, air bags, road improvements and numerous less visible changes). If the only studies performed on automobile mortality took place before these improvements, and if no data were collected since the improvements were implemented, using the DEIS/EIR rationale, there would be no reductions or improvements in the current rate of automobile mortality.

Sincerely,

Marshall W. Pike
Convention and Visitor's Bureau
Red Bluff – Tehama County Chamber of Commerce

Board of Supervisors
COUNTY OF TEHAMA

*District 1 - Barbara McIver
District 2 - George Russell
District 3 - Charles Willard
District 4 - Ross Turner
District 5 - Bill Borrer*



*Richard Robinson
Chief Administrator*

November 26, 2002

Mr. Art Bullock
Tehama-Colusa Canal Authority
P. O. Box 1025
Willows, CA 95988

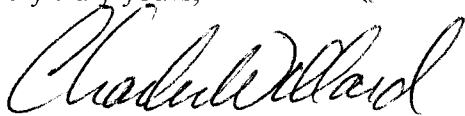
Re: August 2002 Draft EIS/EIR - Comments
Fish Passage Improvement Project at Red Bluff Diversion Dam

Dear Mr. Bullock:

At the November 26, 2002, regular meeting of the Tehama County Board of Supervisors, action was taken to approve the attached comments on the Draft Environment Impact Statement/Environmental Impact Report regarding the Fish Passage Improvement Project at the Red Bluff Diversion Dam.

Thank you for your full and careful consideration of the concerns expressed by the Board.

Very truly yours,



Charles Willard
Chairman

Attachment

TEHAMA COUNTY BOARD OF SUPERVISORS
COMMENTS ON THE RED BLUFF DIVERSION DAM DRAFT ENVIRONMENTAL
IMPACT STATEMENT/ENVIRONMENTAL IMPACT REPORT

November 26, 2002

The Tehama County Board of Supervisors is aware of the twofold purpose of the Red Bluff Diversion Dam (RBDD) Fish Passage Improvement Project:

Substantially improve the long-term ability to reliably pass anadromous fish and other species of concern, both upstream and downstream, past RBDD.

Substantially improve the long-term ability to reliably and cost effectively move sufficient water into the Tehama-Colusa Canal Authority and Corning Canal systems to meet the needs of the water districts served by the Tehama-Colusa Canal Authority (EIS/EIR Page 1-2).

The Board is also aware that the EIS/EIR is required by NEPA to:

Evaluate a range of alternatives, disclose potential impacts, and identify feasible mitigation. Reasonable alternatives must be rigorously and objectively evaluated under NEPA (as opposed to CEQA'S requirement that they be discussed in "meaningful detail") [EIR/EIS page 1-3].

The Board of Supervisors is concerned that Federal and State agencies declared their preferred alternative before the Draft EIR/EIS was published (August 2002). Did these agencies have knowledge of the entire document before they made their decision, or were they merely promoting their own self-interests? The Board of Supervisors refrained from being an advocate of any alternative until a greater understanding of all the issues could be developed. Our belief is that no solution (alternative) is going to be satisfactory for all stakeholders; however, all alternatives must be analyzed objectively using accurate data and the best available science to bring forth an acceptable solution.

The Board has reason to believe that major revisions are needed in the final EIS/EIR to meet the **PURPOSE AND NEED** and the **OBJECTIVE EVALUATION** required by NEPA.

AREAS OF CONCERN

Disposal of Material From PACTIV Landfill

The disposal of up to 170,000 cubic yards of material from the active PACTIV industrial landfill off-site to allow construction of the "mill site" pumping plant could have significant impacts to the Tehama County/Red Bluff Landfill. These impacts are not addressed in the EIS/EIR. This is especially disturbing to the Board, as it is our understanding that CH2M Hill contacted the Solid Waste Manager, Alan Abbs. They were made aware of his concerns, but neglected to include them in the document (refer to letter of November 8, 2002, from Mr. Abbs to Art Bullock for details).

Power Resources

The conclusion reached in alternatives 2A, 2B, and 3 as to operational impacts to power resources we believe to be irrational. *"The impacts from operations on power resources would be less than significant, no mitigation is required"* EIS/EIR Pages 3-292, 3-196. Alternatives 2A, 2B require an estimated additional 1.5 million kwh's annual usage over Alternative 1. Alternative 3 requires an estimated 4.5 million kwh's over Alternative 1. Given most of this additional demand will occur in summer months when system demand is the highest, we think the conclusion of "no significant impact" erroneous. When the public has been asked to conserve, conserve, conserve and utilities rebate significant sums to consumers to upgrade appliances to more efficient units, and agriculturists are encouraged to install water efficient irrigation systems, it seems illogical to conclude the demand created by the additional load of these pumping plants could be determined to be "insignificant." The blackouts experienced throughout California in the winter of 2002 suggest an increase in power consumption of the magnitude of these proposals could be significant. The Board would suggest the EIS/EIR compare the loss of any of the conservation programs that have been implemented versus the energy saved before concluding the additional power requirements of Alternatives 2 or 3 be labeled insignificant. Perhaps it is a small percentage of the power marketed by Western Power; however, to the customers now purchasing this power, it will in all probability be "very significant."

City of Red Bluff- Loss of Lake Red Bluff

The EIS/EIR goes into considerable detail in analyzing the socioeconomic impacts of the various alternatives. We realize the numbers presented are, at best, estimates of the economic impact to the area if the time the water is impounded behind the dam is reduced from present conditions. Table 3.10-14 states the annual sales losses from the loss of the Nitro Natonal Drag Boat Races to be \$3,154,000 under either Alternative 2 or 3. Annual sales losses from reduced recreation and tourism would be \$363,000 for Alternative 2 and \$1,086,000 for Alternative 3. Reduction in annual sales and use taxes to the City of Red Bluff is estimated to be \$52,000 and \$89,000, respectively. Reduction in property values and loss of property tax revenue, while estimated to be small, would be negative to property owners and the City and County. Reduced quality of life and loss of community cohesion are **moderate** for Alternative 2 and **high** for Alternative 3.

Given the above estimates of impacts, the authors of the EIS/EIR come to the conclusion that for Alternative 2, *"there would be some potential for loss of property values for the owners of property adjacent to the lake or with easy access to the lake resulting from the loss of the lake for an additional 2 months of the year. There would be a moderate reduction in the quality of life and reduced community cohesion for local residents. However, the lake would be still present during the hottest summer months (July and August), and while the socioeconomic impacts would be noticeable, the impacts would not be significant; therefore, no mitigation is required"* (EIS/EIR Page 3-320).

The Tehama County Board of Supervisors takes issue with the conclusion that the impacts of Alternative 2 to the socioeconomic environment would "**not be significant.**"

For Alternative 3, the authors conclude *"The sum of the effects on local economic activity, fiscal impacts to the City of Red Bluff, property value declines, and social impacts under Alternative 3 result in a significant socioeconomic impact and cannot be mitigated."*

We agree with the conclusion of the authors. However, we suggest Alternative 3 is a **non-viable Alternative** since the significant socioeconomic impacts cannot be mitigated.

Fish Passage Issues

The Tehama County Board of Supervisors has received a draft report prepared by David A. Vogel, Senior Scientist, Natural Resource Scientists, Inc., of Red Bluff. The report provides a “technical peer review of the August 2002 Public Draft Red Bluff Diversion Dam Environmental Impact Report as related to fishery resources.”

The Board of Supervisors has neither the time nor resources to critique the entire document. However, we feel Mr. Vogel identifies some very significant issues which we believe to be of such magnitude that the final EIS/EIR is obligated to address them.

The Board believes it imperative that the Tehama-Colusa Canal Authority and the Bureau of Reclamation, the lead agencies of the project, address the issues Mr. Vogel raises in the section entitled “**UNDISCLOSED IMPACTS FROM THE PROPOSED LARGE-SCALE PUMPING PLANT AT THE MILL SITE**” (November 23, 2002 DRAFT-Comments on the RBDD Draft EIS/EIR Page 35). The water reliability objective for all the Alternatives suggested in the EIS/EIR is entirely dependent upon a proper functioning large-scale pumping plant. Mr. Vogel suggests, and the Board agrees, that the EIR/EIS is silent on too many of the issues surrounding the viability of constructing and operating such a facility. The EIS/EIR suggests that a large pumping plant could be constructed and operated with no (zero) adverse effects on fish. We think this to be a very misleading statement. Screens required for pumps of the magnitude required for every suggested Alternative will not be 100% efficient, thus there will be some juvenile fish loss. Since these screens and associated environmental impacts will be in the river year-round, fish depredation could be significant. Further analysis on the construction and operation of such a large scale pumping plant is imperative before a final EIS/EIR be approved.

Mr. Vogel’s report leads us to believe there could be many issues similar to the one described above, where the best available science was not utilized in drafting the EIS/EIR, that some conclusions were reached using faulty data, and speculative outcomes promulgated.

Since fish passage issues are one of the two objectives of the project, we find it perplexing that the authors of the EIS/EIR have so little confidence in their proposed solutions as described on page 3-306. “**At this time, it is difficult to predict whether the build alternatives in and of themselves would result in substantial improvements in fish survival rates, but the potential exists.**” This statement leads us to believe that the purpose of the project to “**substantially improve the long-term ability to reliably pass anadromous fish and other species of concern**” may not be met. Mr. Vogel’s “opportunity for improved fish passage” makes constructive recommendations on this issue. Since the EIS/EIR authors seem to have little confidence in the outcome of Alternatives 2 and 3, we believe that Mr. Vogel’s recommendations for improved fish passage should be considered.

RECOMMENDATIONS

The Tehama County Board of Supervisors recommends that the EIS/EIR document address the above concerns as well as those raised in the Vogel report. We are reluctant to select a preferred alternative until these issues have been addressed. However, due to what we believe to be the unmitigable significant impacts on the socioeconomic impacts to the City of Red Bluff and the County of Tehama of Alternatives 2 and 3, the Board of Supervisors opposes consideration of these alternatives at this time.

The Board of Supervisors is acutely aware of the need for the Tehama-Colusa Canal Authority to have a reliable, cost-effective ability to move water into the canal systems. We urge all involved to work diligently to address the issues brought forth so an alternative can be implemented to supply their needs.

MICHAEL T. SHEPHERD
Member-American Board of Trial Advocates
RICHARD L. CRABTREE
LINDSEY A. NAYDUCH

LAW OFFICES
SHEPHERD & CRABTREE

1367 EAST LASSEN AVENUE
SUITE ONE
CHICO, CA 95973
(530) 893-3700
FAX (530) 893-1579

November 27, 2002

Via Facsimile & U.S. Mail

Art Bullock
Tehama-Colusa Canal Authority
P.O. Box 1025
Willows, CA 95988
Fax: (530) 934-2355

Re: *Draft Environmental Impact Statement/Environmental Impact Report Fish Passage Improvement Project at the Red Bluff Diversion Dam*

Dear Mr. Bullock:

This office represents the City of Red Bluff regarding the Tehema Colusa Canal Authority ("TCCA") and United States Bureau of Reclamation ("USBR") *Draft Environmental Impact Statement/ Environmental Impact Report Fish Passage Improvement Project at the Red Bluff Diversion Dam* ("DEIS/EIR"). As explained below, the DEIR/EIS does not comply with the California Environmental Quality Act ("CEQA") and the National Environmental Policy Act ("NEPA") in several essential respects. Please include this letter in the comments to be addressed in the final EIS/EIR, and in the administrative record on this project.

I. The Purpose and Need Statement for the Project is Misleading

The *Purpose and Need Statement* (DEIR/EIS, p. 1-2) states that the "need for the project is in response to the continued and well-documented fish passage and agricultural water supply problems associated with the operation of RBDD [Red Bluff Diversion Dam]." With respect to fish passage, this description of the "need" for the project ignores extensive and significant improvements for downstream fish passage since the time of the cited research in the 1980s. For example, in Appendix B, *Fishery Resources*, the document indicates that the "current" impacts of the RBDD cause serious impediments to fish passage, citing research done in 1982, 1987 and 1988. (DEIR/EIS, p. B-5.) This analysis of fisheries impacts fails to discuss fish passage improvements completed since that time, including, among other things, the installation of a \$15 million fish screen in 1990 and relocation of the fish bypass outfall far downstream of the dam. (See comments on Draft EIR/EIS submitted by David Vogel, Research Scientists, Inc. which are incorporated herein by reference.)

The real and significant improvements to fish passage problems at RBDD over the past two decades are ignored in the *Purpose and Need Statement* and this results in inaccurate

Art Bullock

November 27 2002

Page 2

Re: **Fish Passage Project – Red Bluff Diversion Dam**

assumptions regarding not only the degree of need for the project but the analysis of the project alternatives, which purport to provide relief for the inaccurately depicted “fish passage problems.” Because the baseline conditions are not adequately or accurately identified, the alternatives analysis is flawed.

To highlight the difficulty created by the false assumptions of the seriousness of the fish passage problems at RBDD, one need only look at the preferred alternative selected by TCCA. Selection of the “Gates Out Alternative” occurred in the context of the baseline fish passage conditions as described in the DEIR/EIS; the description that does not acknowledge significant fish passage improvement projects over the past 15 to 20 years. The *Introduction* section containing the *Purpose and Need Statement* implies that the Gates Out Alternative would provide the only appreciable improvement to fish passage conditions, and misstates the necessity for removing the gates in light of the true baseline fish passage situation. (DEIR/EIS, p. 1-1.) Additionally, this false inference makes an inappropriate statement of preference for one project alternative during the draft document stage of environmental review, and ignores the staggering impacts on the social, recreational and fiscal well being of the City of Red Bluff. The weighing process conducted by TCCA in selecting its preferred alternative undoubtedly involved consideration of the *overstated* fish passage problems against the harmful impacts to the City, resulting in an unintentional and unsupported decision that it is necessary to inflict serious harm on the City in a heroic effort to improve fish passage.

The DEIS/EIR states “[a]ll of the impacts associated with the operation of *all of the alternatives are beneficial to increased fish passage.*” (DEIS/EIR, p. X.) Unfortunately, these alternatives are analyzed under the weight of incorrect assumptions regarding the actual and current conditions at the RBDD. If the actual fish passage conditions were properly included in the DEIS/EIR, then the alternatives analysis would look quite different, and the weighing process would include consideration of the already improved fish passage conditions against the gravity of the harm to the environment and the City for some additional increment of improvement.

With respect to NEPA compliance, environmental analyses are to be prepared early in the decision making process so that they can make an important contribution to that process. (40 C.F.R. § 1502.5.) “Ultimately, it is not better documents but better decisions that count. NEPA’s purpose is not to generate paper work – even excellent paper work – but to foster excellent action.” (40 C.F.R. 1500.1(b).) In this case, the analysis of the true baseline fish passage conditions has not yet been done, and is so obviously not a part of the decision making process that one of the lead agencies has prematurely identified a preferred alternative with the most egregious environmental impacts. Not only does the omission of true baseline conditions result in an inferior document, it most certainly negates any possibility of excellent action.

In *County of Inyo v. City of Los Angeles* (1977) 71 Cal.App.3d 185, 192-193, the court cited a NEPA case and concluded as follows:

Art Bullock

November 27 2002

Page 3

Re: **Fish Passage Project – Red Bluff Diversion Dam**

"Only through an accurate view of the project may affected outsiders and public decision-makers balance the proposal's benefit against its environmental cost, consider mitigation measures, assess the advantage of terminating the proposal (i.e., the "no project" alternative) and weigh other alternatives in the balance. An accurate, stable and finite project description is the *sine qua non* of an informative and legally sufficient EIR."

The DEIR/EIS does not provide an accurate view of the project such that the public and decision-makers may balance the project's benefits against its environmental cost. The huge cost that would be borne by the City under the Preferred Alternative should not be measured against an inaccurate and outdated view of the current fish passage conditions at RBDD. To move forward to project approval on the basis of the DEIS/EIR in its current form would prevent the document from fulfilling its purpose of providing relevant information to all interested parties and decision makers.

II. Selection of a Preferred Alternative During the Draft Document Stage Violates the Spirit of CEQA and NEPA

Declaring a preference for the "Gates Out Alternative" before the environmental review process is complete turns the NEPA/CEQA process on its head. NEPA and CEQA are designed to foster informed decision-making. The DEIS/EIR reads like a *post hoc* rationalization argument, attempting to justify a decision already made. CEQA requires the selection of feasible alternatives that lessen the environmental impacts of proposed projects. (Pub. Resources Code § 21002.) Public Resources Code Section 21002 Provides:

"The Legislature finds and declares that it is the policy of the state that *public agencies should not approve projects as proposed if there are feasible alternatives or feasible mitigation measures available which would substantially lessen the significant environmental effects of such projects*, and that the procedures required by this division are intended to assist public agencies in systematically identifying both the significant effects of proposed projects and the feasible alternatives or feasible mitigation measures which will avoid or substantially lessen such significant effects."

TCCA has already identified the Gates Out Alternative as the Preferred Alternative, and further fouled the preparation of the draft environmental document by stating that its preference is really for the "maximum pumping facility, regardless of gate operations, recognizing that its chief concern was water supply reliability." (DEIS/EIR, p. 1-8.) Thus, one of the co-lead agencies has identified a preferred alternative while completely disregarding CEQA's mandate that the lead agency must systematically identify both the significant effects of the proposed project and the feasible alternatives or mitigation measures which will avoid or substantially lessen such significant effects. It is obvious from the DEIS/EIR that TCCA is determined to approve the project with the "maximum pumping facility" and plans to do so because water

Art Bullock

November 27 2002

Page 4

Re: **Fish Passage Project – Red Bluff Diversion Dam**

supply reliability is TCCA's "chief concern." (DEIS/EIR, p. 1-8.) TCCA's desire for maximum pumping does not nullify CEQA's requirement that the environmentally superior alternative must be identified. (14 Cal. Code Regs. ("CEQA Guidelines") § 15126.6(e)(2).) The DEIS/EIR reads like a rationalization for the selection of the Gates Out Alternative, with the TCCA pretending that the enormous impacts to the City of Red Bluff are small when compared to the benefits of "maximum pumping." This selection of a Preferred Alternative with the water supply interests of TCCA being the only true consideration violates the spirit and the letter of both CEQA and NEPA.

III. The Direct Impacts of the Gates Out Alternative are Not Adequately Addressed

A. Impacts Related to the Mill Site Fish Screen

The Gates Out Alternative contemplates the construction of a new pumping facility at the Mill Site with a pumping capacity of 2,180 cfs. This would require the installation of a massive fish screen. (DEIS/EIR, p. 2-12.) The screen would be approximately 1,000 feet long. (*Id.*) As noted by Dave Vogel in his comments during the public hearing on September 25, 2002, there is a disturbing lack of meaningful information in the DEIS/EIR regarding the large-scale pumping plant on the Sacramento River.

It is well documented that fish screens of this magnitude require extremely good control over river channel hydraulics during the life of the project. The document acknowledges that the largest diversion on the Sacramento River occurs at GCID's Hamilton City Pumping Plant, where up to 3,000 cfs is diverted into GCID's main canal. (DEIS/EIR, p. 3-68.) Thus, the proposed pumping plant for the project at the Mill Site, with a pumping capacity of 2,180 cfs, is no small diversion, nearing the capacity of the largest diversion on the River. Construction of the fish screen facility at GCID's Hamilton City Pumping Plant involved, among other things, a multimillion dollar in-river gradient restoration project and flow control structures designed to protect the fish screen from river bypass and to optimize operations by maintaining approach and sweeping velocities consistent with fisheries agencies' fish screen criteria.

Mr. Vogel noted during his comments on September 25, 2002, that he has personally witnessed significant river channel changes at the Mill Site over the past 20 years, and that the downstream end of the site has become shallow, with the river channel changing course from the right to left bank. Mr. Vogel went on to state that he could not envision how fish screens could function without *major dredging* in the river and the *reconfiguration of the existing channel*. None of this is addressed in the DEIS/EIR, except to state that the details will be worked out in the final engineering design. (DEIS/EIR pp. 2-12 to 2-18.) This is unacceptable deferral of studies and inquiry that does not satisfy CEQA or NEPA. Additionally, the informational purpose of the document is not fulfilled, given that essential elements of the project, no matter which alternative is selected, have been completely ignored.

Art Bullock

November 27 2002

Page 5

Re: Fish Passage Project – Red Bluff Diversion Dam

The omission of information regarding how the massive fish screen investment would be maintained and protected is a glaring and untenable flaw in the DEIS/EIR. Figure 3.2-1 clearly depicts highly erodable soils and recent channel deposits around the Mill Site, which could easily facilitate river meander and result in the bypassing of the fish screen facility. The natural tendency for river meander could require bank protection upstream and downstream of the new fish screen. Bank protection would result in the destruction of habitat and infringe upon federal and state policies in support of establishing a riparian meanderbelt along the Sacramento River. Further, control over the channel, which will be absolutely necessary to maintain approach velocities consistent with fisheries agencies' criteria, can only be achieved through dredging of the river channel. (Dave Vogel's September 25, 2002 comments.) Dredging will impact species, including the same listed species the project seeks to protect, and annual dredging may or may not be allowed under the federal Clean Water Act or other regulations. Finally, the fish screen would include a fish bypass system (DEIS/EIR, p. 2-17), which would undoubtedly require at least some review and study to ensure proper performance according to the fisheries agencies' criteria. None of these impacts are addressed in the DEIS/EIR. The long-term maintenance, performance review and protection of the fish screen facility is barely mentioned in the document, and this omission must be corrected in order to allow the public and the decision makers to assess the true impacts of the various alternatives.

Another issue raised by the fish screen portion of the project alternatives is whether or not NMFS will grant a "variance" for an exception to the "no pumped fish bypass" criterion. (DEIS/EIR, p. 2-17.) There is no discussion regarding the likelihood of such a variance. The entire fish screen discussion assumes a variance will be granted by NMFS, without inclusion of a contingency plan or discussion of action to be taken in the event NMFS enforces the "no pumped fish bypass" criterion.

Finally, the long-term operation and maintenance of the fish screen will impact fisheries resources. Table ES-4 indicates that impacts to fisheries resources would come only during construction of the new fish screen. There is no information regarding the potential for annual in-river dredging that may be necessary to maintain channel configuration in order to meet approach and sweeping velocity criteria at the fish screen. Further, any bank protection that becomes necessary to protect the fish screen from river meander and to meet criteria would impact riparian habitat, including possible impacts to shaded riverine aquatic cover, VELB and other resources.

Table ES-4 further says that effects from sediment disturbances and turbidity may occur during construction, but does not mention these effects as they may occur during long-term maintenance of the fish screen facility, which may involve maintenance dredging. Finally, long-term impacts to power supplies, traffic and circulation, noise, aesthetics, land use, recreation, socioeconomics, fishery resources, water resources/quality and biological resources simply are not included in the DEIS/EIR to the extent these impacts will result from long-term maintenance, testing and/or protection of the fish screen facility.

Re: Fish Passage Project – Red Bluff Diversion Dam

In summary, a complete picture of the project's impacts has not yet been included in the DEIS/EIR. As a result, the document does not satisfy the requirements of NEPA or CEQA.

B. Impacts Related to Reduction in Flood Carrying Capacity of Sacramento River

The DEIS/EIR fails to consider other foreseeable impacts from the Gates Out Alternative. Table 1.5-1 indicates that the California Department of Water Resources is concerned that the "[a]dditional riparian growth resulting from the project will reduce the flood-carrying capacity of the Sacramento River in already reduced natural floodplains and bypass channels. This potential impact could increase water surface elevations" and that "[t]he additional vegetation in the floodplain could have significant effects on water surface elevations in the Red Bluff area during high water events. (DEIS/EIR, p. 1-14.) In other words, the Gates Out Alternative will increase flood related risks to Red Bluff residents during high water events. This impact is dismissed in the document and never addressed other than in the list of agency concerns. In fact, Table ES-4 falsely indicates "no negative impacts were identified" for "surface-water hydrology and management."

The DEIS/EIR considered the environmental consequences to water resources, and purports to have considered contacts with resource agencies in the process. (DEIS/EIR, p. 3-85.) The significance criteria states that an impact would be significant if it would "[e]xpose people or structures to a significant risk of loss, injury or death involving flooding." (DEIS/EIR, p. 3-86.) The analysis goes on to conclude that the operation of the Gates Out Alternative would have no significant impact on hydrology – and does not even mention the increased riparian growth that could reduce the flood-carrying capacity of the Sacramento River.

The Department of Water Resources is a "resource agency" contact, and the concern expressed by that agency has been ignored in the document. The impacts related to additional riparian growth in the dry bed of Lake Red Bluff have not been adequately discussed in the DEIS/EIR. Specifically, the document must provide information regarding the degree of increased risk of harm to Red Bluff residents and their property from potential flooding during high water events, and mitigation measures must be included to the extent feasible. In this regard, if the additional riparian growth is to be managed in some way, the impacts to people and resources, including VELB, should be disclosed.

IV. Analysis of the "Preferred Alternative" Improperly Minimizes Grave Project Impacts to the City of Red Bluff

The DEIS/EIR acknowledges that the Gates Out Alternative "would result in a significant economic impact to the local community." (DEIS/EIR, p. XVI.) The estimated financial impact of \$4.2 million per year represents nearly the entire annual general fund budget of the City of Red Bluff. (DEIR, p. XVI and p. 3-316.) Reductions in property values and income from the Nitro National boat races would result in serious financial impacts to the City.

Art Bullock

November 27 2002

Page 7

Re: **Fish Passage Project – Red Bluff Diversion Dam**

Additionally, the impacts of “reduced quality of life” and “loss of community cohesion” could be devastating. The impacts associated with the Gates Out Alternative are huge and could be disastrous for the City.

To summarize, the Gates Out Alternative would result in recreation and tourism spending losses of \$1,088,000 annually and the loss of 19 tourism related jobs. Losses related to elimination of the Nitro National boat races would be \$3,154,000 annually and the loss of 49 boat racing related jobs. (Table 3.10-14.) Finally, the reduced quality of life and loss of community cohesion impacts from the Gates Out Alternative would be “HIGH.” (*Id.*) “No mitigation is available to offset these impacts.” (DEIS/EIR, p. XVI.) The DEIS/EIR glosses over these impacts with little discussion. The disproportionate “cost” of the project should not be borne by the citizens of Red Bluff, who would receive little in the way of benefit from the increased capacity for agricultural water deliveries.

These egregious impacts to the City and its citizens may not be avoidable through mitigation measures, but there is a project alternative available that would meet the project’s goals *and* prevent disproportionate impacts to the City: Alternative 1A. (See DEIS/EIR, p. 3-258 and Table 3.8-2.) In its identification of the Preferred Alternative, the DIES/EIR does not discuss the weighing of the Gates Out Alternative against the grave harm to the City, nor does it mention the fact that Alternative 1A would avoid these impacts and meet project goals in an obviously environmentally superior way.

V. Alternative 1A is the Best Alternative

Table ES-4 shows that Alternative 1A will have unmitigated significant impacts in only one category, and those impacts are only temporary, associated with construction activities. By contrast, the Gates Out Alternative will result in unmitigated significant impacts in 4 categories (recreation, land use, socioeconomic and aesthetics). Additionally, there is *no mitigation available* for the socioeconomic impacts of the Gates Out Alternative. (DEIS/EIR, p. 3-332.) Both alternatives 1A and Gates Out meet the goals of the project to improve fish passage conditions and reliability of water supply deliveries (DEIS/EIR, pp. 3-258 to 3-268), but Alternative 1A is obviously the environmentally superior alternative.

"CEQA contains a 'substantive mandate' that public agencies refrain from approving projects with significant environmental effects if there are feasible alternatives or mitigation measures that can substantially lessen or avoid those effects." (Remy, Thomas, Moose & Manley: GUIDE TO THE CALIFORNIA ENVIRONMENTAL QUALITY ACT, 10th Ed., p. 13.) "CEQA compels government first to identify the environmental effects of projects, and then to mitigate those adverse effects through the imposition of feasible mitigation measures or through the selection of feasible alternatives." (*Sierra Club v. State Bd. of Forestry*, 7 Cal.4th 1215, 1233 (1994).) Thus, under the mandates of CEQA, the Gates Out Alternative cannot be selected if there is a feasible alternative with less adverse impacts. Here, that feasible,

Re: **Fish Passage Project – Red Bluff Diversion Dam**

environmentally superior alternative is Alternative 1A. There is no evidence or analysis in the DEIS/DEIR which supports a conclusion that Alternative 1A is not feasible.

CEQA's substantive mandate that a project not be approved if there are feasible alternatives or mitigation measures differs from the requirements under NEPA. "In requiring the imposition of feasible means of eliminating significant environmental effects, CEQA differs from NEPA. [Citations.] Under CEQA, an agency cannot satisfy the statute simply by considering the environmental impacts of a proposed project." (Remy, Thomas, Moose & Manley: GUIDE TO THE CALIFORNIA ENVIRONMENTAL QUALITY ACT, 10th Ed., p. 14.) Thus, it is not enough under CEQA to merely consider the impacts of the proposed project. CEQA requires that feasible environmentally superior alternatives be adopted.

Furthermore, under CEQA, physical changes that will cause adverse social or economic effects on people are considered significant environmental impacts. (Guidelines § 15064(e).) CEQA requires that impacts to human beings be given priority. (Guidelines §15065(d).) The negative impacts to human beings associated with the loss of Lake Red Bluff are staggering, as set noted above and shown in the DEIS/EIR. Adequate mitigation and/or adoption of a project alternative to avoid these human impacts must occur under the mandates of CEQA.

All alternatives improve water supply deliveries over the No Action Alternative. The ability of Alternative 1A to meet *maximum* [i.e., worst case scenario] water deliveries *could* be exceeded for 14 days during the irrigation season, between May 1 and May 15. (DEIS/EIR, p. 3-258 to 3-259.) The Gates Out Alternative has a similar possibility of failing to meet maximum estimated demands for one day during the irrigation season. (DEIS/EIR, p. 3-269.) Importantly, however, Alternative 1A has the ability to meet the water needs defined by average and maximum water delivery and average and maximum crop demand "for the majority of the irrigation season, May 15 to September 15." (DEIS/EIR, p. 3-259.) Additionally, the unnecessary human impacts associated with the Gates Out Alternative can and should be avoided by adopting Alternative 1A. It is possible to meet project goals and comply with NEPA and CEQA through this course of action.

* * * *

Because of the issues raised above, the City of Red Bluff believes that the DEIR/EIS fails to meet the requirements of the California Environmental Quality Act and the National Environmental Policy Act. The document should be withdrawn and a revised DEIR/EIS released which adequately addresses all direct and reasonably foreseeable impacts, provides adequate and feasible mitigation, considers the alternatives under the correct assumptions about

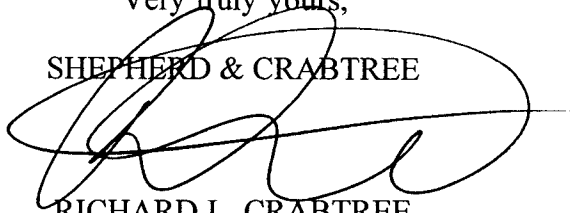
Art Bullock
November 27 2002
Page 9

Re: **Fish Passage Project – Red Bluff Diversion Dam**

the current state of fish passage at RBDD and avoids excessive and unnecessary impacts to the City of Red Bluff.

Very truly yours,

SHEPHERD & CRABTREE

A large, stylized handwritten signature in black ink, appearing to read 'R. Crabtree', is written over the printed name 'RICHARD L. CRABTREE'.

RICHARD L. CRABTREE

RLC:tc

cc: City of Red Bluff
Attention: Susan Price, City Manager



F R I E N D S O F T H E R I V E R

915 20th Street, Sacramento, CA 95814
916/442-3155 • FAX: 916/442-3396 • E-mail: info@friendsoftheriver.org • www.friendsoftheriver.org

CALIFORNIA'S
STATEWIDE RIVER
CONSERVATION
ORGANIZATION

November 26, 2002

Mr. Art Bullock
Tehama-Colusa Canal Authority
P.O. Box 1025
Willows, CA 95988

**Re: Red Bluff Diversion Dam Fish Passage Improvement Project
Draft Environmental Impact Statement/Report (DEIS/R)**

Dear Mr. Bullock:

Thank you for soliciting comments from the public in response to this important report. I also wanted to express my appreciation for the excellent outreach and facilitation of public comments provided by the Tehama-Colusa Canal Authority at the public meetings and via the internet. The interactive nature of your public participation process is a model for other agencies to follow.

Friends of the River strongly supports implementation of the preferred alternative identified in the DEIS/R – Alternative 3: Gates-Out. The Gates-Out alternative best improves fish passage for sensitive, threatened, and endangered fish species and meets the intent of various legislative and administrative decisions requiring the remediation of fish passage problems at the Red Bluff diversion dam (RBDD).

However, the DEIS/R fails to provide some essential information to support its decision. The final EIS/R should provide more perspective as to why fish passage needs to be improved at the RBDD, as well as include additional information concerning impacts and proposed mitigation measures associated with all alternatives.

We believe the DEIS/R's impact analysis of the Gates-Out alternative has been overstated in many areas (including recreation, visual resources, tourism, and land values), and that some common sense mitigation measures have been ignored. In addition, at least one additional alternative – removal of the RBDD – should be considered in the final EIS/R.

Our detailed comments are attached. Thank you for your consideration.

Sincerely,

Steven L. Evans
Conservation Director



Comments of Friends of the River
November 26, 2002
Red Bluff Diversion Dam Fish Passage Improvement Project
Draft Environmental Impact Statement/Report (DEIS/R)

Pg. v – There is reference to the TCCA Board reserving the right to consider other alternatives such as the “Flexible Gate” alternative. There is no further information concerning this alternative to be found in the DEIS/R. Therefore, the TCCA Board cannot legally under CEQA/NEPA consider this alternative.

Pg. 1-7 – The Legislative and Management History section fails to mention the important pertinent legislative and administrative actions that place this project in perspective and would at least inform the public why the project is proposed. These legislative and administrative actions include:

- 1973 Endangered Species Act – Congress directs federal agencies to protect and conserve threatened and endangered fish, wildlife, and plant species, and their ecosystems. The Sacramento River winter-run chinook salmon is subsequently listed under the Act as an endangered species in 1994, the winter steelhead as a threatened species in 1998, and the spring-run chinook salmon as a threatened species in 1999.
- 1984 California Endangered Species Act – Requires the California Department of Fish & Game to protect and conserve threatened and endangered fish, wildlife, and plant species, and their habitat. Subsequently, the Sacramento winter run chinook salmon is listed as a state endangered species in 1989 and the spring run chinook salmon as a state threatened species in 1999.
- 1988 Salmon, Steelhead Trout And Anadromous Fisheries Program Act – Directs the California Department of Fish & Game to implement measures to double the numbers of salmon and steelhead present in the Central Valley.
- 1993 Central Valley Action Plan (for restoring anadromous fish) – California Department of Fish & Game adopts as a top (A-1) priority, “Develop and implement permanent measures to minimize fish passage problems for adult and juvenile anadromous fish at the Red Bluff Diversion Dam in a manner that provides for the use of associated CVP conveyance facilities for delivery of water to the Sacramento Valley National Wildlife Refuge complex.”
- 1994 Central Valley Project Improvement Act – Requires the Bureau of Reclamation to “...develop and implement measures to minimize fish passage problems for adult and juvenile anadromous fish at the Red Bluff Diversion Dam in a manner that provides for the use of associated Central Valley Project conveyance facilities for delivery of water to the Sacramento Valley National Wildlife Refuge complex. Costs associated with implementation shall be reimbursed in accordance with the following formula: 37.5 percent shall be reimbursed as main project features, 37.5 percent shall be considered a non-reimbursable Federal expenditure, and 25 percent shall be paid by the State of California.”

- 1996 Steelhead Restoration and Management Plan for California – Directs the California Department of Fish & Game to implement actions to restore Central Valley steelhead, including determine an alternative to the Red Bluff Diversion Dam that would eliminate or reduce the need for the dam gates, and allow unobstructed fish passage.
- 1997 Proposed Recovery Plan for the Sacramento River Winter-run Chinook Salmon – National Marine Fisheries Service adopts a objective to maximize the survival of juveniles passing the Red Bluff Diversion Dam and recommends development and implementation of “...a permanent remedy at the Red Bluff Diversion Dam which provides maximum free passage for juvenile (and adult) winter-run chinook through the Red Bluff area, while minimizing losses of juveniles in water diversion and fish bypass facilities.”
- 2000 CALFED Bay-Delta Restoration Program Record of Decision – Authorizes the implementation by state and federal agencies of a comprehensive ecosystem restoration program, which includes “Modifying or eliminating fish passage barriers, including the removal of some dams, construction of fish ladders, and construction of fish screens that use the best available technology.”
- 2000 CALFED Bay-Delta Ecosystem Restoration Program Plan – Adopts specific conservation measures to “Manage operations at the Red Bluff diversion dam to improve to improve fish passage, reduce the level of predation on juvenile fish, and increase fish survival” and to “Prevent predatory fish from congregating below the Red Bluff Diversion Dam by modifying operations.”

Pg. 2-1 – Alternatives: A dam removal alternative should be included in this analysis. There is no indication that such an alternative was considered. Most CEQA/NEPA documents list alternatives not analyzed in detail to inform the public the range of alternatives originally considered. Serious consideration of a dam removal alternative is needed, given the importance of fishery values affected by the dam and the fact that retention of the RBDD infrastructure could result in future operations that could further adversely impact these values.

Pg. 2-2 – “The current gates-out operation at RBDD (September 16 through May 14) has greatly reduced the period of time when adults are delayed and juveniles are adversely affected by RBDD operations.” This statement is primarily applicable to the endangered winter run chinook salmon. And even for the winter run, the DEIS/R indicates a 12% improvement in adult fish passage. This is a significant improvement given that the winter run annually consists of only a few hundred fish. The DEIS/R also shows significant measurable benefits for several other salmon stocks and fish species, some of them listed as threatened and endangered.

Pgs. 2-20 through 25 – Dam Bypass: One of the standards for the dam bypass is that it provide sufficient attraction flows to successfully provide a significant improvement in fish passage. Since the flow out of the proposed bypass would be similar to flows from existing fish ladders, there is no evidence that a dam bypass would improve fish passage. Given the cost of this alternative, the fact that Lake Red Bluff will continue to

act as a vector for juvenile salmonid predation, the unacceptable impacts of the bypass on the Red Bluff Recreation Area, as well as the fact that the bypass is likely to not provide significant improvement in fish passage, this alternative should be eliminated from any further consideration.

Pg. 3-6 – Species Listed or Proposed for Listing; This section fails to note mandates to improve passage at the RBDD for federally and state listed salmonid species in the Proposed Winter Run Recovery Plan, the California Steelhead Restoration and Management Plan, and many other administrative documents and decisions. It also fails to note that the Sacramento River "...is the most important waterway in the Central Valley," in regard to anadromous fish (CDFG 1993). In addition, this section of the DEIS/R fails to place in perspective the overall status of the listed stocks and the significance of listed salmonids that spawn upstream of the RBDD.

Before dams blocked 90% of their spawning habitat, the spring chinook run was the largest in the Central Valley and was conservatively estimated at nearly a million fish annually. In the Sacramento River and its tributaries, the spring run population declined from nearly 39,000 fish in 1940 to an average of 2,400 fish today. Today, spawning wild spring run are considered to be extirpated from the main stem Sacramento River. The remaining stock spawns in tributaries, including a few tributaries upstream of the RBDD. The spawning tributaries upstream of the RBDD – Battle Creek, Cottonwood Creek, Clear Creek, and a few others – support just a few hundred spring run salmon annually.

Battle Creek is considered the best opportunity to restore all five runs of salmonids in the Sacramento watershed and CALFED is investing more than \$30 million to do so. CALFED has also made significant investments in salmonid habitat restoration on Clear Creek (including the removal of the McCormick-Saeltzer dam) and on Cottonwood Creek. The low numbers and unique nature of the stocks upstream of the RBDD, and the investment in public resources to restore these stocks, is a powerful argument in favor of maximizing successful passage of TES salmonids past the RBDD.

Pgs. 3-16 through 18 – Other Native Anadromous Fish: This section fails to fully document the status of the Sacramento River green sturgeon, which is officially recognized by the California Department of Fish & Game as a fish species of special concern. In 2001, the National Marine Fisheries Service determined that listing the green sturgeon under the Endangered Species Act may be warranted. A listing decision is pending. Moyle et al recommended that it be listed and protected as a threatened species (1992, 1995). Moyle also provides a rough population estimate for the Sacramento River of 160 to 1,600 fish. According to Musick et al (2000), all known or suspected spawning populations of green sturgeon probably contain only a few hundred mature females. According to the 2001 petition to list the green sturgeon, the Sacramento River stock is one of only two remaining spawning populations in California (the other is located in the Klamath watershed). Although it may be unclear whether or not all sturgeon observed downstream of the RBDD when the gates are down are in fact green sturgeon, there is extensive documentation that green sturgeon do indeed migrate at least as far as the RBDD. The fact that sturgeon are commonly sighted below the RBDD when the gates are down is evidence that the RBDD plays a significant role in impeding passage of adult sturgeon. In contrast, the Gates-Out

alternative significantly improves passage for adult green sturgeon by 54% and 38% for juveniles.

Pg. 3-18 – River Lamprey: This section fails to note that river lamprey are officially recognized by the California Department of Fish & Game as a fish species of special concern.

Pg. 3-28 – Species Listed or Proposed for Listing: This section should note that a petition was filed in 2001 proposing the ESA listing of the green sturgeon, and that NMFS determined that listing may be warranted and a listing decision is pending.

Pg. 3-34 – Significance Criteria: The delineation of <10 percent difference in passage indices as “less than significant” is arbitrary. It fails to consider the importance of the stocks that must pass the RBDD to spawn upstream in the Sacramento River and in critical tributaries such as Battle Creek and Cottonwood Creek. Even a modest 4% and 8% improved passage for endangered winter run juveniles and threatened steelhead juveniles respectively should be considered significant. Any measurable improvement for a species listed as endangered should be considered significant, and the steps taken to achieve that improvement reasonable and prudent.

Pg. 3-35 – “...no alternative resulted in significant (measurable) adverse impacts to (adults or juveniles) of any of the five native anadromous salmonid species.” One would hope that a project intended to improve passage for threatened, endangered, and sensitive (TES) fish species would indeed have no significant adverse impacts. But the DEIS/R narrative fails to emphasize the definitive corollary to this statement – that some of the alternatives provide significant measurable positive impacts (improvements) for TES fish species.

Table 3.2-6 shows that adult winter chinook and steelhead receive measurable benefit and adult spring chinook receive large measurable benefit from the gates out alternative. In addition, the table demonstrates that adult spring chinook receive a large measurable benefit from the 2 month improved and 2 month existing ladders alternatives. Although the table arbitrarily assigns no measurable benefit between alternatives for juvenile salmonids, it also indicates 4% improved passage for endangered juvenile winter run and 8% improved passage for threatened juvenile steelhead. Passage improvement for green sturgeon under the Gates-Out alternative is even more impressive – 54% for adults and 38% for juveniles.

Pg. 3-67 – Water Resources: The discussion concerning surface water hydrology should consider the potential for river meander affecting the ability of existing and new pumps to divert water from the river.

Pgs. 3-89 through 90 – Hydrology/Water Management Impacts: It should be noted in this section that one of the reasonably foreseeable impacts of any alternative that allows additional water diversion (or pumping) beyond current operations (No Action alternative) may result in increased diversions from the Sacramento River for offstream storage, and subsequent impacts on the river ecosystem, fish, and wildlife.

Pg. 3-118 – Riparian Habitat: This section documents the fact that seasonal flooding caused by the RBDD and its reservoir restricts the amount of riparian habitat in this section. Without the seasonal flooding, riparian habitat would normally re-vegetate much of the affected river segment.

Pg. 3-179 – Riparian Habitat Impacts: Natural re-vegetation of the inundation zone under the Gates-Out Alternative would almost certainly create more riparian habitat than the 6.81 acres lost due to construction impacts. There is extensive research concerning Sacramento River riparian resources to provide a reasonable estimate of recreated riparian habitat associated with the Gates-Out Alternative.

Pg. 3-189 – Recreation: This section fails to compare recreational use on other segments of the Sacramento River with recreational use of the Red Bluff segment under the various alternatives. Without this comparison, it is difficult to determine whether any of the recreational impacts are permanent or long term. Logically, reservoir-based recreation will simply give way to river-based recreation under the Gates-Out alternative. Extensive river-based recreation already occurs upstream and downstream of the RBDD.

We compared the 1995 Lake Red Bluff segment recreational data in the DEIS/R with recreational use data compiled for various segments of the river by the California Department of Water Resources in 1980. The CDWR data shows that the Sacramento River segments upstream and downstream of Lake Red Bluff supported more power boating, swimming, and fishing in 1980 than Lake Red Bluff does today. In fact, total recreation use in the upstream and downstream segments in 1980 is competitive with 1995 Lake Red Bluff use figures. It is logical to assume that total recreational use in the upstream and downstream segments is actually much higher today. The CDWR data also shows a 61% increase in overall recreational use in the Lake Red Bluff segment, compared to the 1995 DEIS/R data. But this may be because the 1980 data combines Lake Red Bluff recreation use with river-based recreation activities that occurred between the lake and Jellys Ferry bridge.

It is reasonable to expect that more than half of the recreational use in the Red Bluff area correlates with the period when the gates are down under current operations. But this use is not necessarily associated with RBDD operations. The correlation is more likely associated with the prime summer recreation period from May to September.

Pgs. 3-213 through 215 – Operations Related Impacts: A careful examination of actual recreational uses indicates that most activities are not strictly reservoir-based. Even assuming that all power boating and water skiing would end under the Gates-Out alternative (an unreasonable assumption), these activities comprise less than 16% of the overall recreational use along the river. Power boats and jet skis are common along other free flowing segments of the Sacramento River, including segments just upstream and downstream of Red Bluff. Redding and Sacramento enjoy extensive river-based recreational opportunities in parks along rivers flowing through their communities.

There is no factual basis for the assumption that the Gates-Out alternative will permanently impact recreational use. It will simply change some but not even most of the recreational use already occurring in the Red Bluff area. The impact on drag boat

races could be mitigated by simply lowering the gates when the event occurs. This mitigation was not apparently considered in the DEIS/R. The impacts of lowering the gates for the drag boat races on fish passage and riparian habitat re-vegetation would have to be analyzed and mitigated.

Pg. 3-237 – Boat Docks/Ramps Impacts: Although boat docks would no longer be needed under the Gates-Out alternative, boat ramps designed to accommodate river-based use would be appropriate. The statement that the Gates-Out alternative's impacts on private and public boat ramps would be significant and cannot be mitigated is not true. The DEIS/R should consider proposing the construction of one or more public boat ramps designed to accommodate river-based boating as mitigation for the Gates-Out alternative.

Pgs. 3-307 through 313 – Economic Impacts: This section appears to assume that most or all summertime recreation in the Red Bluff area is lake dependent. This is a false assumption. Many of these economic activities would occur even without the lake due to increase tourism associated with the summer recreation period.

Pgs. 3-313 through 315 – Property Values: The discussion on property values apparently fails to compare river front property with lake front property. Property adjacent to water is likely to have a higher value than property distant from water. But what is the difference in value between river front and lake front property? This important information is lacking in the DEIS/R.

Pgs. 3-369 through 370 – Permanent Landscape Changes: The impact on visual quality is overstated and fails to consider the fact that over time, the reservoir imprint will naturally revegetate. Most of the barren gravel areas now evident under current operations when the gates are up, will revegetate. A flat, broad expanse of water under current operations when the gates are down will be replaced with a dynamic meandering river clothed in riparian forest. Visual impacts are likely to be fully mitigated with 10-20 years and could be accelerated with an active riparian habitat restoration program.

Fish Passage Improvement Project

at the Red Bluff Diversion Dam

COMMENT SHEET

Draft Environmental Impact Statement/Environmental Impact Report

Public Hearing

September 25, 2002

Name JOEL HENSLEY

Address 13536 CRYSTAL ST

RED BLUFF CA 96080

Please add my name to your mailing list.

Yes

No

I AM IN FAVOR OF GATES IN 4 MONTHS FOR THE FOLLOWING REASONS:

1. I AM NOT IN FAVOR OF BIGGER PUMPS, WE SPENT APPROX 20 MILLION ON THE PUMPS THAT IN NOW THAT DO NOT WORK NOW. WHY SPEND MILLIONS MORE FOR IMPROVED PUMPS THAT MAY NOT WORK!

2. WHY GIVE MORE ^{WATER} TO AGRICULTURE WE JUST PAID TO HAVE THOUSANDS OF PRUNE TREES DESTROYED BECAUSE WE PRODUCE TOO MUCH AGRICULTURE.

3. I BELIEVE THE GATES IN 4 MONTHS ADEQUATELY SERVES MOST NEEDS OF SPORTSMEN, FARMERS AND RECREATION BOATERS.

(Continued)

Submit comments at this meeting or send comments to: Art Bullock/Tehama-Colusa Canal Authority, P.O. Box 1025, Willows, CA 95988, Fax 530.934.2355, E-mail tcwaterman@aol.com. The public comment period ends November 5, 2002.

ARE YOU OK?

Fish Passage Improvement Project

at the Red Bluff Diversion Dam

COMMENT SHEET

Draft Environmental Impact Statement/Environmental Impact Report

Public Hearing

September 25, 2002

Name

Mareen Peterson

Address

101 Pine St

Red Bluff Calif -

Please add my name to your mailing list.

Yes



No



We moved to Red Bluff 50 yrs ago - We started developing property Motels - Restaurants Mobile home Parks - etc etc - The river flow was doing beautifully for everyone involved in this "Village" - Then the dam had to be built to send water to Southern Calif - Ruined - Fishing - Hunting - Business - this village has been trying to survive for 50 years. We finally got a flow of business - reeding has been progressing - because your politicians are thick up their and has a lot of pull from Sacramento - So - Red Bluff looses again - but this remark is of no value - because you have decided already what you are going to do - Give Southern Calif all of our natural resources.

Mareen Peterson

(Continued)

Submit comments at this meeting or send comments to: Art Bullock/Tehama-Colusa Canal Authority, P.O. Box 1025, Willows, CA 95988, Fax 530.934.2355, E-mail tcwaterman@aol.com.
The public comment period ends November 5, 2002.

Fish Passage Improvement Project

at the Red Bluff Diversion Dam

COMMENT SHEET

Draft Environmental Impact Statement/Environmental Impact Report

Public Hearing

September 25, 2002

Name Marcella Altman

Address 510 Breakcliff Dr
Red Bluff Ca 96080

Please add my name to your mailing list.	Yes	<input type="checkbox"/>	No	<input type="checkbox"/>
--	-----	--------------------------	----	--------------------------

Please Deep Lake Red Bluff -
Water is low beds as well
as fish 1a

(Continued)

Submit comments at this meeting or send comments to: Art Bullock/Tehama-Colusa Canal Authority, P.O. Box 1025, Willows, CA 95988, Fax 530.934.2355, E-mail tcwaterman@aol.com. The public comment period ends November 5, 2002.

Fish Passage Improvement Project

at the Red Bluff Diversion Dam

COMMENT SHEET

Draft Environmental Impact Statement/Environmental Impact Report

Public Hearing

September 25, 2002

Name

~~Barb~~ BARB BOYE

Address

~~30~~ ~~40~~ ~~AGUA VERDE~~ 30 Agua Verde
RED BLUFF

Please add my name to your mailing list.

Yes

No

OPTION 1A AND FISH PASS
IMPROVEMENT

(Continued)

Submit comments at this meeting or send comments to: Art Bullock/Tehama-Colusa Canal Authority, P.O. Box 1025, Willows, CA 95988, Fax 530.934.2355, E-mail tcwaterman@aol.com. The public comment period ends November 5, 2002.

Fish Passage Improvement Project

at the Red Bluff Diversion Dam

COMMENT SHEET

Draft Environmental Impact Statement/Environmental Impact Report

Public Hearing

September 25, 2002

Name RT LACHANCE

Address 14185 DEERWOOD DR
RED BLUFF, CA 96080

Please add my name to your mailing list. Yes No

I HAVE LIVED IN TEHAMA COUNTY FOR 5 YEARS AND HAVE BEEN SELF EMPLOYED FOR THE ENTIRETY. I BELIEVE THAT LOSING THE LAKE WILL HURT NOT ONLY TOURISM, BUT PROPERTY VALUES AND RECREATION FOR THE CITIZENS OF TEHAMA COUNTY.

(Continued)

Submit comments at this meeting or send comments to: Art Bullock/Tehama-Colusa Canal Authority, P.O. Box 1025, Willows, CA 95988, Fax 530.934.2355, E-mail tcwaterman@aol.com. The public comment period ends November 5, 2002.

Fish Passage Improvement Project

at the Red Bluff Diversion Dam

COMMENT SHEET

Draft Environmental Impact Statement/Environmental Impact Report

Public Hearing

September 25, 2002

Name Kathleen Jones

Address 22503 Sunbriht Ave

Red Bluff, CA 96080

Please add my name to your mailing list.	Yes	<input checked="" type="checkbox"/>	No	<input type="checkbox"/>
--	-----	-------------------------------------	----	--------------------------

All ow 30 day extension for comments
Bypass study & better fish ladder should be an option

(Continued)

Submit comments at this meeting or send comments to: Art Bullock/Tehama-Colusa Canal Authority, P.O. Box 1025, Willows, CA 95988, Fax 530.934.2355, E-mail tcwaterman@aol.com. The public comment period ends November 5, 2002.

Fish Passage Improvement Project

at the Red Bluff Diversion Dam

We need to keep Lake Red Bluff because: it provides recreation for all ages; it provides a wonderful, peaceful scene for the entire community as well as anyone passing through. Surely the short time it takes to fill the lake cannot starve areas down stream. There are many solutions to the fish problems, I hope we will not ignore them!

Save Lake Red Bluff!

We need it!

Barbara M. Heins
13275 Roadrunner Loop
Red Bluff CA 96080

529-4108

Submit comments at this meeting or send comments to: Art Bullock/Tehama-Colusa Canal Authority, P.O. Box 1025, Willows, CA 95988, Fax 530.934.2355, E-mail tcwaterman@aol.com.
The public comment period ends November 5, 2002.

Fish Passage Improvement Project

at the Red Bluff Diversion Dam

COMMENT SHEET

Draft Environmental Impact Statement/Environmental Impact Report

Public Hearing

September 25, 2002

Name JACKSON J-WILLIAMS

Address 14721 NEV'S RD. RED BLUFF CA 96080

Please add my name to your mailing list.

Yes

No

PUT THE BYPASS CHANNEL IN WE DON USE
THE PUMPS ~~FIX~~ THE FISH LADDERS

(Continued)

Submit comments at this meeting or send comments to: Art Bullock/Tehama-Colusa Canal Authority, P.O. Box 1025, Willows, CA 95988, Fax 530.934.2355, E-mail tcwaterman@aol.com. The public comment period ends November 5, 2002.

Fish Passage Improvement Project

at the Red Bluff Diversion Dam

666

COMMENT SHEET

Draft Environmental Impact Statement/Environmental Impact Report

Public Hearing

September 25, 2002

Name D. ALTMAN

Address 510 Bearcliffe
Red bluff

Please add my name to your mailing list. Yes No

I approve of 1a option no others
4 months 5/15 - 9/15 + fish passage
status quo

(Continued)

Submit comments at this meeting or send comments to: Art Bullock/Tehama-Colusa Canal Authority, P.O. Box 1025, Willows, CA 95988, Fax 530.934.2355, E-mail tcwaterman@aol.com. The public comment period ends November 5, 2002.

Subj: **Red Bluff diversion dam**
Date: 9/24/2002 4:27:20 PM Pacific Standard Time
From: rln821@snowcrest.net
To: tcwaterman@aol.com
Sent from the Internet (Details)

I have lived in Redding since 1957. I have fished the Sacramento River here in Redding before and after the Red Bluff dam was built. Before the dam in Red Bluff was built you could go down to the Posse Grounds here in Redding and see salmon spawning 365 days of the year. After the dam was built the salmon weren't spawning here any more.

Several years ago there were several thousand dollars spent trying to find out why the salmon weren't here any more. At that time I said that they could have asked any fisherman and got the answer for free! It was the Red Bluff dam that stopped the fish spawning in Redding.

Before the dam was built there must have been public meetings during which there was discussion about the dam. I imagine that the people that were for the dam believed that the dam wouldn't hurt the fish at all. How wrong!

It seems to me that the people that want the dam are the people that make money off the races that they have every year. I don't think they care a whit whether there are any fish in the river or not as long as they fill their pockets. It's a sad state of affairs when the people can let this beautiful country deteriorate as long as they can satisfy their greed.

You can put me down for one vote to do away with the Red Bluff dam.

Robert L. Nelson
821 St. Marks #16
Redding, Ca. 96003

rln821@snowcrest.net
Tel. (530) 241-2039



California Regional Water Quality Control Board

Central Valley Region



Winston H. Hickox
Secretary for
Environmental
Protection

Robert Schneider, Chair

Gray Davis
Governor

Redding Branch Office

Internet Address: <http://www.swrcb.ca.gov/rwqcb5>
415 Knollcrest Drive, Suite 100, Redding, California 96002
Phone (530) 224-4845 • FAX (530) 224-4857

26 September 2002

Ms. Karen Fowler
State Clearinghouse
P.O. Box 3044
Sacramento, CA 95812-3044

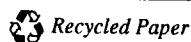
FISH PASSAGE IMPROVEMENT PROJECT AT THE RED BLUFF DIVERSION DAM, TEHAMA-COLUSA CANAL AUTHORITY, STATE CLEARING HOUSE No. # 2002042075

We have reviewed the Draft Environmental Impact Statement/Environmental Impact Report (EIS/EIR) for the Fish Passage Improvement Project at the Red Bluff Diversion Dam. The objective of the Fish Passage Improvement Project is to improve the ability of fish to pass through the Red Bluff Diversion Dam, while supplying sufficient water to the Tehama-Colusa and Corning canals. The Draft EIS/EIR compares five alternatives against existing conditions as well as the no action alternative. We have the following comments regarding this project.

GENERAL PERMITTING REQUIREMENTS

- **Storm Water Permits.** In order to protect water quality during construction activities, appropriate storm water pollution controls will be required during construction. If construction activities result in a land disturbance of five or more acres, the project will need to be covered under the General Construction Storm Water Permit (Order No.99-08-DWQ). If construction activities result in a land disturbance between one and five acres, the project will need to be covered under a Small Construction Storm Water Permit. This permit is effective March 2003. Both permits require that a Storm Water Pollution Prevention Plan (SWPPP) be prepared prior to construction activities. The SWPPP is used to identify potential pollutants (such as sediment and earthen materials, chemicals, building materials, etc...) and to describe best management practices that will be employed at the site to eliminate or reduce those pollutants from entering surface waters. For a storm water permitting package, please contact Scott Zaitz of the Regional Water Quality Control Board office in Redding [(530) 224-4784].
- **404 Permit and Water Quality Certification.** The project proponent may also need to apply for a 404 permit from the US Army Corps of Engineers and a 401 water quality certification from the State Water Resources Control Board. The Federal 404 permit is required for activities involving a discharge (such as fill or dredged material) to waters of the United States. "Waters" include wetlands, riparian zones, streambeds, rivers, lakes, and oceans. Typical activities include any modifications to these waters, such as stream crossings, stream bank modifications, filling of wetlands, etc. These projects also require a water quality certification (per Section 401 of the

California Environmental Protection Agency



Clean Water Act) verifying that the project does not violate State water quality standards. The 404 permit and water quality certification must be obtained prior to disturbance. The Army Corps of Engineers contact for Tehama County is Matt Kelley [(916) 557-7724]. The water quality certification application can be obtained from Scott Zaitz of the Regional Water Quality Control Board office in Redding [(530) 224-4784].

- **Dewatering Permit.** A dewatering permit (Order No. 5-00-175, General Order for Dewatering and Other Low Threat Discharges) may be required for dewatering discharges associated with this project. The dewatering permit is required for the removal of water from excavations, cofferdams, diversions, areas of ponding, etc. that is eventually discharged to a storm drain or surface watercourses. Typical pollutants of concern associated with construction dewatering are settleable material, suspended material, and turbidity. However, this project may involve dewatering activities in the area of the Pactiv Corporation Class III Landfill, and additional constituents of concern above and beyond those normally encountered during most construction projects may be present and affect options for discharging accumulated water. Approval to discharge water accumulated through the dewatering project will be based on laboratory analysis and proper waste characterization. See the discussion below regarding potential impacts associated with construction near the Pactiv Corporation Class III Landfill. For a Notice of Intent (application form), please contact Scott Zaitz of the Regional Water Quality Control Board office in Redding [(530) 224-4784].
- **Aboveground Petroleum Storage.** The Aboveground Petroleum Storage Act requires owners or operators of aboveground petroleum storage tanks to file a storage statement and pay a fee for single petroleum tanks that store greater than 660 gallons or facilities with a cumulative storage capacity of greater than 1,320 gallons of petroleum. In addition, a Spill Prevention Control and Countermeasures plan must be prepared and implemented. For additional information, please contact Heidi Bauer of the Regional Water Quality Control Board office in Redding [(530) 224-4996].

POTENTIAL IMPACTS FROM PROXIMITY OF PROJECT TO CLASS III LANDFILL

Each alternative evaluated in the EIS/EIR indicates that construction of the pump station will occur at the Pactiv Corporation mill site. Our understanding of this proposed project is that construction of the pump station will occur on a portion of the Pactiv Corporation Class III Landfill located adjacent to the Sacramento River. Construction of the pump station would require excavation of buried wastes in the landfill. Industrial activities at this site date back to the early 20th century and records are not available regarding the types of wastes buried in the landfill before the Pactiv Corporation purchased the site.

Groundwater beneath the Pactiv Corporation Class III Landfill is greatly influenced by the operation of the Red Bluff Diversion Dam. When the gates are closed, groundwater elevations rise and the flow direction is towards the west. Under these conditions, groundwater may contact wastes in the bottom of the landfill, affecting water quality in the area. When the gates are open, groundwater elevations lower changing the flow direction to the north. This also affects the landfill's Point of Compliance and changes which monitoring well is designated as the down-gradient well. Recent groundwater monitoring data from the landfill indicates that down-gradient wells have statistically significant elevated concentrations of alkalinity, bicarbonate, calcium, chemical oxygen demand, conductivity, dissolved organic carbon, total Kjeldahl nitrogen, magnesium, manganese, potassium, sodium, tannins

and lignans, and total dissolved solids when compared to up-gradient wells. These conditions may be an indicator that waste disposal activities may have impacted water quality in the area of the landfill.

A site investigation conducted by CH2M Hill during first half of 2002 found layers of burn ash mixed with paper pulp waste produced by Pactiv Corporation. The burn ash may contain hazardous concentrations of metals. The burn ash was not characterized for dioxins. Additionally, one drum of liquid waste was encountered during the investigation and one sample of the pulp wastes identified chromium above State hazardous waste action levels.

The EIR did not disclose the amount of waste to be excavated during the project. No discussion was included regarding how the proposed project will affect the existing groundwater monitoring network. No discussion was provided regarding waste characterization or disposal options for the excavated wastes. Wastes that have been excavated from the landfill may not be allowed to go back into the remaining portion of the unlined landfill. Final disposal options for excavated wastes will depend on characterization of the materials removed from the fill. Depending on the disposal option selected, additional evaluation under CEQA may be required. The EIS/EIR should provide a more thorough evaluation and discussion regarding waste removal, characterization, and disposal options.

SPECIFIC PACTIV NPDES ISSUES

The discharge of wastewater from Pactiv Corporation's pulp mill to the Sacramento River and the discharge of industrial storm water from Pactiv Corporation's property to Red Bank Creek are regulated under Waste Discharge Requirement Order No. 98-127. This National Pollutant Discharge Elimination System (NPDES) Permit No. CA0004821 will expire on 1 June 2003. To continue discharging, Pactiv Corporation is required to submit an application for permit renewal by 1 December 2002. It will be Pactiv Corporation's responsibility to describe their current and future operations, as well as any forecasted changes in operations that may or may not affect their permit conditions. Any significant changes in their operating conditions (such as changes in effluent quality, discharge flow rate, treatment processes, or discharge locations) must be evaluated under the CEQA process before a revised or renewed NPDES permit can be adopted by our Regional Board.

Under each alternative, the proposed footprint of the pump station intersects Pactiv Corporation's wastewater discharge outfall to the Sacramento River. The EIS/EIR should acknowledge this, and evaluate other discharge options and potential environmental impacts. The project proponent may want to consider integrating Pactiv's discharge outfall, as well as a diffuser, into the pump station design. Note that discharge of process wastewater to Red Bank Creek would likely not be permitted because flow in Red Bank Creek is intermittent. Additionally, discharge of Pactiv Corporation's wastewater to the Tehama-Colusa canal would likely result in more stringent effluent limitations in Pactiv Corporation's NPDES permit due to the limited dilution provided by the canal in the winter months.

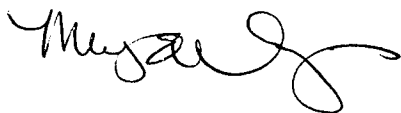
It is our understanding that construction of the Fish Passage Improvement project will begin no earlier than 2004. While it is possible for Pactiv Corporation's NPDES permit to be renewed before construction (i.e. renewal based only on current operating conditions), it would be advantageous to all parties if Pactiv Corporation's NPDES permit renewal application reflected proposed operating conditions during and after construction. The application should also consider changes in industrial storm water runoff conditions that would result.

OTHER

Page 3-106, Groundwater Quality. The first sentence, "Groundwater quality is generally excellent in the region," is misleading and the last statement, "No evidence of nitrates... has been found in the groundwater in Red Bluff," needs to be corrected.

In the developed portions of the Antelope Boulevard area, 2¼ miles north of the Red Bluff Diversion Dam, nitrates have been measured above the MCL in shallow (to 30 ft bgs) and intermediate (to 60 ft bgs) monitoring wells as well as in domestic wells. The California Department of Water Resources (DWR) in Red Bluff is currently conducting a nitrate sampling program of domestic wells. Initial results indicate nitrates as nitrates were measured above half the MCL (22.5 mg/L) in 30 percent of domestic wells samples, and at or above the MCL (45 mg/L) in 15 percent of the wells sampled. Initial results also suggest that the extent of nitrate groundwater contamination is affected by Red Bluff Diversion Dam operations. Results of the four sampling events performed this year will be published by DWR in January 2003.

If you have any questions regarding these comments, please contact Dale Stultz for landfill issues and me for the remaining issues. We can be reached at (530) 224-4845 or the address above.



Mey Wong, P.E.
Staff Engineer

MEW:

cc: Mr. Art Bullock, Tehama-Coulso Canal Authority, Willows
Mr. Roger Hillstrom, Pactiv Corporation, Red Bluff
Mr. Mike Urkov, CH2M HILL, Redding

MICHAEL T. SHEPHERD
RICHARD L. CRABTREE
LINDSEY A. NAYDUCH
RON S. CHAPLIN

LAW OFFICES
SHEPHERD & CRABTREE
(530) 893-3700

1367 EAST LASSEN AVENUE
SUITE 1
CHICO, CA 95973
FAX (530) 893-1579

September 24, 2002

Via Facsimile & U.S. Mail

Arthur R. Bullock,
General Manager & Chief Engineer
Tehama-Colusa Canal Authority
P. O. Box 1025
Willows, California 95988
FAX: (530) 934-2355

Max Stodolski, Reclamation Project Manager
Bureau of Reclamation
Red Bluff Division
P.O. Box 159
Red Bluff, CA 96080
FAX: (530) 529-3895

Re: Draft Environmental Impact Statement/
Environmental Impact Report For the Fish Passage
Improvement Project At the Red Bluff Diversion Dam

Dear Mr. Bullock and Mr. Stodolski:

This office represents the City of Red Bluff in matters related to the proposed Fish Passage Improvement Project at the Red Bluff Diversion Dam ("Project"). The purpose of this letter is to request a thirty (30) day extension in the comment period for the Draft Environmental Impact Statement/Environmental Impact Report ("DEIS/EIR") for the Project.

There are many reasons for this request. Most simply, the DEIS/EIR is very voluminous and contains a great deal of technical information which simply requires a substantial amount of time to review and analyze, in order to provide meaningful comments.

In addition, the DEIS/EIR relies on technical data and studies which are not included in the DEIS/EIR or its appendices. Our biological consultant, Mr. David Vogel, has had some difficulty in retrieving the technical information relied on in the DEIS/EIR. Of course, in order to accomplish a thorough review of the DEIS/EIR and its analysis, it is also necessary to review the technical data upon which the DEIS/EIR relies. The California Environmental Quality Act ("CEQA") requires that technical data relied on "be readily available for public examination." (CEQA Guidelines §15147.)

Arthur R. Bullock
Max Stodolski
September 24, 2002
Re: City of Red Bluff –
Fish Passage Improvement Project
Page 2

In addition, it is clear that there were some substantial problems in printing and distributing the DEIS/EIR after it supposedly became available for public comment. Many persons, including the undersigned, did not receive their requested copies of the DEIS/EIR for several days. This is also true for the copy of the DEIS/EIR requested by Mr. Vogel. In addition, CD versions of the document were not available until the week of September 9. Contrary to public notices in the newspaper, the DEIS/EIR was not available on the Internet until approximately September 13, 2002. There are also apparently problems with the on-line ordering process for a CD version of the document.

Finally, the sheer importance and magnitude of the proposed Project, and its potential or probable impacts, require that the public be given ample opportunity to review and evaluate the DEIS/EIR, and comment thereon. "Public participation is an essential part of the CEQA process." (CEQA Guidelines §15201.) Public agencies are required to provide processes "for wide public involvement, formal and informal, . . . in order to receive and evaluate public reactions to environmental issues related to the agency's activities." (*Id.*) "Public review provides the dual purpose of bolstering the public's confidence in the agency's decision and providing the agency with information from a variety of experts and sources." (*Schoen v California Dept. of Forestry*, 58 Cal.App.4th 556, 574 (1997))

On behalf of the City of Red Bluff, and other interested parties and participants in this process, we request a thirty (30) day extension in the comment period in order to allow a full and fair opportunity for the public to submit detailed comments regarding this important project.

Thank you for your consideration in this regard. If you have any comments or questions, please contact me.

Very truly yours,

SHEPHERD & CRABTREE



RICHARD L. CRABTREE

RLC:tc

cc: CH2M Hill FAX: (530) 339-3238
2525 Airpark Drive
Redding, CA 96001
Attention: Mike Urkov
Dale Cannon

300

September 25, 2002
Richard Bennett
P. O Box 9188
Red Bluff, Ca, 96080

Dear Sir,

I believe the Red Bluff Diversion Dam should be removed completely. The river has silted up so much behind the Dam, that in only a matter of time there is going to be a terrible flood in the now heavily residential antelope area. I can recall that in only 5 or 6 years after the Dam was completed that Dog Island was almost gone, you can stand at the Park in Red Bluff and see for yourself at least ten feet of loam and gravel that has built up over the years since the Dam was built.

all that silt is going to replace water volume space. There just isn't room for water in a flood.

There is plenty of recreation around. Agriculture can use pumps. The fish industry in

the river and oceans will improve
dramatically. Open the gates all
year round or just remove
the Dam completely,

Yours Truly
Richard Bennett

Art Bullock/Tehama-Colusa Canal Authority
PO Box 1025
Willows, CA 95988

Dear Mr. Bullock,

I am sorry that I cannot attend the meeting scheduled for Wednesday, September 25, 2002. I was delighted to see this form included in the flyer for expressly this purpose. I hope that by making it easy for people to get involved, that you have an overwhelming response.

I feel that this is a very important topic for the north state area. Lake Red Bluff not only adds recreational and economic aspects to Red Bluff, but it is quite beautiful and I would sorely miss the lovely sight. I do not fully understand the fish and wildlife habitats concerning the lake, but I do believe that the north state needs fish and wildlife *kept in the north state*. To accomplish this, we need the water to keep the habitat.

I sincerely hope that my letter counts for something, and that we as concerned citizens can accomplish the preservation of Lake Red Bluff.

Sincerely,

Lori J. Mueller

Lori J. Mueller

19590 Red Bank Rd.

Red Bluff, CA 96080

9-24-02

9.26.02

Dear Mr. Bullock,

Please accept this as our vote - I was able to attend Wednesday's meeting but my husband was not. I am sending this with the hope - plus my written comment that I dropped in one of the boxes at the meeting, that we will have the enjoyment for a few months of our beautiful River. Without it, life just won't be the same here.

Thank you again -

In Hope of saving our River usage ...

Butch & Terry Shaw
P.O. Box 8762
Red Bluff, Ca
96080

To: Art Bullock
Tehama-Colusa Canal Authority
P.O. Box 1025
Willows, CA 95988

September 28, 2002

From: Bob Brand
P.O. Box 978
Red Bluff, CA 96080

Subject: **FISH PASSAGE IMPROVEMENT PROJECT AT THE RED
BLUFF DIVERSION DAM**

After reviewing the Draft EIS/EIR for the fish passage project and having attended the public hearing on September 25, 2002, I have the following comments:

No specific project proposed. Although some people at the public hearing suggested that the lead agencies had already made up their collective minds as to which alternative they are proposing to implement, and that it is a bad thing to do so, my experience with the EIS/EIR process is that a specific project must be proposed up front in order for the project evaluation to move forward in a timely way. There is no specific, proposed project here. It is highly questionable that a set of alternatives satisfies the CEQA requirement for a proposed project. Section 15126.6(a) requires that consideration and discussion of alternatives to the *proposed project* shall be included in an EIR.

The Draft EIS/EIR of August 2002 states that the TCCA Board has chosen the 12-month gates-out alternative – but not really. The Bureau of Reclamation has publically not chosen a preferred project and all other agencies and parties to the project have indicated their preference based on their special interests. This just creates confusion and does not provide a baseline for evaluation of the project or the alternatives.

As this project unfolds, it is troublesome that without a specific proposed project, the whole decision process, as to which alternative to implement, is left until the very end, after the EIS/EIR process is completed and/or without public hearings and accountability for the decision.

No costs included for the alternatives in the draft EIS/EIR. If costs are included in the analyses, the relative merit of the alternatives may change. For example, regarding the 12-month gates-out alternative (Alternative 3), it is stated that no mitigation is available to lessen the socioeconomic impacts to Lake Red Bluff (Table ES-4). Several mitigation measures are available and should be

discussed and their costs evaluated. The costs of removal of the existing dam and related structures as mitigation must be included. Also, dredging of the "gravel bar" on the right side of the river from the Antelope Boulevard bridge to south of Reeds Creek and restoration of the boat ramp facilities at the city park must be discussed, including cost. Other mitigating landscaping costs must also be discussed. If the fisheries science is strong enough to support the imposition of the significant environmental impacts associated with the 12-month gates-out alternative, then the gates-out should be permanent and the dam should be removed.

Adaptive Management Program. The inclusion and implementation of the Adaptive Management Program makes sense in order to study the fish passage after project construction. What it suggests, however, is that the fisheries science driving the project is weak. So weak, in fact, that considering the many significant impacts associated with the project (particularly the 12-month gates-out alternative) there is not sufficient basis at this time to warrant the implementation of any changes at the Red Bluff Diversion Dam or its operation. I believe that it would be better for the various agencies involved to pool their money and develop a research grant to a university to do the necessary research on fish migration to better understand the true benefits that might be expected from a Fish Passage Improvement Project at the Red Bluff Diversion Dam.

The impacts are way too great to be proceeding with any drastic changes at this time. You need to do the science first to more clearly establish the benefits to be expected and to clearly define a specific project.



Engineering Geologist, Retired
Red Bluff, California

Subj: **Fish Passage Improvement Project at the RBDD**
Date: 9/29/2002 11:47:06 AM Pacific Standard Time
From: dkjsla@snowcrest.net
To: tcwaterman@aol.com
Sent from the Internet (Details)

This is a written comment submitted with regard to the subject item.

Thank you for providing printed and oral information concerning this far reaching project. Those responsible for answering individual requests for information were most helpful. In addition, the presentation of Sept 25th afforded all interested parties a clear and thorough picture of the current situation as well as the options.

While the short term economics speak in favor of maintaining Lake Red Bluff, in the long run, the only sustainable approach is the Gates-out Alternative. We cannot be assured that new fish ladders, built at huge expense, will be successful. When the current fish ladders were created we thought at that time they were the answer. Unfortunately we were wrong. Nothing in the presentation or the printed material indicates new fish ladders would necessarily be successful. The only fact guaranteed is that any attempt to maintain Lake Red Bluff for two months, four months or any period will result in further declines in the fish population. This will result in this entire issue being revisited again and again with the ultimate resolution being the elimination of gate operations. We can do it now, save the fish, and build a tourist economy based on a robust river. Or we will do it later when the fish are endangered or near extinction and have nothing but a near-dead river upon which to build an economic base. The residents of Red Bluff and Tehama County would be better off if we faced this situation now. Keep the gates out.

David Janott
14600 River Oaks Dr
Red Bluff, CA 96080
DKJSLA@SNOWCREST.NET

-----Original Message-----

From: rpscott2 <rpscott2@tco.net>

To: tcwaterman.@aol.com <tcwaterman.@aol.com>

Date: Sunday, September 29, 2002 11:30 AM

Subject: Tehama County Diversion Dam

After attending the meeting on "Save Lake Red Bluff" last Wed. evening, I came away with the opinion that we're wasting our time arguing for the continuation of the summer dam closure. I agree with the philosophy of "The needs of the many outweighs the needs of the few". However, the bureaucrats seem to be under the impression that everyone is as self-centered and greedy as they are. Instead of stating the simple fact that the dam has to remain open all year-round to better accomodate the water needs throughout the valley, they give us a bunch of retoric about fish passage etc. If we know that the elimination of the lake is inevitable, instead of wasting time at these meetings, we could be coming up with alternative ways to bring revenues into our city. The dam will need to be raised and lowered each year until contruction of the pump station is completed and its not clear how long that will take. It was my understanding that In any case, whether the lake stays or goes, a new pump station will be needed to get enough water into the irrigation canals during the summer months. We should certainly discourage dismantling the dam so that if, for any reason, the pumps should fail they could return to the old method of lowering the dam and backing the water up into the canals for irrigation.

I have heard from some long-time residents that the citizens of Red Bluff fought to keep the dam from being constructed, in the first place. It was their opinion that it would disrupt the fish migration, damage the scenic beauty of the free flowing river and take away the revenues gained from sports fisherman coming to the area. It is now apparent that they were right. However, once the dam was in place, the citizens of Red Bluff took advantage of the resulting lake and put in parks, launching ramps, marinas etc. to enhance the enjoyment of the surrounding area. They also managed to get the Drag Boat Races presented here to bring in additional revenues. If the lake must be discontinued, I have no doubt that we will come up with alternative plans to enjoy and profit from the river and abundant fish migration expected in future years. However, let us begin preparing for that future instead of stalling and giving false hope. At this point, the only ones profiting from this controversy seems to be the government representatives that are being paid to sit like Fence Posts and pretend to listen to our fruitless arguments for retaining the lake. I worry that financial contributions, to the

Tuesday, October 01, 2002 America Online: Tcwaterman

project, will be wasted paying attorney fees and legal costs that will only postpone the inevitable.

As a river-front property owner, we intend to stay here weather the lake stays or goes.

Although we enjoy the summertime beauty of the lake and the boating, we will also appreciate the beauty of the river flowing freely past our property, watching the salmon swimming upstream and they can't take away those gorgeous sunsets. One way or the other, we will continue to enjoy living in Red Bluff. Our only concern is what's best for the majority of our county's citizens and we're having a hard time getting a clear understanding of that.

Subj: **Sacramento River**
Date: 9/30/2002 6:14:42 PM Pacific Standard Time
From: redwoodlady@orickarts.com
Reply-to: sitemanager@orickarts.com
To: tcwaterman@aol.com
Sent from the Internet (Details)

Please, allow the Sacramento River and it's natural inhabitants to resume its natural status.

By now humanity should have learned that the real gift of life includes learning to live with creation, as its caretakers and guardians, not focus on distorting creation to suit the self-interest of individuals who have accumulated the power to lead the sleepwalking public around by the pinkie finger.

It is in the best interest of mankind to co-exist with and nourish the natural world we live in. This planet is the Garden, we just have to learn how to be its benevolent gardeners.

Gwen Ontiveros
Orick Arts

Fish Passage Improvement Project

at the Red Bluff Diversion Dam

COMMENT SHEET

Draft Environmental Impact Statement/Environmental Impact Report

Public Hearing

September 25, 2002

Name HELEN W. MORRIS

Address 94 LAKE AVE

REDBLUFF CA 96080

Please add my name to your mailing list.	Yes	<input type="checkbox"/>	No	<input checked="" type="checkbox"/>
--	-----	--------------------------	----	-------------------------------------

R. B. Lake is quite an attraction for travelers as well as residents. It makes our city a destination for people who enjoy water sports. These visitors contribute greatly to our economy.

It would a great mistake, in my opinion, to limit our lake to less than the 4 months we are privileged to enjoy it.

9-28-02 Helen W. Morris

(Continued)

Submit comments at this meeting or send comments to: Art Bullock/Tehama-Colusa Canal Authority, P.O. Box 1025, Willows, CA 95988, Fax 530.934.2355, E-mail tcwaterman@aol.com. The public comment period ends November 5, 2002.

Subj: **Sacramento River**
Date: 9/30/2002 6:14:42 PM Pacific Standard Time
From: redwoodlady@orickarts.com
Reply-to: sitemanager@orickarts.com
To: tcwaterman@aol.com
Sent from the Internet (Details)

Please, allow the Sacramento River and it's natural inhabitants to resume its natural status.

By now humanity should have learned that the real gift of life includes learning to live with creation, as its caretakers and guardians, not focus on distorting creation to suit the self-interest of individuals who have accumulated the power to lead the sleepwalking public around by the pinkie finger.

It is in the best interest of mankind to co-exist with and nourish the natural world we live in. This planet is the Garden, we just have to learn how to be its benevolent gardeners.

Gwen Ontiveros
Orick Arts

MICHAEL T. SHEPHERD
RICHARD L. CRABTREE
LINDSEY A. NAYDUCH
RON S. CHAPLIN

LAW OFFICES
SHEPHERD & CRABTREE
(530) 893-3700

1367 EAST LASSEN AVENUE
SUITE 1
CHICO, CA 95973
FAX (530) 893-1579

September 24, 2002

Via Facsimile & U.S. Mail

Arthur R. Bullock,
General Manager & Chief Engineer
Tehama-Colusa Canal Authority
P. O. Box 1025
Willows, California 95988
FAX: (530) 934-2355

Max Stodolski, Reclamation Project Manager
Bureau of Reclamation
Red Bluff Division
P.O. Box 159
Red Bluff, CA 96080
FAX: (530) 529-3895

Re: Draft Environmental Impact Statement/
Environmental Impact Report For the Fish Passage
Improvement Project At the Red Bluff Diversion Dam

Dear Mr. Bullock and Mr. Stodolski:

This office represents the City of Red Bluff in matters related to the proposed Fish Passage Improvement Project at the Red Bluff Diversion Dam ("Project"). The purpose of this letter is to request a thirty (30) day extension in the comment period for the Draft Environmental Impact Statement/Environmental Impact Report ("DEIS/EIR") for the Project.

There are many reasons for this request. Most simply, the DEIS/EIR is very voluminous and contains a great deal of technical information which simply requires a substantial amount of time to review and analyze, in order to provide meaningful comments.

In addition, the DEIS/EIR relies on technical data and studies which are not included in the DEIS/EIR or its appendices. Our biological consultant, Mr. David Vogel, has had some difficulty in retrieving the technical information relied on in the DEIS/EIR. Of course, in order to accomplish a thorough review of the DEIS/EIR and its analysis, it is also necessary to review the technical data upon which the DEIS/EIR relies. The California Environmental Quality Act ("CEQA") requires that technical data relied on "be readily available for public examination." (CEQA Guidelines §15147.)

Arthur R. Bullock
Max Stodolski
September 24, 2002
Re: City of Red Bluff –
Fish Passage Improvement Project
Page 2

In addition, it is clear that there were some substantial problems in printing and distributing the DEIS/EIR after it supposedly became available for public comment. Many persons, including the undersigned, did not receive their requested copies of the DEIS/EIR for several days. This is also true for the copy of the DEIS/EIR requested by Mr. Vogel. In addition, CD versions of the document were not available until the week of September 9. Contrary to public notices in the newspaper, the DEIS/EIR was not available on the Internet until approximately September 13, 2002. There are also apparently problems with the on-line ordering process for a CD version of the document.

Finally, the sheer importance and magnitude of the proposed Project, and its potential or probable impacts, require that the public be given ample opportunity to review and evaluate the DEIS/EIR, and comment thereon. "Public participation is an essential part of the CEQA process." (CEQA Guidelines §15201.) Public agencies are required to provide processes "for wide public involvement, formal and informal, . . . in order to receive and evaluate public reactions to environmental issues related to the agency's activities." (*Id.*) "Public review provides the dual purpose of bolstering the public's confidence in the agency's decision and providing the agency with information from a variety of experts and sources." (*Schoen v California Dept. of Forestry*, 58 Cal.App.4th 556, 574 (1997))

On behalf of the City of Red Bluff, and other interested parties and participants in this process, we request a thirty (30) day extension in the comment period in order to allow a full and fair opportunity for the public to submit detailed comments regarding this important project.

Thank you for your consideration in this regard. If you have any comments or questions, please contact me.

Very truly yours,

SHEPHERD & CRABTREE



RICHARD L. CRABTREE

RLC:tc

cc: CH2M Hill FAX: (530) 339-3238
2525 Airpark Drive
Redding, CA 96001
Attention: Mike Urkov
Dale Cannon

Tehama-Colusa Canal Authority

Officers:

Robert Williams
Chairman

Ken LaGrande
Vice Chairman

Shelly Massa
Secretary

Michael D. Hagman
Treasurer

Arthur R. Bullock
*General Manager
& Chief Engineer*

Member Agencies:

Directors:

Colusa County Water District
Douglas Griffin

Corning Water District
Barbara Patton-Sichel

Cortina Water District
Fritz Grimmer

Davis Water District
Tom Charter

Dunnigan Water District
Tom Mumma

4-M Water District
Marion C. Mathis

Glenn-Colusa Irrigation District
Sandy Denn

Glide Water District
Noralu Michael

Kanawha Water District
Ronald W. Vickery

Kirkwood Water District
Larry Brockman

LaGrande Water District
Ken LaGrande

Orland-Artois Water District
John Enos

Proberta Water District
Don Lawley

Thomes Creek Water District
Robert Williams

Westside Water District
Robert Harper

5513 Highway 162
P.O. Box 1025
Willows, CA 95988

Phone: (530) 934-2125

Fax: (530) 934-2355

EMAIL: tcwaterman@aol.com

October 1, 2002

Mr. Richard L. Crabtree
Shepherd & Crabtree
1367 East Lassen Avenue
Chico, CA 95973

Re: Request for Review Time Extension, Draft EIS/EIR for the Fish Passage Improvement Project at the Red Bluff Diversion Dam.

Dear Mr. Crabtree:

This letter is in response to your request of September 24, 2002, for a thirty (30) day extension in the comment period for the Draft Environmental Impact Statement/Environmental Impact Report (DEIS/EIR) for the fish Passage Improvement Project at the Red Bluff Diversion Dam (Project).

Since the DEIS/EIR is indeed very voluminous and contains a great deal of technical information which takes time to analyze, the Tehama-Colusa Canal Authority feels that an extension to the comment period closure date from the current October 30, 2002 to November 30, 2002 is appropriate. We have also requested that the US Bureau of Reclamation concur in this extension. Upon Reclamation's concurrence, which will be provided to you by separate letter, the new closure date will be official.

This modification will provide the City of Red Bluff and other interested parties and participants in the review process the additional time desired to submit detailed comments regarding this important project.

Sincerely,



Arthur R. Bullock
General Manager & Chief Engineer

cc: Max Stodolski, Reclamation
Susan Price, City of Red Bluff
Dave Meurer, Congressman Herger's Red Bluff Office



Gray Davis
GOVERNOR

October 16, 2002

STATE OF CALIFORNIA

Governor's Office of Planning and Research
State Clearinghouse



Tal Finney
INTERIM DIRECTOR

Arthur R. Bullock
Tehama Colusa Canal Authority
5513 Highway 162
Willows, CA 95988

Subject: Fish Passage Improvement Project at the Red Bluff Diversion Dam
SCH#: 2002042075

Dear Arthur R. Bullock:

The State Clearinghouse submitted the above named Draft EIR to selected state agencies for review. On the enclosed Document Details Report please note that the Clearinghouse has listed the state agencies that reviewed your document. The review period closed on October 15, 2002, and the comments from the responding agency (ies) is (are) enclosed. If this comment package is not in order, please notify the State Clearinghouse immediately. Please refer to the project's ten-digit State Clearinghouse number in future correspondence so that we may respond promptly.

Please note that Section 21104(c) of the California Public Resources Code states that:

"A responsible or other public agency shall only make substantive comments regarding those activities involved in a project which are within an area of expertise of the agency or which are required to be carried out or approved by the agency. Those comments shall be supported by specific documentation."

These comments are forwarded for use in preparing your final environmental document. Should you need more information or clarification of the enclosed comments, we recommend that you contact the commenting agency directly.

This letter acknowledges that you have complied with the State Clearinghouse review requirements for draft environmental documents, pursuant to the California Environmental Quality Act. Please contact the State Clearinghouse at (916) 445-0615 if you have any questions regarding the environmental review process.

Sincerely,

Terry Roberts
Director, State Clearinghouse

Enclosures
cc: Resources Agency

**Document Details Report
State Clearinghouse Data Base**

SCH# 2002042075
Project Title Fish Passage Improvement Project at the Red Bluff Diversion Dam
Lead Agency Tehama Colusa Canal Authority

Type EIR Draft EIR
Description Draft Environmental Impact Statement/Report (DEIS/EIR) analyzing methods to improve fish passage and create reliable agricultural water supply at the Red Bluff Diversion Dam.

Lead Agency Contact

Name Arthur R. Bullock
Agency Tehama Colusa Canal Authority
Phone 530 934-2125 **Fax**
email
Address 5513 Highway 162
City Willows **State** CA **Zip** 95988

Project Location

County Tehama
City Red Bluff, Tehama
Region
Cross Streets Road 99W/Altube Avenue
Parcel No. 035-047-006/007/009/016
Township 27N **Range** 3W **Section** 33 **Base**

Proximity to:

Highways 99 & 36
Airports Red Bluff Municipal
Railways Union Pacific
Waterways Sacramento River, Red Bank Creek
Schools Visa/Sac. River Discover Center
Land Use Government and General Industrial (Tehama County)

Project Issues Aesthetic/Visual; Agricultural Land; Air Quality; Archaeologic-Historic; Economics/Jobs; Flood Plain/Flooding; Geologic/Seismic; Noise; Public Services; Recreation/Parks; Soil Erosion/Compaction/Grading; Traffic/Circulation; Vegetation; Water Quality; Water Supply; Wetland/Riparian; Wildlife; Landuse; Cumulative Effects

Reviewing Agencies Resources Agency; Department of Fish and Game, Region 1; Office of Historic Preservation; Department of Parks and Recreation; Department of Water Resources; Caltrans, Division of Aeronautics; California Highway Patrol; Caltrans, District 2; State Water Resources Control Board, Division of Water Quality; State Water Resources Control Board, Division of Water Rights; Regional Water Quality Control Bd., Region 5 (Redding); Department of Toxic Substances Control; Native American Heritage Commission; Public Utilities Commission; State Lands Commission

Date Received 08/29/2002 **Start of Review** 08/29/2002 **End of Review** 10/15/2002

NC-340
ENV-4.10

OCT - 1 2002

Mr. Richard L. Crabtree
Shepherd & Crabtree
1367 East Lassen Avenue
Chico, CA 95973

Subject: Request for Review Time Extension - Draft Environmental Impact
Statement/Environmental Impact Report (DEIS/EIR) for the Fish Passage Improvement
Project at the Red Bluff Diversion Dam

Dear Mr. Crabtree:

This letter is in response to your request of September 24, 2002, and a subsequent request from
Congressman Herger's office, for a 30-day extension of the comment period for the DEIS/EIR
for the fish Passage Improvement Project at the Red Bluff Diversion Dam.

Since the DEIS/EIR is voluminous and contains a great deal of technical information that takes
time to analyze, the Tehama-Colusa Canal Authority and the Bureau of Reclamation feel that an
extension to the comment period is appropriate. Accordingly, we are extending the comment
period closure date from October 30, 2002, to November 30, 2002.

This modification will provide the city of Red Bluff, other interested parties, and participants in
the review process the additional time desired to submit detailed comments regarding this
important project. If you have any questions, please contact Mr. Buford Holt at 530-275-1554;
TDD: 530-275-8991.

Sincerely,

MICHAEL J. RYAN

Michael J. Ryan
Area Manager

WBR:BHolt:mcellini:10/01/02:530-275-1554
i:\data\holt\time\ext req ok.doc

Author's Copy

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26

TEHAMA-COLUSA CANAL AUTHORITY
FISH PASSAGE IMPROVEMENT PROJECT
AT THE RED BLUFF DIVERSION DAM

COURT REPORTER'S TRANSCRIPT OF THE PUBLIC HEARING HELD

THURSDAY, SEPTEMBER 25, 2002

6:45 P.M. - 8:45 P.M.

AT THE RED BLUFF COMMUNITY CENTER, RED BLUFF, CA

TRANSCRIPT PREPARED BY:

MARY J. CHRISTENSEN, CSR #11549
COURT REPORTER
P.O. BOX 711
RED BLUFF, CA 96080
(530) 527-5605

ORIGINAL

1 **SEPTEMBER 25, 2002**

2 --oOo--

3 **CHRIS PROUD:** My name is Chris Proud, I am an
4 associate planner at CH2M Hill. We'll get some brief
5 introductions from the folks sitting up here in the front.
6 We'll also provide some ground rules for the public hearing
7 so you all understand exactly how it is going to work
8 tonight. We'll also give some comment options and explain
9 exactly how your comments will be taken tonight. And, we'll
10 have a presentation from Mike Urkov, who is the project
11 manager for CH2M Hill, and an overview of the environmental
12 document, and then we'll get into your public comments, and
13 we'll try and get through this all quickly so we can get to
14 the comments, which is the purpose for all of you being here
15 this evening.

16 With that, I will do a couple brief introductions.
17 Tonight we have with us a couple hearing representatives from
18 the agencies.

19 From the U.S. Bureau of Reclamation, Max Stodolski.
20 He is filling in for the moment for John Davis, who is
21 running about five to ten minutes behind schedule, but these
22 folks will be sitting up here at the front table. We also
23 have Bob Williams, who is the chair of the TCCA board. So
24 they are both here tonight to hear your comments.

25 With that I want to talk a little bit about our
26 meeting tonight, the purpose is two fold. The first part of

1 our meeting is the public open house, was your opportunity to
2 look at the information that is displayed about the project,
3 get your questions answered. An interactive part of
4 tonight's meeting.

5 Now, the second phase that we are moving into is our
6 public hearing. And the public hearing is for -- the
7 agencies will be up here, it is more a listening exercise.
8 They need to hear what you have to say. So on your side, you
9 will be speaking and providing your comments and the agencies
10 will be listening closely.

11 So the way that it will work is the comments that you
12 give here tonight, whether you get up and say your comments
13 verbally or leave them in the comment box or send them in at
14 a later date, they will be addressed in our final
15 environmental document. So they will all be addressed in a
16 similar way.

17 In addition to that there are different ways you can
18 provide comments. We have a comment box in the box or you
19 can get up and speak here tonight, as I mentioned previously,
20 as well. So there are a couple of different opportunities
21 for you to provide information tonight.

22 We do have some ground rules that I want to go
23 through. These are necessary, because we have a lot of
24 people here tonight, a lot of people who want to speak. So
25 we want to make sure the process is efficient and we need to
26 have some ground rules and hold to them pretty closely, they

1 include:

2 Respecting a time limit. We are going to have a time
3 limit on the public comments tonight, it will be three
4 minutes;

5 We need to respect others opinions and their right to
6 speak here tonight. You are probably going to hear things
7 tonight that maybe you don't agree with, but everybody has
8 the opportunity to stand up and say what they think tonight
9 as well;

10 We also need to be seated and approach the podium or
11 actually our microphone that we have up here when your name
12 is called, and I will explain how that process is going to
13 work in a moment as well;

14 And then also direct your comments to the front table.
15 Our lead agency representatives that I just introduced will
16 be sitting up here at the front table, and they are the
17 appropriate people that need to be hearing what you have to
18 say tonight;

19 And, finally, just respecting the speaker. And what I
20 mean by that is if you can remain quiet and if you have any
21 side conversations if you can take them out in the hall. If
22 you have a cell phone, if you could shut it off. And, sort
23 of limit applause and other things like that that aren't
24 appropriate for this type of meeting.

25 So, again, what we have is our comments -- or, I am
26 sorry, our ground rules, they are posted in a couple

1 different locations around the room and we will refer back to
2 them later on tonight.

3 One other housekeeping issue that I want to note is
4 restrooms out the main door here down the hallway and on your
5 right-hand side. So, obviously, if you need to get up and
6 leave the room during comments tonight, that is appropriate
7 as well. So that is the only housekeeping thing that I have.

8 With that, I would like to talk a little bit about the
9 comment process. And what we have tonight, we want to make
10 sure you all have the opportunity to be equally heard and we
11 will give you your three minutes to do that. To that end, we
12 have a speaker card system. We have given the information to
13 you at the front desk when you signed in. If you do want to
14 speak tonight, you need to fill out a card and tell us that.
15 We will call those cards in the order we received them and we
16 will be calling people up to the microphone in the front, we
17 will call the speaker and second person in line as well. We
18 would like the first person to approach the mic and then the
19 second person, there is a seat back there, you can remain
20 standing and simply approach the mic so we limit time of
21 people getting up from their seats and moving across the room
22 to make the comments tonight.

23 The other thing that we have tonight is the three
24 minute time limit, and I can give you some information on
25 that as well. In the interest of making sure you all have
26 sufficient time to speak, we have a timekeeper, it is

1 Mary Swain, who is here tonight, and she will be keeping
2 time. After about two minutes she is going to hold up a
3 yellow card to let you know that you have an additional
4 minute to sort of wrap up your comments. And then beyond
5 that, at three minutes she will hold up a red card, which
6 concludes your verbal comments for tonight. Now, that
7 doesn't -- we don't want to stop you from commenting,
8 obviously, but we do need to keep to a time limit. So if you
9 have additional comments that you want to make, you can fill
10 out a comment sheet in the back, drop it in the box, and mail
11 it in or e-mail it in. You have actually until
12 November 5th to provide your comments, so there is more
13 opportunity beyond just tonight to provide those comments to
14 us on the environmental document.

15 Now, as far as the speaker part, just one last sort of
16 note on the speaker cards. We will have speaker cards
17 available to all of you throughout the remainder of the
18 night. If you can identify Sharon Younkers in the yellow and
19 black in the back of the room holding up her hand, she has
20 speaker cards for everyone. So if you find that you need one
21 throughout the night, simply raise your hand and Sharon can
22 provide one to you.

23 So with that there is one other final comment I would
24 like to make at least in regard to our process to speed the
25 verbal comment process along, is if someone makes a comment
26 tonight that you agree with and you simply want to reiterate

1 that comment, what you can do is get up in the front, simply
2 state your name for the record, and state that you agree with
3 that person's comments and we will enter those exact same
4 comments for you under their name so we don't have an issue
5 of people repeating the same comments throughout the night
6 but yet we fully understand that that is your comment and we
7 understand simply the importance of that and how many times
8 that comment is made. That is one way to speed it along, but
9 it is your choice, you have three minutes to use.

10 One other thing I would like to comment about is, and
11 I have mentioned this a couple times, a few different ways to
12 provide comments is: We have your verbal comments, I want to
13 stress we have the comment sheets in the back of the room,
14 they provide contact information, you can mail that comment
15 sheet in, you can e-mail it, you can e-mail your comments --
16 and all the comments, regardless of how they are submitted
17 whether you say them here tonight or not, will be treated
18 similarly in the final environmental document, which is the
19 next phase of the project. And that is really where your
20 comments that you say tonight will be actually responded to.

21 The way the process works here in the public
22 commenting is, again, it is a listening exercise for the
23 agencies, they will be hearing what you are saying but they
24 will not be responding to the comments that you make tonight.
25 So I want to make sure that is clear and that people don't
26 have unreal expectations about that. So we are listening

1 closely, we are taking it down with a court reporter for the
2 public record, and all of your comments will be responded to
3 in the final environmental document, which is the next phase
4 of the project.

5 So our comment period, in closing, is actually on
6 November the 5th. This is a little different than some of
7 the materials we sent out previously, so it has been extended
8 to November the 5th at this point. So you can send in those
9 comments until November 5th.

10 And, with that, that kind of covers my introductions
11 as far as how the process will work and so on. As I
12 mentioned, we will be calling people up in a moment. I would
13 like to turn it over to Mike Urkov, who will provide a brief
14 overview of the presentation for tonight as well.

15 Again, folks in the back, there are seats available up
16 front here if you want to take a seat as well. We would be
17 glad to do that for you. So there are empty seats here,
18 please feel free to move on in.

19 **MIKE URKOV:** My name is Mike Urkov. I am here to talk
20 in a brief manner about the environmental document, which is
21 the primary reason why we are here tonight. I am going to
22 pass through a couple of concepts fairly quickly. I hope
23 that a large percentage of you took advantage of the
24 opportunity to go around and talk to some of the technical
25 experts who are here available to answer some questions, and
26 I hope that that is useful for you to gain an understanding

1 of the project and different aspects of the project.

2 What we are here talking about tonight is
3 fundamentally Lake Red Bluff, which is formed by Red Bluff
4 Diversion Dam. And at its most basic element, the dam is
5 putting the water and is used to elevate the level of the
6 water behind the dam so that water can be diverted by gravity
7 into the Tehama Colusa Canal authority. Tehama Colusa --

8 Can we get one more bank of lights off, please?

9 Thank you.

10 Now, over time, the amount or the length of the time
11 that the gates have been in have been decreasing fairly
12 steadily. In 1966, the dam's first year of operation, the
13 gates were in twelve months out of the year and since 1986
14 that has been a steadily decreasing trend to the current
15 four-month gate operation. The gates are in four months out
16 of the year, they go in about May 15th and stay open until
17 September 15th.

18 The primary reason the gate operation has been reduced
19 has been in response to the difficulty of fish to get by the
20 dam. What we have here is a simple picture of fish milling
21 around below the dam, which causes concerns about fish
22 ability to get passed the dam to the necessary spawning area.
23 Likewise, the reduction in gate operations has created a
24 squeeze on agriculture where the amount of time -- or the
25 demand for water for agriculture now exceeds the amount of
26 time that the gates are in and available to convert water for

1 agriculture along the Corning and Tehama Colusa Canal.

2 Given those two issues, the project came together
3 several years ago and developed a project purpose which has
4 two parts:

5 Part number one, to substantially improve the long
6 term ability to reliably pass fish by the Red Bluff Diversion
7 Dam; and also cost effectively move water to the district
8 served by the Tehama Colusa Canal.

9 In looking at those two project purposes, we have
10 developed the following sets of alternatives. And in
11 environmental document jargon, we talk about a No Action
12 Alternative, and that is a condition that would occur if we
13 were to do nothing, if we were to not take action, what would
14 happen? And likely what would happen is the gates would
15 remain in to the foreseeable future a four-month operation as
16 they currently are, the ladders would remain as they
17 currently are, and pumping capacity would be around 400 CFS.

18 The first two sets of alternatives we are talking
19 about are a four-month gate operation, Alternative 1A and 1B:

20 Under Alternative 1A, the gate operation would remain
21 the same, approximately May 15th to September 15th, and new
22 ladders would be put in to improve traction water systems,
23 would be put in place, and the pumping capacity, the ability
24 to put water into the canal, would be increased to 1,700 CFS.
25 So a large increase of what is available now;

26 Alternative 1B was added to the suite of alternatives

1 following a fairly extensive public input from the project.
2 And under that alternative, gates would remain in four months
3 out of the year, as they are now, and the primary means for
4 moving fish around the dam would be construction of a bypass
5 zone. Bypass channels have been engineered in such a way to
6 overcome past shortfalls that were identified in previous
7 bypass facilities and at the same time to build something
8 that our engineering staff does that is practical and
9 something that you can actually put into the ground. We will
10 talk about that a little more in a minute.

11 In addition, we say, "Well, another thing that you can
12 do to improve fish passage would be to reduce the amount of
13 time the gates are in." Again, following the trend that we
14 have seen previously, and we have two alternatives to
15 consider to reduce month gate operation. Both of them are
16 two-month gate operations with gates going in in July and
17 coming out at the end of August:

18 Alternative 2A with new ladders and the 2000 CFS
19 pumping capacity; and Alternative 2B with gates in in July
20 and out in August but no changes to ladders. So the
21 improvement in fish passage comes solely from the reduction
22 in gate operations.

23 **CHIS PROUD:** Mike, just a second, I understand not
24 everyone can hear, so if you can pull the mic out and hold it
25 in front, that would be great.

26 **MIKE URKOV:** Is this better?

1 And Alternative 3 is an alternative where the gates
2 are not placed in the river anymore, zero month gate
3 operation, and this would require the maximum pumping
4 capacity of 2,500 CFS but, of course, ladders are no longer
5 needed because the gates aren't in the water impeding fish.

6 This is generally a footprint of a pumping facility
7 shown here just across Red Bank Creek. What we're showing
8 there is the maximum size pump station, that is as big as it
9 can be. And this shows the left ladder, which is looking
10 downstream. The ladder on the left side is your left ladder,
11 the ladder on the right side looking down stream is the right
12 side ladder. And that is the general layout of what the
13 facility can do.

14 We mentioned earlier that the bypass facility is
15 currently under consideration, is a reconfigured fish bypass
16 facility. It roughly encircles the Discovery Center and it
17 has been designed to physically reduce or eliminate concerns
18 related to previous bypass options.

19 So what are we talking about in terms of benefit to
20 the fish? We're talking about primarily salmon, winter run
21 Chinook salmon, spring run Chinook salmon, fall run Chinook
22 salmon, and late fall run Chinook salmon -- four different
23 runs of salmon -- and also green sturgeon. So the different
24 alternatives have different effects on those adult runs of
25 fish and have different levels of improvements in their
26 ability to pass the dam.

1 For example, late fall run salmon don't occur at the
2 dam under the current gate operations. So any of the
3 alternatives would not effect them when the gates are up.
4 The primary species that we are talking about are species
5 that show up when the gates are in, and in this case we are
6 talking about spring run Chinook salmon and we're talking
7 about green sturgeon.

8 Simply put, agriculture benefits are measured by the
9 ability to put water into the canal. Currently, about
10 485 -- under the No Action Alternative, about 485 CFS are
11 available to put in under the gates out scenario; under the
12 four-month scenario, a 1,700 CFS pump station ability to put
13 water into the canal; and under a two-month alternative we
14 are talking about 2,000 CFS; and under the zero-month
15 alternative we are talking about 2,500 CFS.

16 The environmental document, in my mind, is fairly
17 clear and fairly straight forward in terms of impact. One of
18 the major impacts that would result in implementation of
19 alternatives is in terms of aesthetics. We are talking about
20 a reduction in the amount of time that the lake is in, which
21 is visible here in a photo taken from Antelope Boulevard with
22 the gates in and with the gates out.

23 In terms of recreation, the alternatives have the
24 potential for eliminating one of the major recreational
25 features or recreational events of the area, of course the
26 boat drags, and have differing effects on lake recreation

1 that we have in and around Red Bluff.

2 In terms of power resources, the increase pumping
3 foreseen under the alternatives would result in increased
4 electrical consumption, increasing under Alternative 3 the
5 entire -- the whole pumping alternative to be about twice of
6 what is currently used.

7 Alternative preferences has been stated by many of the
8 resource agencies that we have been working with throughout
9 this process and, notably, the U.S. Fish and Wildlife Service
10 recently put out a draft coordination act report which stated
11 clearly that the best alternative in terms of fish passage by
12 the dam is gates out. However, it is notable that the report
13 also said the two-month alternative did yield substantial
14 benefits in terms of passage. That report was concurred by
15 the National Fishery Service, the California Department of
16 Fish and Game, and the California Department of Water
17 Resources.

18 Relatively early on in the process, the
19 U.S. Forest Service, which manages the land in and around the
20 Discovery Center, indicated their presence for anything but
21 the bypass channel, which would effectively irreputably
22 alter their land use plan for the Discovery Center and would
23 fracture the existing efforts going on.

24 The Tehama Colusa Canal Authority last year indicated
25 a preference for the gates-out alternative, which was then
26 clarified to say that they supported the maximum pumping

1 option because that met their needs for reliable water
2 supply, in a sense stated they did not have an opinion on the
3 actual gate operation of the dam.

4 City of Red Bluff indicated their preference for a
5 four-month alternative, specifically 1A.

6 Red Bluff Chamber of Commerce indicated their
7 preference for a four-month alternative as well.

8 The alternative preference from the US Bureau of
9 Reclamation is still pending.

10 So we are here tonight to hear what you have to say
11 about the project and what the impact or benefit from that
12 project will be. And, I will turn it back over to Chris.

13 **CHRIS PROUD:** Can we have the lights on in the back?
14 And, we are going to quickly shut down the projector here and
15 get the microphone set up for what you all are here for
16 tonight, to hear the public comments to be made. I have a
17 stack of speaker cards up here that I will be calling in
18 order. And, as I mentioned previously, we will call two
19 folks at a time, one to the podium and one who will be
20 waiting at the chair or standing behind. So we are going to
21 get our mic set up here in just a moment and we'll start
22 calling people in the order that they were received.

23 Again, if you would like to provide comments tonight
24 and you would like to speak publicly, please fill out a
25 comment card there at the table or if you don't want to wait
26 and provide a public comment, fill out a comment sheet as

1 well.

2 So I would like to ask that our representatives from
3 the TCCA and USBR, if they could join us up front here. They
4 are the folks you will be directing your comments to.

5 With that, if I could ask Susan Price to approach the
6 mic. And, Gregg Avilla is the next person in line.

7 **SUSAN PRICE:** Good evening. Can everyone hear me? I
8 will speak loudly.

9 Representatives and members of the public:

10 Preserve Lake Red Bluff. The potential economical,
11 recreational, and quality of life cost to the City of Red
12 Bluff from the loss of Lake Red Bluff will, over time, run
13 into millions of dollars.

14 The City of Red Bluff expresses its strong support of
15 Alternative 1A, an alternative that provides reliable
16 agricultural water supply, improvements to fish passage, and
17 continued economical, recreational, and quality of life
18 benefits to all stakeholders.

19 Alternative 1A would allow for the Diversion Dam to
20 operate four months. Alternative 1A would allow for improved
21 fish passage through the construction of new state of the art
22 fish ladders. Alternative 1A would allow for water to be
23 provided to agriculture users through a combination of
24 gravity flow when the gates are in and a pumping facility
25 large enough to meet peak water demands in the spring and
26 fall.

1 According to the draft environmental impact statement,
2 environmental impact report, the negative effects on the loss
3 of Lake Red Bluff on the City of Red Bluff include:

4 Reductions of income in jobs associated with loss of
5 lake-dependent recreation and sporting activity, loss of the
6 annual Nitro National Drag Boat races, reduction in property
7 value, fiscal impacts to the City of Red Bluff, loss of the
8 quality of life and community cohesion.

9 According to the draft report, between \$134,000 and
10 \$402,000 in city transient occupancy tax will be foregone.
11 This is an amount between two and eight percent of the city's
12 general fund. At the time of declining state budget revenue
13 and continued future economic uncertainty, this loss will
14 negatively affect the city's ability to provide basic
15 services to the public in their existing operations.

16 According to the draft EIR, between \$363,000 and one
17 million dollars to the city sales tax will be loss. There
18 are many other extensive losses. Is this what you would call
19 insignificant? No, it is not. The City of Red Bluff
20 supports the preferred alternative that not only continues
21 the benefits of the quality of life benefits of the city, but
22 also allows for the sense of opportunity for reliable water
23 and improved fish passage, that alternative is 1A.

24 The City of Red Bluff summed it up when they adopted
25 their resolution which supports the unequivocal leaving in of
26 the gates at the Red Bluff Dam from May 15th to September

1 15th of every year, thus preserving Lake Red Bluff and its
2 benefits for the community.

3 Thank you.

4 **CHRIS PROUD:** I appreciate that, but if you could keep
5 the applause until the end of the hearing.

6 Our next speaker is Gregg Avilla and our next speaker
7 after Gregg would be Richard Crabtree.

8 **GREGG AVILLA:** Thank you.

9 My name is Gregg Avilla. I come before you tonight as
10 a citizen in the community of Red Bluff, my family has lived
11 here for over 100 years, and I wear these four different hats
12 tonight.

13 The first hat is I am a farmer on the west side. And
14 as a farmer on the west side, I would not be in favor of
15 taking one drop of water from my friends on the west side, my
16 farmer friends from Colusa to Red Bluff.

17 I wear another hat, the fellow that I jogged with for
18 over 20 years who is part of one of the agencies that were on
19 that list up there. He taught me many, many things about
20 environmental protection and, in fact, this gentleman was so
21 green that he probably was the on only one on Saint Patrick's
22 day that could wear all red and still not get pinched.

23 (Microphone interruption)

24 He taught me to value our natural resources. And, we talked
25 for over 20 years. He encouraged me to read Cadillac Desert
26 and encouraged me to go down to U.C. Berkeley and take the

1 BT Millers course. So I certainly do not favor anything that
2 would impact the environment.

3 The third hat that I wear is that of fishing in the
4 Sacramento River. My father was an avid fisherman, my
5 father-in-law is an avid fisherman, and so is my best friend.
6 My father sunk his boat about 40 years ago, 50 years ago out
7 in the river, went up in an airplane, found the boat, fished
8 it out of the river, and went back fishing for salmon.

9 But the hat that I wear that concerns me the most is
10 as a citizen of Red Bluff and the Mayor of the City of
11 Red Bluff.

12 About 17 years ago we had a disastrous occurrence in
13 Red Bluff, we had a disastrous fire at the corner of
14 Walnut and Main Street, the Cone and Kimball Building, and
15 many people feel that took the heart out of Red Bluff. Well,
16 I think we have revived a little bit due not in part to
17 Lake Red Bluff. But, I feel this is in jeopardy of being
18 compromised --

19 Can you hear me?

20 **CHRIS PROUD:** When you speak into the microphone, if
21 you could just --

22 We'll give you your full-time, but if you could hold
23 this close up to your mouth.

24 **GREGG AVILLA:** I am sorry if you can't hear me.

25 Anyway, that concerns me very much. I think that you
26 know it is kind of like an open heart surgery again.

1 And the other three groups that I mentioned are the
2 sturgeons.

3 And I am very, very concerned that the heart of
4 Red Bluff will be taken out again, and I do not want that to
5 happen. I am in full support of measure 1A, because I think
6 that is the major thing and addresses all of the four areas
7 and I hope that will be considered and chosen.

8 Thank you.

9 **CHRIS PROUD:** Our next speaker is Richard Crabtree.

10 **RICHARD CRABTREE:** My name is Richard Crabtree, I am
11 an attorney who is working with the City of Red Bluff on the
12 issues related to this environmental document that we are
13 here talking about tonight.

14 First of all, I want to reiterate the City of
15 Red Bluff's request for an extra 30 days for the comment
16 period. We submitted that request in writing yesterday.
17 There were some glitches in the process in terms of making
18 the document available. In addition, it is a very large
19 document. According to the charts in the back of the room,
20 it took about two years to draft and essentially the public's
21 left now with a little less than two months to review and
22 comment on it. Given the size of the document and importance
23 of the issues that are addressed in the document, we believe
24 that the request for an additional 30 days is a reasonable
25 one.

26 Second, I would like to encourage everyone to keep an

1 open mind as to the alternatives. By "everyone" I mean the
2 decision makers in this process.

3 I am a little concerned that just about everyone
4 staked out their favorite alternative without the benefit of
5 the EIR and, in fact, the purpose of any NEPA and SEQA is to
6 foster informed decision making. So the selection of
7 alternatives should not be actually done until the EIR has
8 been completed, finalized, and studied by the decision-making
9 agencies.

10 It is also important to remember that SEQA requires
11 the adoption of feasible alternatives which will achieve the
12 project objectives, and I am going to quote from an important
13 passage from SEQA:

14 "The legislature finds and declares it is the policy
15 of the State that public agencies should not approve projects
16 as proposed if there are feasible alternatives or feasible
17 mitigation measures which would substantially lessen the
18 significance of the environmental impact of the project."

19 Now, I think one of the most important charts here is
20 the summary of impact chart that is in the back next to the
21 exit door. It expresses categories of impacts for all of the
22 alternatives and reveals that 1A has the fewest impacts. In
23 only one category are there significant unmitigated
24 environmental impacts associated with 1A; and, in fact, with
25 the gates out option there are four categories of significant
26 unmitigated environmental impacts. SEQA gives priority to

1 analysis of impacts to human beings, and here we are going to
2 have a physical change of the environment, the possible
3 elimination of Lake Red Bluff, which is going to have a very
4 significant impact on human beings. As Susan Price
5 mentioned, it is going to have severe economic impact on the
6 City of Red Bluff and it is also going to have quality of
7 life impact.

8 Thank you.

9 **CHRIS PROUD:** Our next speaker is Chuck Hayden and the
10 speaker after that would be Rob Gibbs.

11 **CHUCK HAYDEN:** Good evening. I am Chuck Hayden, I am
12 a community law director for the City of Red Bluff. I am
13 here to request you implement a win, win approach, option 1A.

14 Option 1A will enhance fish passage, provide water for
15 agriculture, and minimize adverse effects on Red Bluff's
16 residences and businesses. Option 1A will minimize adverse
17 effects on local recreational opportunities, the character of
18 our community which attracts tourists, tourist spending,
19 transient occupancy tax, and the overall quality of life in
20 our fine community.

21 I concur with comments made previously by others in
22 support of option 1A. In short, please mitigate all
23 significant negative impact that would be caused by the
24 implementation of the plan.

25 Thank you for the opportunity to address you tonight.

26 **CHRIS PROUD:** We have Rob Gibbs to speak and then

1 Nikki Stoddard.

2 **ROB GIBBS:** Good evening. I am the City of Red Bluff
3 parks and recreation director. I have come to Red Bluff
4 early in the 1960s and have worked for the City of Red Bluff
5 in the Parks and Recreation Department for over 27 years.
6 In that time, I have come to know what lake Red Bluff has
7 meant to this community.

8 Members of the park then and now are reminded on a
9 daily basis by travelers on the I5 corridor what a beautiful
10 area Lake Red Bluff has created in our River Park. These
11 people who are traveling through are looking for a quiet,
12 peaceful place to stop where people can relax, stretch their
13 legs, and maybe even have something to eat. Lake Red Bluff
14 provides this environment and in so doing benefits the
15 economic well-being of our community.

16 In 1976 the City of Red Bluff celebrated its
17 centennial. River Park and Lake Red Bluff was chosen
18 representative for the celebration, because it reflects what
19 the residents of this community feel have attracted us to
20 this area, which include the natural resources that are
21 available to provide the public recreational resources and
22 activities available for each and every member of their
23 family. A variety of programs and activities were offered
24 that day, many involve the water of Lake Red Bluff.

25 The common waters of Lake Red Bluff provide memories
26 for many generations of our community, so much so that

1 families have purchased and placed memorial benches along the
2 shoreline of Lake Red Bluff, this, in an effort to provide
3 not only the memory of their family members, but an area to
4 enjoy and hopefully provide pleasure and memories for the
5 future generations to come. I am sure they did not intend to
6 be sitting overlooking a gravel bar.

7 The Parks and Recreation Department receives hundreds
8 of requests each year for events that take place at River
9 Park, they include: Barbecues, birthday parties, car shows,
10 craft events, company picnic, social gatherings, promotions,
11 annual 4th of July celebration, service club events, and band
12 concerts. Each year various entities from Santa Clara,
13 Santa Cruz come to the Sacramento River and make a point to
14 stop at the River Park; an elderly couple each year apply for
15 the proper permit so they can walk along the river park and
16 enjoy a glass of wine, all due to the fact this park provides
17 an attractive setting adjacent to Lake Red Bluff.

18 Each year in the four-month period when the dam gates
19 are down and Lake Red Bluff is provided, we have
20 approximately 50,000 daily visitation to this area, therefore
21 providing recreational pursuits for many in an economic
22 stimulus for our community.

23 Lake Red Bluff has become an integral part of the
24 lives of thousands of our local residents to which a price
25 tag cannot be fixed. Because of this, I believe you should
26 implement and develop a plan to meet the needs of all of

1 those involved without sacrificing the four-month period that
2 establishes Lake Red Bluff.

3 What makes this country great is the fact that each
4 individual has a right to be heard and I hope the voice of
5 the community is heard and I hope 1A is chosen and
6 Lake Red Bluff preserved.

7 Thank you.

8 **CHRIS PROUD:** Our next speaker is Nikki Stoddard and
9 then Gordon Todd.

10 **NIKKI STODDARD:** Hi. My name is Nikki Stoddard and
11 I am the manager of Rio Vista Mobile Estates, a senior home
12 front park and we have a marina.

13 We could all agree that the recreational opportunities
14 and economic benefits derived from having the lake in the
15 summer months is priceless. We have a marina that is used by
16 our residents during the four months out of the year that
17 Lake Red bluff is full. Most of them look so forward to the
18 water coming up on May 15th, getting their fishing poles,
19 their boots, and taking a look at the view that we have to
20 offer. Many of these tenants have relocated to Rio Vista to
21 enjoy Lake Red Bluff and our marina. The river is an
22 economic asset we desperately need in our community. The
23 closure of the Diversion Dam would be a tremendous loss to
24 our community and the town of Red Bluff. I can't imagine our
25 beautiful park-like setting with a dry river bed running
26 through it. Also, the property values of our retired tenants

1 would be greatly affected.

2 And, I did a little research, we had quite a few
3 mobiles for sale this year and we have some of them that sold
4 on the marina and the average price was about \$29,900 and
5 then we also have sites that were not on the arena and the
6 average price there was \$18,300. Now we have 13 homes on the
7 marina and this equates out to \$388,700 in value on the
8 marina versus \$237,900 not on the Marina. So this equates
9 out to \$150,000 loss in value and as well \$1,500 loss in
10 property taxes. Not to mention, we charge more for rent for
11 the homes on the marina. And, so our homeowners would lose
12 \$4,212 a year.

13 Thank you.

14 **CHRIS PROUD:** Our next speaker is Gordon Todd and then
15 Teri Downey.

16 **J. GORDON TODD:** I have been a resident to this area
17 for over 50 years. I worked at the irrigation district and
18 so I know about the water end. If we have to implement a new
19 design, I'll settle for the 1A deal. When the dam is
20 drained, there is nothing but a gravel bar along the park,
21 the park will have a big gravel bar with the sun beating on
22 it.

23 I am concerned for all of the property holders along
24 the lake. The value of their property will decrease
25 tremendously if the lake is gone. Now, I think they should
26 be compensated. Have you made any studies of that? If you