

**Appendix B**  
**Responses to Comments on the Draft EIS/EIR**

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## **B.1 INTRODUCTION**

In July 2008, the U.S. Bureau of Reclamation (Reclamation) and the California Department of Parks and Recreation (State Parks) circulated a Draft Environmental Impact Statement/ Environmental Impact Report (EIS/EIR) that was prepared to describe the potential environmental impacts of the implementing the Millerton Lake SRA Resource Management Plan/General Plan (RMP/GP). The purpose of the RMP/GP is to provide a program and set of policy guidelines necessary to encourage orderly use, development, and management of the surrounding lands. The RMP/GP, which will have a planning horizon through the year 2035, will address the following needs:

- Enhancing natural resources and recreational opportunities without interruption of reservoir operations
- Providing recreational opportunities to meet the demands of a growing, diverse population
- Ensuring recreational diversity and quality
- Protecting natural, cultural, and recreational resources, and providing resource education opportunities and good stewardship
- Providing updated management considerations for establishing a new management agreement with the State of California.

The RMP/GP was developed and combined in this volume with the EIS/EIR to comply with the National Environmental Policy Act (NEPA) and the California Environmental Quality Act (CEQA).

### **B.1.1 Public Comment Period**

The public comment period for the Draft EIS/EIR began on July 25, 2008, and was initially set to end on September 23, 2008. In response to public requests, the comment period was extended through November 2008.

During the comment period, the Draft EIS/EIR was available for review at the Fresno and Madera County Libraries, the Fresno office of the Bureau of Reclamation, the Millerton Lake SRA headquarters, and the project website (<http://www.usbr.gov/mp/millerton/docs/index.html>).

Written comments on the Draft EIS/EIR were submitted by a federal agency, two regional agencies, and organizations and individuals. The comments, along with responses from Reclamation and State Parks, are presented in Sections B.2 through B.4 of this appendix.

### **B.1.2 Public Hearing**

A public hearing for the Draft EIS/EIR was held at the Friant Learning Center (17200 Burroughs Avenue, Friant, California) on August 14, 2008 from 6:30 to 9:00 PM. The hearing was advertised by public notices in the *Fresno Bee* on July 30 and August 6, 2008. Reclamation and State Parks also sent notices to approximately 200 people who had signed attendance sheets at previous public meetings about the project (described in Appendix A) or requested notification in writing.

The purpose of the hearing was to inform the public of the proposed actions and alternatives for the RMP/GP and to receive public comments. A slideshow was presented to summarize the RMP/GP and the CEQA/NEPA process. Information stations staffed by personnel from Reclamation, State Parks, and their consultant URS were provided to describe the study area and WROS designations for each alternative, management actions for each alternative, and impacts for each alternative.

Seventeen people registered on the sign-in sheet for the hearing. Spoken comments received during the hearing are summarized and responded to in Section B.5 of this appendix.

B.2 COMMENTS FROM FEDERAL AGENCIES

F-1 U.S. Environmental Protection Agency, Kathleen Goforth



RECEIVED  
BUREAU OF RECLAMATION  
UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION IX  
75 Hawthorne Street  
San Francisco, CA 94105-3901  
October 31, 2008

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ACRONYM	SURNAME & DATE

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Robert Epperson  
Bureau of Reclamation  
U.S. Department of Interior  
1243 N Street  
Fresno, CA 93721

Subject: Draft Environmental Impact Statement for the Millerton Lake Resource Management Plan/General Plan (RMP/GP), Madera and Fresno Counties, CA. (CEQ# 20080292)

Dear Mr. Epperson:

The Environmental Protection Agency (EPA) has reviewed the Draft Environmental Impact Statement (DEIS) for the above project. Our review and comments are pursuant to the National Environmental Policy Act (NEPA), Council on Environmental Quality (CEQ) regulations (40 CFR Parts 1500-1508), and our NEPA review authority under Section 309 of the Clean Air Act. Our comments are provided in accordance with the EPA-specific extension of the comment deadline date from September 23, 2008 to October 31, 2008 granted by you on September 29, 2008. We appreciate the additional time to review the DEIS.

The Millerton Lake Resource Management Plan/General Plan (RMP/GP) will establish management objectives, guidelines, and actions for the Millerton Lake State Recreation Area through the year 2035. EPA supports the development of a comprehensive RMP to guide future management actions. EPA commends the efforts by the Bureau of Reclamation (Reclamation) to address key resource management issues such as (1) the increasing demand for use of trails, campsites, facilities, and the lake, and (2) the presence of unique vegetation and wildlife, including special-status species. We acknowledge Reclamation's commitment to avoid and minimize impacts to rare plants and oak trees, when possible, and to implement specific mitigation measures. We encourage prompt development of the proposed activity-specific management plans.

F-1-1

Of note is the proposed phase-out of nonconformant two-stroke engines, including two-stroke personal watercraft, within one to three years. EPA supports phase-out after one year of finalizing the RMP/GP because of the significant air and water quality benefits. Marinas, boats, personal watercraft, and off-highway vehicles such as all-terrain vehicles (ATV) are significant sources contributing to nonattainment of ozone standards. Madera and Fresno Counties are in nonattainment of federal and state ozone standards.

Classification LND-8.00  
Project CVP-DA  
Control No. 08071309  
Folder ID 1052320

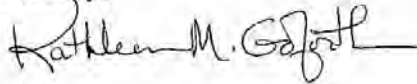
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F-1-2

Although there are beneficial management actions proposed in the RMP/GP, we have rated the DEIS as Environmental Concerns – Insufficient Information (EC-2) (see enclosed “*Summary of Rating Definitions*”) due to the need for additional information regarding air quality, naturally occurring asbestos, water resources, biological resources, climate change, noise, funding, and enforcement. While we recognize the programmatic nature of this DEIS, we recommend the final environmental impact statement (FEIS) provide additional data and more specific information regarding these matters to ensure all relevant issues and effects are considered during development of the RMP/GP. Our detailed comments are enclosed.

We appreciate the opportunity to review this DEIS. When the FEIS is released for public review, please send one hard copy to the address above (mail code: CED-2). If you have any questions, please contact Laura Fujii, the lead reviewer for this project, at (415) 972-3852 or [fujii.laura@epa.gov](mailto:fujii.laura@epa.gov), or me at (415) 972-3521.

Sincerely,



Kathleen M. Goforth, Manager  
Environmental Review Office

Enclosures: *vecd*  
Summary of EPA Rating Definitions  
Detailed Comments

cc: Central Valley District, California Department of Parks & Recreation



## SUMMARY OF EPA RATING DEFINITIONS

This rating system was developed as a means to summarize EPA's level of concern with a proposed action. The ratings are a combination of alphabetical categories for evaluation of the environmental impacts of the proposal and numerical categories for evaluation of the adequacy of the EIS.

### ENVIRONMENTAL IMPACT OF THE ACTION

#### *"LO" (Lack of Objections)*

The EPA review has not identified any potential environmental impacts requiring substantive changes to the proposal. The review may have disclosed opportunities for application of mitigation measures that could be accomplished with no more than minor changes to the proposal.

#### *"EC" (Environmental Concerns)*

The EPA review has identified environmental impacts that should be avoided in order to fully protect the environment. Corrective measures may require changes to the preferred alternative or application of mitigation measures that can reduce the environmental impact. EPA would like to work with the lead agency to reduce these impacts.

#### *"EO" (Environmental Objections)*

The EPA review has identified significant environmental impacts that must be avoided in order to provide adequate protection for the environment. Corrective measures may require substantial changes to the preferred alternative or consideration of some other project alternative (including the no action alternative or a new alternative). EPA intends to work with the lead agency to reduce these impacts.

#### *"EU" (Environmentally Unsatisfactory)*

The EPA review has identified adverse environmental impacts that are of sufficient magnitude that they are unsatisfactory from the standpoint of public health or welfare or environmental quality. EPA intends to work with the lead agency to reduce these impacts. If the potentially unsatisfactory impacts are not corrected at the final EIS stage, this proposal will be recommended for referral to the CEQ.

### ADEQUACY OF THE IMPACT STATEMENT

#### *Category 1" (Adequate)*

EPA believes the draft EIS adequately sets forth the environmental impact(s) of the preferred alternative and those of the alternatives reasonably available to the project or action. No further analysis or data collection is necessary, but the reviewer may suggest the addition of clarifying language or information.

#### *"Category 2" (Insufficient Information)*

The draft EIS does not contain sufficient information for EPA to fully assess environmental impacts that should be avoided in order to fully protect the environment, or the EPA reviewer has identified new reasonably available alternatives that are within the spectrum of alternatives analysed in the draft EIS, which could reduce the environmental impacts of the action. The identified additional information, data, analyses, or discussion should be included in the final EIS.

#### *"Category 3" (Inadequate)*

EPA does not believe that the draft EIS adequately assesses potentially significant environmental impacts of the action, or the EPA reviewer has identified new, reasonably available alternatives that are outside of the spectrum of alternatives analysed in the draft EIS, which should be analysed in order to reduce the potentially significant environmental impacts. EPA believes that the identified additional information, data, analyses, or discussions are of such a magnitude that they should have full public review at a draft stage. EPA does not believe that the draft EIS is adequate for the purposes of the NEPA and/or Section 309 review, and thus should be formally revised and made available for public comment in a supplemental or revised draft EIS. On the basis of the potential significant impacts involved, this proposal could be a candidate for referral to the CEQ.

\*From EPA Manual 1640, "Policy and Procedures for the Review of Federal Actions Impacting the Environment."

US EPA DETAILED COMMENTS ON THE DRAFT ENVIRONMENTAL IMPACT STATEMENT FOR THE MILLERTON LAKE RMP/GP, MADERA & FRESNO COUNTIES, CA, OCTOBER 31, 2008

**Air Quality**

***Provide a description and impact analysis of air emissions from the proposed marina expansion and increased number of boats, personal watercraft and recreational vehicles.*** The Resource Management Plan/General Plan (RMP/GP) proposes an expansion of the marina up to 200 slips, an increase in camp sites, improved and expanded facilities (food services, parking), and a significant increase in recreational activity (p. 2-12). Marinas, boats, personal watercraft and off-highway vehicles such as all-terrain vehicles (ATV) are significant sources contributing to ozone nonattainment.<sup>1</sup> Part of the emissions are aromatic hydrocarbons, including polyaromatic hydrocarbons, which, as a group, are considered to be the most toxic component of petroleum products. Aromatic hydrocarbons are also associated with chronic and carcinogenic effects. The proposed marina expansion and increased use of boats, personal watercraft, and recreational vehicles could increase pollutant emissions in locations that may have inversion conditions and periods of poor air dispersion, exacerbating the current nonattainment for ozone.

F-1-3

***Recommendations:***

The FEIS should provide a description and impact analysis of the potential increase of hazardous air pollutant emissions and ozone formation likely to result from the proposed marina expansion and increased number of boats, personal watercraft and recreational vehicles. Of specific concern are potential increases of emissions in use areas subject to inversion conditions.

We recommend tracking the results of studies regarding the air emission effects of personal watercraft, ATV, and recreational vehicle use and factoring these results into future management direction. Where appropriate we recommend the Millerton Lake State Recreation Area (SRA) Interpretive Program include information on the air emissions, noise, and safe and minimal impact use of boats, personal watercraft and recreational vehicles.

F-1-4

***Describe and commit to aggressive air quality mitigation measures during future project-specific construction.*** The SRA is located in a nonattainment area for ozone and fine particulate matter (p. 3-7). Future construction-related emissions of nitrogen oxides (NO<sub>x</sub>), a precursor for ozone, and particulate matter less than 10 and 2.5 microns in diameter (PM<sub>10</sub> and PM<sub>2.5</sub>) could exacerbate nonattainment of air quality standards and contribute to adverse cumulative air quality impacts. Mitigation measures will be necessary to minimize these construction emissions.

<sup>1</sup> EPA Fact Sheets on Spark-Ignition Engines, Equipment, and Vessels; Snowmobiles, Dirt Bikes, and ATVs; and Marinas/Boating. <http://www.epa.gov/OWOW/NPS/marinas.html>.

F-1-4,  
cont.

***Recommendation:***

In addition to meeting all applicable local, state, and federal requirements, we recommend the FEIS include in an appendix a list of mitigation measures to consider when designing specific construction projects. Possible measures to include are:

***Fugitive Dust Source Controls:***

- Stabilize open storage piles and disturbed areas by covering and/or applying water or chemical/organic dust palliative where appropriate. This applies to both inactive and active sites, during workdays, weekends, holidays, and windy conditions.
- Install wind fencing and phase grading operations where appropriate, and operate water trucks for stabilization of surfaces under windy conditions.
- When hauling material and operating non-earthmoving equipment, prevent spillage and limit speeds to 15 miles per hour (mph). Limit speed of earth-moving equipment to 10 mph.

***Mobile and Stationary Source Controls:***

- Minimize use, trips, and unnecessary idling of heavy equipment.
- Distribute material hauling and disposal to minimize haulage miles.
- Maintain and tune engines per manufacturer's specifications to perform at EPA certification levels and to perform at verified standards applicable to retrofit technologies. Employ periodic, unscheduled inspections to limit unnecessary idling and to ensure that construction equipment is properly maintained, tuned, and modified consistent with established specifications.
- Prohibit any tampering with engines and require continuing adherence to manufacturer's recommendations.
- If practicable, lease new, clean equipment meeting the most stringent of applicable Federal or State Standards. In general, only Tier 2 or newer engines should be employed in the construction phase.
- Utilize EPA-registered particulate traps and other appropriate controls where suitable to reduce emissions of diesel particulate matter and other pollutants at the construction site.
- Use electrical power for all stationary equipment.
- Use the most recent pollution control equipment for all off-road equipment.
- Utilize the cleanest available fuel engines in construction equipment and identify opportunities for electrification. Use ultra low sulfur fuel (diesel with 15 parts per million or less) in engines where alternative fuels such as biodiesel and natural gas are not possible.

***Administrative controls:***

- Identify all commitments to reduce construction emissions.
- Identify where implementation of mitigation measures is rejected based on economic infeasibility.
- Prepare an inventory of all equipment prior to construction and identify the suitability of add-on emission controls for each piece of equipment before

F-1-4,  
cont.

groundbreaking. (Suitability of control devices is based on: whether there is reduced normal availability of the construction equipment due to increased downtime and/or power output, whether there may be significant damage caused to the construction equipment engine, or whether there may be a significant risk to nearby workers or the public.)

- Develop a construction traffic and parking management plan that minimizes traffic interference and maintains traffic flow.
- Identify sensitive receptors in the project area, such as children, elderly, and infirm, and specify the means by which you will minimize impacts to these populations. For example, locate construction equipment and staging zones away from sensitive receptors and fresh air intakes to buildings and air conditioners.
- Schedule and sequence work so there is not a significant overlap with other activities that contribute to air quality emissions.

*Provide a description and air quality effects analysis from reduced roadway Level-of-Service. Consider promoting mass transportation for SRA access.* The DEIS states that the action alternatives would not create traffic patterns that would cause air quality issues (p. 4-8). However, Table 3.10-2 (p. TABLES-60) indicates that three out of the four access roads will reach a Level-of-Service (LOS) F by 2025. LOS F is the worst LOS rating, signifying high congestion, significant traffic delays, and associated air quality issues.

F-1-5

**Recommendations:**

Provide, in the FEIS, a description and air quality effects analysis of reduced access roadway LOS. If feasible, we recommend the FEIS include more specific data to support the claim that increased levels of visitation under the action alternatives would not lead to significant traffic congestion and exacerbation of existing nonattainment of the ozone and fine particulate matter air quality standards.

Given the potential adverse LOS, consider promoting mass transportation to provide access the SRA. Electric or hybrid shuttles could be a valuable service for park visitors and reduce air pollution. At a minimum, include information on why mass transportation is not feasible.

F-1-6

*Demonstrate general conformity to the applicable State Implementation Plan.* Millerton Lake SRA is located in the San Joaquin Valley Air Basin which is classified as “nonattainment” for federal and state 1-hour ozone and particulate matter 10 microns or less in diameter (PM10)(p. 3-7). Fresno and Madera Counties are also designated as “serious nonattainment” under the new 8-hour ozone standard and as “nonattainment” for particulate matter 2.5 microns or less in diameter (PM2.5).<sup>2</sup> Proposed actions include an increase in boating capacity from 196 up to 743 boats (p. TABLES-70), as well as increased trail use, camping, and other recreational activities; including an associated

<sup>2</sup> EPA, <http://www.epa.gov/ozonedesignations/regions/region9desig.htm> and [http://www.epa.gov/region09/air/maps/r9\\_pm25.html](http://www.epa.gov/region09/air/maps/r9_pm25.html)

increase in traffic. The DEIS does not appear to evaluate whether the direct and indirect emissions from the federal actions conform to the applicable State Implementation Plan (SIP) as required by the General Conformity Rule (40 CFR 93.150).

F-1-6,  
Cont.

**Recommendation:**

Include in the FEIS a description of the General Conformity regulatory framework and how it applies to the proposed RMP/GP. If analysis of general conformity to the SIP is more appropriate at the project-specific level, the FEIS should include a specific commitment to future project-specific general conformity analysis.

**Update citation regarding gasoline spark-ignition marine engines.** The DEIS cites EPA's "Final Rule for New Gasoline Spark-Ignition Marine Engines" (EPA 1996)(p. 4-2). Regulations regarding spark-ignition engines have been updated.

F-1-7

**Recommendation:**

The FEIS should be updated to be consistent with the most recent rule regarding nonroad spark-ignition engines, equipment, and vessels. We recommend a review of the following websites:

<http://www.epa.gov/oms/regs/nonroad/marinesi-equipld/420f08013.htm>  
<http://www.epa.gov/oms/marine.htm>

**Naturally Occurring Asbestos**

**Provide information on the presence of naturally occurring asbestos (NOA) on trails and roads and the potential effects on recreation.** Asbestos-bearing ultramafic rocks are found in at least 44 of California's 58 counties. Disturbance of rocks and soils that contain NOA can result in the release of asbestos fibers to the air and exposure to the public. Asbestos is a known human carcinogen and represents a potential human health risk for those exposed while using roads or trails where it occurs. For information on the occurrence of NOA and health impacts, see EPA's NOA webpage at <http://www.epa.gov/asbestos/pubs/clean.html>. The Draft EIS does not indicate whether NOA has been identified in the Plan Area. Nor does it evaluate potential risks to current and future visitors who may be exposed to NOA on existing and proposed trails and roads through recreational activities.

F-1-8

**Recommendations:**

Determine whether or not NOA is present on trails or roads within the Plan Area. Assess the potential for exposure to elevated levels of NOA from common activities such as hiking, mountain biking, camping, and patrols and road maintenance activities. Provide information in the FEIS.

If NOA is found to be present, review the California Air Resources Board (CARB) regulations and guidance at <http://www.arb.ca.gov/toxics/asbestos/asbestos.htm>, which address California's Asbestos Airborne Toxic Control Measures for Surfacing Applications that apply to unpaved roads. Additional road surfacing recommendations are available in the

F-1-8,  
Cont.

Department of Toxic Substances Control report "Study of Airborne Asbestos From A Serpentine Road in Garden Valley, California" (April 2005) at: <http://www.dtsc.ca.gov/loader.cfm?url=/commonspot/security/getfile.cfm&pageid=33546>.

Evaluate existing trails and roads for sediment production and drainage in areas where NOA is likely to be present.

If appropriate, post signs informing visitors that NOA is present, what the risks are, and how visitors can avoid exposure. EPA will be happy to assist your office in developing signage for these areas.

If appropriate, these measures should be incorporated into the Preferred Alternative in the FEIS and committed to in the Record of Decision (ROD).

**Water Resources**

***Conduct additional water quality testing to determine the cause of the summer water color change.*** The DEIS notes that Millerton Lake often turns green in the summer. Water quality sampling by an aquatic ecology class found nanoplankton to be negligible (p. 3-5). EPA remains concerned with cyanobacteria or blue-green algae blooms which may be indicated by the summer water color change. Some species of blue-green algae, such as *Microcystis Aeruginosa* (MSAE), can generate levels of toxins in reservoirs that are a risk to human health.

F-1-9

***Recommendation:***

The RMP/GP should include an element to conduct additional water quality testing to determine the cause of the summer water color change and to determine if cyanobacteria or blue-green algae blooms could be an issue for Millerton Lake.

If further testing indicates there may be an algae issue, we recommend pursuing monitoring and management measures to address algae blooms and to minimize public health exposures, when such blooms occur. For instance, we recommend the RMP/GP include development of a comprehensive water quality management plan that manages controllable factors that may enable or promote bloom conditions. Controllable factors may include nutrient loadings, temperatures, water residence time, turbidity, and the extent of vertical mixing.

F-1-10

***Evaluate the feasibility and effects of expanded wastewater treatment services.***

Wastewater treatment services for the SRA are provided by septic systems with leach fields permitted by the Regional Water Quality Control Board, vault toilets, and chemical toilets. There are also 3 floating toilets for the body of the lake. The DEIS states this infrastructure is adequate for current use; but that expansion could be a problem due to leach field constraints (p. 3-63). The analysis for effects on water resources does not appear to address potential water quality effects of increased wastewater treatment services.

F-1-10,  
Cont.

**Recommendation:**

The FEIS should evaluate the feasibility and potential water quality effects of providing expanded wastewater treatment services for each action alternative. For example, describe the additional wastewater treatment services required by Alternative 1 - Expanded Recreation and the feasibility of providing these services given leach field constraints.

F-1-11

**Provide additional information on cattle grazing.** Grazing within the Millerton Lake SRA may continue under all four alternatives (p. 4-13), although cattle were removed from Big Table Mountain between 1992 to 2000 due to overgrazing concerns (p. 3-42). While there is a general description of the effects of grazing on riparian habitat and vernal pools (p. 4-17), there does not appear to be an evaluation of potential grazing effects on other resources such as water quality.

**Recommendation:**

The FEIS should include additional detailed information on existing cattle grazing in the SRA (e.g., on- and off-dates, number of animal units, pasture locations, rotation frequency and methods) and the effects of grazing on existing and future resource conditions. Of specific interest is whether cattle grazing at current and/or proposed levels may have water quality and habitat effects.

F-1-12

**Biological Resources**

**Provide data and analysis to support conclusion of little or no impact on biological resources.** The DEIS states that, at a programmatic level, expansion of camping and day-use facilities would result in no impact to biological resources in the North Shore or South Shore areas (p. 4-16). Increased activities such as boat and trail use would only have minor adverse impacts on biological resources due to noise and human presence (pps. 4-20, 4-23). There does not appear to be an evaluation of potential impacts on habitat fragmentation or the disruption of wildlife corridors. EPA remains concerned with potential impacts to biological resources from increased noise, human presence and activities, habitat fragmentation, and disruption of wildlife corridors.

**Recommendations:**

The FEIS should provide additional data and analysis to support the statement that there would be little or no impact on biological resources. For example, summarize studies and data regarding the noise and human presence level of tolerance of typical wildlife species such as deer, coyote, bald eagles, other raptors, bobcats, mountain lions, and wild turkey. We also recommend the FEIS describe and evaluate the potential for habitat fragmentation and disruption of wildlife corridors from the proposed increased recreational use and infrastructure.

F-1-13

**Describe additional measures to avoid and minimize adverse effects on special status species and their habitats.** Increased camping and access to Temperance Flat would have adverse direct and cumulative impacts to Prairie falcon, California western mastiff bat, and vernal pool species present in the Table Mountain cliffs and atop Big Table Mountain and McKenzie Table (p. 4-24). EPA is concerned with effects to special-status species

from increased recreational activity in the Temperance Flat, Big Table Mountain, and McKenzie Table region. Our concern is heightened because the DEIS states that optimal enforcement staffing may not be available in any given year depending on state funding (p. 2-19).

F-1-13,  
Cont.

**Recommendations:**

The FEIS should describe additional measures to avoid and minimize adverse effects on special status species and their habitats. For instance, describe measures to ensure sufficient enforcement staff are available to monitor visitor activity. We recommend pursuing the joint Memorandum of Understanding (MOU), referenced on page 3-18, with the Sierra Foothill Conservancy (SFC), California Department of Fish and Game, and other agencies, to protect vernal pools and rare species of Big Table Mountain and McKenzie Table.

**Relocate or phase-out facilities in sensitive areas.** Alternative 1 – Recreation Expansion would retain recreation or maintenance facilities currently in sensitive areas. New uses may also be planned in these areas with mitigation (p. 4-53). EPA advocates the relocation or phase-out of facilities in sensitive areas such as wetlands, vernal pool complexes, riparian zones, and special-status species habitats.

F-1-14

**Recommendation:**

Relocate or phase-out facilities in sensitive areas, as feasible.

**Climate Change**

**Discuss climate change and its effects on the SRA, RMP/GP and proposed actions.** A number of studies specific to California have indicated the potential for significant environmental impacts as a result of changing temperatures and precipitation.<sup>3</sup> The discussions of cumulative effects in the DEIS does not appear to address the effects of climate change on the project area or the implementation of the proposed RMP/GP.

F-1-15

The Government Accountability Office (GAO) recently released a report entitled, "Climate Change: Agencies Should Develop Guidance for Addressing the Effects on Federal Land and Water Resources" (August 2007). According to the GAO report, federal land and water resources are vulnerable to a wide range of effects from climate change, some of which are already occurring.

We believe a discussion of climate change and its potential effects on the project area, RMP/GP, and proposed actions would better serve long-term management planning for the Millerton Lake SRA.

<sup>3</sup> For example: Our Changing Climate: Assessing the Risks to California, A Summary Report from the California Climate Change Center, July 2006; Climate Change and California Water Resources, Brandt, Alf W.; committee on Water, Parks & Wildlife, California State Assembly, March 2007.



F-1-15,  
Cont.

***Recommendations:***

The FEIS should include a discussion of climate change and its potential effects on the SRA, implementation of the RMP/GP, and impacts of the proposed actions.<sup>4</sup> Of specific interest are potential effects on Millerton Lake water levels, recreational carrying capacity, fire and invasive species management, and ability to operate consistent with the primary purpose of Millerton Lake for water supply.

This discussion should include a short summary of applicable climate change studies, including their findings on potential environmental and water supply effects and their recommendations for addressing these effects.

**Funding**

***Include a description of funding and management resources to ensure implementation of RMP/GP priority actions.*** The DEIS does not appear to provide a list of proposed actions, the responsible Agency/Group, or an estimated implementation timeframe. Nor does the DEIS describe funding sources and resources to support implementation of these actions or to address the consequences of not meeting RMP/GP objectives and guidelines.

F-1-16

***Recommendations:***

The FEIS should include a list of proposed actions, the responsible Agency/Group, and an estimated implementation schedule, if feasible at this time. We recommend including a brief description of funding and management resources available to support implementation of the high priority proposed actions. The FEIS should also describe the consequences of not implementing high priority actions, especially if sensitive or valuable resources may be at risk.

**Enforcement**

***Describe measures to enforce RMP/GP guidelines.*** The DEIS describes general measures that will be used to manage boat speed limits, boat capacity regulations and multi-use trails (p. 4-49). EPA remains concerned with the ability to adequately enforce RMP/GP requirements, especially given the potential that optimal enforcement staffing may not be available in any given year, depending on State funding (p. 2-19).

F-1-17

***Recommendation:***

The FEIS should describe in more detail the enforcement program to ensure implementation and compliance with General Plan guidelines.

**General Comments**

***Address in the RMP/GP the potential for land subsidence from adjacent development.*** The DEIS states that groundwater withdrawal by development outside the SRA may cause land subsidence in the SRA if not adequately regulated (p. 4-14).

F-1-18

<sup>4</sup> We recommend reviewing "Addressing Global Warming (Climate Change) in CEQA and NEPA Documents in Post AB 32 Regulatory Environment, Jones & Stokes for Climate Change Focus Group, January 1, 2007.

**F-1-18,  
Cont.**

***Recommendation:***

The FEIS and, if appropriate, the RMP/GP should address the potential for land subsidence in the SRA as a result of cumulative effects of adjacent development. For example, describe forums or other tools by which the SRA manager can coordinate with nearby developments to address potential adverse effects on the Millerton Lake SRA.

**F-1-19**

***Evaluate the effects of pets and their management.*** The DEIS does not appear to address the management of pets of recreational users or from adjacent developments.

***Recommendation:***

The FEIS should describe and evaluate the potential effects of pets and RMP/GP measures to manage these animals.

**F-1-20**

***Include more recent population and recreation growth estimates.*** The DEIS states that Madera and Fresno Counties are expected to grow by 86% and 42% respectively based upon 2000 Census information (p. 2-5, Table 3.9-16, p. TABLES-55). However, there has been an unprecedented national economic and housing decline which may adversely affect growth estimates. The San Joaquin Valley has been one of the most severely affected regions.

***Recommendation:***

The FEIS should include more recent population and recreation growth estimates.

***Responses to Comment F-1***

**F-1-1**

The EPA's support for phasing out nonconformant two-stroke engines within one year of finalizing the RMP/GP is noted; however, under the Preferred Alternative, the phaseout will take place over three years. The three-year period has been selected for the following reasons:

- No water quality problems have been reported to date.
- The three-year period would allow sufficient time to communicate the change to the public.
- A longer "grace period" could lessen the economic hardship for those who need to replace a nonconformant engine.

**F-1-2**

This introductory comment is a summary of issues discussed in subsequent comments. The following responses address these issues in greater detail.

**F-1-3**

Section 4.2.3 of the Final EIS/EIR has been revised to include a description of estimated future emissions from boats, personal watercraft, and vehicles (including recreational vehicles). Even if future boat, personal watercraft, and vehicle usage rates increased by 64 percent over the current amounts, the emissions would be approximately 66 percent (Table 4.8-2) of the General Conformity Rule de minimis thresholds, a discussion of which has been added to Final EIS/EIR

Section 3.2.6. This increase is assumed to be a conservative projection of future lake use that would likely not be exceeded under the Preferred Alternative (Alternative 2) because the increased demand cannot be met at all times under Alternative 2 (see Figure 4.8-1).

The marine engines and personal watercraft in use at Millerton Lake would be required to meet the recent CARB and EPA standards described in Final EIS/EIR Section 3.2, leading to a substantial reduction in Plan Area emissions. The Preferred Alternative would phase out nonconformant recreational marine engines within 3 years, which would also reduce emissions. Measures to reduce carbon dioxide and other emissions have been added to the Final EIS/EIR in Section 4.2.8, Mitigation AQ-1.

**F-1-4**

The EIS/EIR is a program-level document, and insufficient information is available about individual projects to quantify construction emissions. When each project is funded and planned, the construction emissions will be estimated and mitigation measures will continue to be implemented on-site to minimize dust and exhaust emissions.

Project construction activities that emit fugitive dust will incorporate best management practices to reduce dust emissions. Such measures would include watering of exposed areas and preventing track-out of mud and dirt from construction trucks onto public roads. Controlling fugitive dust emissions when visible emissions are detected will not prevent all particulate matter emissions but will substantially reduce them. These measures have been added to the Final EIS/EIR in Section 4.2.8, Mitigation AQ-2.

**F-1-5**

Table 3.10-2 of the Final EIS/EIR has been revised based on the Fresno County Draft Regional Transportation Plan (RTP) for 2007–2030 (Council of Fresno County Governments 2007). The RTP indicated that all four of the roadway segments listed in the table would be widened from two to four lanes; work on one of the roadways, Friant Road, is scheduled to take place in 2009/2010. According to revised Table 3.10-2, all of the roadway segments would operate at level of service (LOS) A or B after completion of the roadway improvements.

An air quality analysis of the impacts of the Preferred Alternative on levels of service outside the Plan Area for visitor access would require a detailed traffic analysis of the locations with the potential for congestion. Insufficient information is available to perform such an impact analysis. As projects are developed, site-specific environmental analyses will be conducted and a more focused analysis of the proposed project's impacts to circulation could occur. Given the project levels of service of A and B discussed above, significant impacts are not likely.

As stated in the EIS/EIR, most of the planning elements that are common for all alternatives would have no impacts to visitor access or circulation within the Plan Area. In addition, management actions that would be implemented under the Preferred Alternative would result in minor or beneficial impacts to access and circulation.

Mass transit for access to the Plan Area would not be feasible for the majority of visitors that tow boats, personal watercraft, or camping equipment which cannot be accommodated on a bus or shuttle.

**F-1-6**

A new Section 3.2.6 has been added to the Final EIS/EIR to discuss the General Conformity Rule, and Section 4.2.3 has been revised to include a discussion of the conformity assuming an approximate 64 percent increase in boats, personal watercraft, and vehicles (including recreational vehicles). A 64 percent increase is considered a conservative projection of future lake use that would likely not be exceeded under the Preferred Alternative (Alternative 2).

As described in Section 4.2.3 and the response to Comment F-1-3, future emissions for boats, personal watercraft, and vehicles are projected to be below General Conformity Rule de minimis thresholds. Therefore, the Preferred Alternative would conform with the State Implementation Plan.

**F-1-7**

Sections 3.1.2.2 (under the subheading Vessel Fuel Discharges) and 4.1.3 of the Final EIS/EIR have been revised to include a discussion of recent regulations for recreational marine and personal watercraft engines.

**F-1-8**

According to California Geological Survey mapping, there is no naturally occurring asbestos or ultramafic rock in the vicinity of Millerton Lake. This information has been added to Section 3.6.2.5 of the Final EIS/EIR (California Geological Survey 2000).

**F-1-9**

Monthly water quality monitoring at Millerton Lake does not include testing for *Microcystis aeruginosa* or other algae. According to the current park maintenance chief, organics and algae are most likely present in the lake, but the color of the lake and level of algae have never been a concern (Orozco 2009). Previous reports of green color in the lake cannot be verified, and to date no cyanobacteria or public health concerns have been reported.

Testing for turbidity, chlorine residual, pH, and temperature are performed on a daily basis. Bacteriological testing is performed weekly to identify the presence of coliform or *Escherichia coli* in the finished water from Millerton Lake water systems. Surface water samples are taken every third week to identify total coliform, fecal coliform, and *E. coli*. Presence/absence testing is also performed on the drinking water to identify total coliform and *E. coli*. Title 22 of the California Code of Regulations requires testing of source water annually for nitrate and every 36 months for nitrite.

**F-1-10**

As stated in Section 3.11.2.2, the constraints on leach fields do not necessarily preclude development, although they may limit development options. State Parks is aware of these constraints and, as expansion projects are developed, will incorporate feasible design measures to mitigate leach field constraints. For example, in areas with shallow bedrock, leach fields could be installed over a greater surface area to compensate for lower infiltration, or facilities such as vault toilets could be used that would eliminate the need for leach fields. All additional appropriate environmental review would be performed for projects implemented under the Preferred Alternative.

**F-1-11**

A discussion of cattle grazing in the Plan Area has been added to the Final EIS/EIR in Section 3.8.1.3. As described in that section, the current Reclamation grazing plan and grazing leases include provisions to protect vernal pools, riparian habitat, and other environmentally sensitive areas. There have been no reports of impacts to water quality or riparian habitat from cattle grazing.

**F-1-12**

Final EIS/EIR Sections 4.4.3 and 4.4.6 (see the “Wildlife” headings) have been revised to include discussions of potential impacts on wildlife from expansion of camping and day-use facilities, including habitat fragmentation and disruption of wildlife corridors. Because current state law prohibits dogs on trails, they would not result in additional impacts to vegetation or wildlife.

**F-1-13**

The proposed group camping area at Temperance Flat is at lake level. Access to Big Table Mountain and McKenzie Table would be difficult from Temperance Flat. Under current and Preferred Alternative conditions, access to Big Table Mountain is blocked by a locked gate, and no access is allowed without a ranger. As stated in the RMP, “Most of Big Table Mountain ... is owned by CDFG and managed by State Parks for protection of endangered species and interpretative opportunities. A relatively small part of Big Table Mountain in the northwest area is owned by Reclamation (Figure 3.4-4). The eastern part of Big Table Mountain that is outside the Plan Area is private land.”

Likewise, access to McKenzie Table is restricted to ranger-guided groups. The northern half of McKenzie Table is owned by the Bureau of Land Management, and the southern half is the McKenzie Table Mountain Preserve.

Because these areas would not be affected by recreational activity, no additional avoidance or minimization measures are required.

**F-1-14**

The Preferred Alternative (Alternative 2) would not construct facilities in the Temperance Flat area but rather provide a primitive campground with fire rings and water. Any facilities or improvements constructed under the Preferred Alternative would be subject to surveys for sensitive resources before construction and located away from sensitive areas. Construction of any facilities of consequence would likely require preparation of an environmental document.

**F-1-15**

The Final EIS/EIR has been revised to discuss climate change and greenhouse gas emissions, potential Plan-related effects, and proposed mitigation with respect to air quality in Sections 3.2.7, 4.2.3, and 4.2.8, respectively. The effects of climate change on lake levels, water supply operations, and recreational carrying capacity are described in Final EIS/EIR Sections 3.1.2.1 and 4.1.3.

A vegetation management plan will be prepared for the Plan Area. The plan will use adaptive management procedures to address the potential effects of climate change on fire management and invasive species. The Final EIS/EIR has been revised to include this information in Section 2.4.2.2.

**F-1-16**

The proposed actions under all alternatives are listed in Table 2-4.

As stated in Section 2.2.4, the RMP/GP is intended to be a programmatic document that provides a broad range of management activities that are feasible within the Plan Area. Future project-specific actions would only be implemented when needed and based on best management practices, staff recommendations, and adequate funding. Such actions would also require a tiered level of environmental review that would reference this programmatic document. That additional environmental review would identify the responsible agency (which would be the managing partner, Reclamation, or both) and the source of funding. Note also that mitigation would be included in any future project if needed, and the funding would cover both project and mitigation costs.

**F-1-17**

State Parks gives priority to retaining law enforcement staff to maintain public safety. State Parks deploys resources based on specific law enforcement issues such as visitor use patterns, poaching, trespassing, and boating-related safety concerns. Should boating capacity become an enforcement concern, State Parks would respond in a timely and appropriate manner until such a time that the issue is resolved.

As stated in the RMP/GP, a boating management plan is also being prepared.

**F-1-18**

Section 4.1.8 of the RMP/GP states: “Current plans for development such as North Fork Village–1 (Madera County 2007), if not regulated and zoned properly, could reduce groundwater reserves and cause land subsidence within the Plan Area.” Any development that would have the potential to affect groundwater reserves would be subject to the same state and federal environmental reporting requirements as the RMP/GP and would be required to avoid or mitigate effects on groundwater stores.

The North Fork Village–1 Draft Environmental Impact Report (Madera County 2007) identifies groundwater declines as a cumulatively significant impact, which the applicant proposes to mitigate by participation in an areawide or regional groundwater recharge program as may be implemented by Madera County or jointly by multiple jurisdictions.

**F-1-19**

Current state law (Title 14, California Code of Regulations, Section 4312) prohibits dogs on trails and off-leash. There have been no reports of pets harassing wildlife. The EIS/EIR has been revised to include this information.

**F-1-20**

Tables 3.9-4 and 3.9-5 and Section 3.9.3.2 of the Final EIS/EIR have been revised to include visitor use data for fiscal years 2006–2007 and 2007–2008.

Note that the growth projections presented in the EIR for Fresno and Madera counties were based on California Department of Finance estimates rather than the 2000 Census. The growth projections have been updated in Table 3.9-15 and Sections 2.3.3, 3.8.5, and 3.9.4.3 of the Final EIS/EIR. Uncertain economic conditions may influence these growth rates.

## B.3 COMMENTS FROM REGIONAL AGENCIES

*R-1 Madera County, Resource Management Agency Planning Department, Jerald C. James*



RESOURCE MANAGEMENT AGENCY  
PLANNING DEPARTMENT

*Jerald C. James, Director*

2037 W. Cleveland Avenue  
Mail Stop G  
Madera, CA  
(559) 675-7821  
FAX (559) 675-6673  
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mc\_planning@madera-county.com

October 30, 2008

Jess Cooper  
California State Parks & Recreation  
P.O. Box 205  
Friant, CA 93626-0205

RE: Millerton Lake Draft Resource  
Management Plan/GP/EIS/EIR

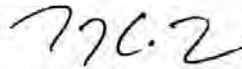
Dear Mr. Cooper,

This letter is in response to your Draft Resource Management Plan, GP, EIS & EIR (The Plan). Staff has reviewed The Plan and has determined that the project could pose significant impacts to Madera County. After a thorough review of this document, we offer the following comments/concerns:

- R-1-1 • The Plan mentions the impacts of the surrounding study areas (Rio Mesa Area Plan). It is assumed the area will become "degraded", which would not comply with the General Plan policy of preserving and maintaining the rural character and quality of Madera County.
- R-1-2 • The Land Use impact of unwanted human access trespassing onto Park property from the North Fork Village-1, conflicts with agreements State Parks has made with the North Fork Village Developer and Madera County.
- R-1-3 • The Plan fails to address the impacts of trespassing onto surrounding private properties by Park visitors.
- R-1-4 • New trail alignments (under the action alternative) should be studied to determine feasibility with connections to adjacent open space and private trail systems through Rio Mesa Area Plan or San Joaquin River Conservancy properties.
- R-1-5 • All four of the alternatives include concession stands, which could result in minor adverse impacts to wildlife. If trash or food products were to become accessible to wildlife, it could harm animals or create problematic encounters not only between park visitors and wildlife, but neighboring home owners and wildlife as well.
- R-1-6 • Expansion of Park facilities, recreational opportunities and increased boating could have a significant impact to neighboring uphill properties. Impacts to water quality caused by increased boating are identified however; the noise impacts from the motors traveling across the waters up to the surrounding properties are not addressed.

- R-1-7 • New hunting opportunities have to be evaluated and buffered between the neighboring residential properties.
- R-1-8 • Traffic congestion at the North Shore entrance is likely to occur as a result of the expansion. This can cause a life safety issue with park visitors and property owners in case of emergency (i.e. fire).
- R-1-9 • The Plan fails to identify the proposed future alignment of Highway 65.
- R-1-10 As you know, portions of the Rio Mesa Area Plan are adjacent to the project area. The Rio Mesa Area Plan was adopted by the Madera County Board of Supervisors in 1995 as a New Growth Area. This area contains pending projects within its boundaries. It's our opinion that The Plan does not adequately address impacts related to these projects. Furthermore, extensive planning efforts between multiple agencies have been occurring for quite some time regarding the Highway 65 alignment, which is not mentioned within your Draft Document. In summary, the compatibility and possible impacts of this project in relation to the surrounding land uses have not been fully addressed. Please contact me with any further questions or information pertaining to this project.

Sincerely,



JERALD JAMES  
Planning Director

cc: Rayburn Beach, RMA Director

### *Responses to Comment R-1*

#### **R-1-1**

The comment is noted. The text of Section 4.6.8 has been revised to eliminate the use of the term “degrade”; however, it is noted that the change to rural developed will still contrast with the more open and higher-quality viewshed in the Plan Area.

#### **R-1-2**

The impact of trespass from North Fork Village–1 and mitigation for that impact were identified in the Environmental Impact Report, North Fork Village–1 (Madera County 2007), as described on page 4-46 of the Draft RMP/GP. State Parks will continue to work with the developer and Madera County to ensure the appropriateness and effectiveness of the proposed mitigation.

#### **R-1-3**

The boundary between the State Park and private property is currently protected by a barbed wire fence, and State Parks is not aware of any trespass issues. As stated in Section 2.4.2.4, “Under all alternatives, the 600-foot elevation level would be strictly enforced to reduce and/or eliminate trespass issues. Private docks and private access to the lake would continue to be prohibited, and increased trespass enforcement by State Parks and Reclamation would be provided.”



**R-1-4**

The comment is noted. Section 2.4.3.3 has been revised to state that coordination with public agencies and private organizations would be undertaken to assess the feasibility of linking the San Joaquin River Parkway with the San Joaquin River Trail system. Table 2-4 (under “Trails”) has been modified to state: “Coordinate with the public agencies and private organizations for connections with the entire San Joaquin River Trail system.”

**R-1-5**

The concerns about trash impacts from concession stands are noted. The Plan Area has a facilities maintenance program that includes regular trash pickup. Each existing and new concession contract includes an operation plan that requires trash pickup and general housekeeping of the concession area.

**R-1-6**

State Parks operates the Plan Area, which is an existing facility in Madera County. It is assumed that the developer will be required to advise prospective residents of the potential for noise living next to a water recreation facility. If a violation occurs relative to limits on noise emissions from watercraft or land-based vehicles, appropriate enforcement action will be considered.

**R-1-7**

Under the Preferred Alternative, special use hunting by permit and in accordance with CDFG laws would be explored. This could include other forms of hunting, such as for quail. Impacts related to hunting are discussed in EIS/EIR Sections 4.7.5 and 4.7.6.

**R-1-8**

If, during the 25-year planning horizon for the RMP/GP, Plan Area traffic at the South Shore entrance regularly backs out onto the road, Reclamation would consult with the County of Fresno Department of Public Works and Planning Design Division regarding entrance traffic. However, overall traffic levels on Millerton Road are more likely to be generated by regional developments approved by local agencies.

The Preferred Alternative would provide for the preparation of a vegetation management plan to address fire management and other issues. Reclamation would coordinate with appropriate agencies and groups to integrate fire management with vegetation management regimes. Reclamation and State Parks are exploring the inclusion of shelter-in-place provisions, in which visitors could avoid a fire by taking shelter within the facility at designated areas. See the response to Comment L-1-17 for additional discussion of emergency ingress and egress.

**R-1-9**

According to the Transportation Concept Report for SR 65, the construction of this route in Fresno and Madera Counties is a future project that is not programmed for funding (Caltrans 2002). The report depicts the alignment of SR 65 in Fresno and Madera Counties as paralleling SR 99 by approximately 15 miles to the east. The San Joaquin Valley Blueprint project, an ongoing effort among the governments of Fresno, Kern, Kings, Tulare, Madera, Stanislaus, and Merced Counties, includes this segment of SR 65 along a similar alignment (UC Davis 2008).

If constructed, this segment of SR 65 could pass within approximately 5 miles or less of the community of Friant and increase regional access to the Plan Area. As of early 2009, however,

SR 65 was not listed among the Caltrans District 6 projects in Fresno or Madera County (Caltrans 2009). No SR 65 projects were listed in the adopted 2007 Fresno County Regional Transportation Plan, 2007 Federal Transportation Improvement Program, or the various transportation planning documents on the Madera County Transportation Commission web site. Until an exact route is identified and subject to the appropriate regulatory and environmental review processes, it is unclear whether SR 65 will be constructed and begin operation during the planning horizon for this RMP/GP.

A description of the SR 65 project has been added to the Final EIS/EIR in Section 3.10.2.1.

**R-1-10**

The Rio Mesa Area Plan and development impacts on the Plan Area are discussed in the EIS/EIR and the Land Use Planning and Demographics Technical Report (URS 2007c). The most proximate component of the Rio Mesa Area Plan that would affect the Millerton Lake area is the development of the North Fork Village–1 Specific Plan, which would construct large lot single-family detached homes to the west and northwest of the lake. The impacts identified in the Draft Environmental Impact Report, North Fork Village–1 (Madera County 2007) were reviewed during preparation of the RMP/GP and incorporated into the impact analysis in Section 4. An overview of other projects included in the Rio Mesa Area Plan that are moving toward development, including the Tesoro Viejo Specific Plan, has been added to the Final EIS/EIR in Section 3.8.4. Cumulative impact discussions in Section 4 of the Final EIS/EIR have also been updated where necessary to include effects from the implementation of the Tesoro Viejo Specific Plan.

The comment does not specify which impacts of the Rio Mesa Area Plan project have not been adequately addressed. As stated in the EIS/EIR, the environmental documents prepared to support these projects will need to assess their impacts and include mitigation measures to reduce those impacts.

See the response to Comment R-1-9 regarding SR 65.

R-2 County of Fresno, Department of Public Works and Planning, C. Shay Dewey



## County of Fresno

DEPARTMENT OF PUBLIC WORKS AND PLANNING  
ALAN WEAVER, DIRECTOR

November 5, 2008

Robert D. Epperson  
Bureau of Reclamation  
1243 N. Street  
Fresno, CA 95814

Dear Mr. Epperson:

**SUBJECT: County of Fresno Review and Comments of Millerton Lake, Draft Resource Management Plan/General Plan Environmental Impact Statement/Environmental Impact Report.**

The County of Fresno appreciates the opportunity to review and comment on the Millerton Lake Draft Resource Management Agency Report. The above-referenced project was circulated for review within the Fresno County Department of Public Works and Planning. County Staff offers the following comments.

**Please note the following in reference to the Millerton Lake Draft Resource Management Plan/General Plan Environmental Impact Statement/Environmental Impact Report**

**Section 3.10-3 Roadways Page 3-59 and Table 3.10-3:**

R-2-1 Comment is in reference to Friant Road; Friant Road has been widened to 4 lanes from Copper Avenue to Lost Lake Park Drive. The last segment of Friant Road from Lost Lake Park Drive to Road 206 (North Fork Road) is planned to undergo construction in the spring of 2009. The information concerning the widening of Friant Road shall be updated.

**Table 3.10-2, Expected Level of Service (LOS) for year 2025:**

R-2-2 Millerton Road from Table Mountain to Auberry Road is identified in Table 3.10-2 as LOS "A". According to the County of Fresno Department of Public Works and Planning, Design Division it is expected to be LOS "D". The LOS threshold for the County of Fresno is LOS "C" for rural roadways outside the Sphere of Influence of the City of Fresno and the City of Clovis. Please correct Table 3.10-2.

### DEVELOPMENT SERVICES DIVISION

Tulare Street, Sixth Floor / Fresno, California 93721 / Phone (559) 262-4055 / 262-4029 / 462-4320 / 262-4022 / FAX 262-4893  
Equal Employment Opportunity • Affirmative Action • Disabled Employer

Millerton Lake Comments  
November 5, 2008  
Page 2

**Table 3.10-3 Local Transportation Improvements under Consideration (Millerton Road):**

**R-2-3**

This project is not listed in the County of Fresno's Road Improvement Program and is currently unfunded.

**Executive Summary, Page ES-2:**

**R-2-4**

The Executive Summary states, "Recreation Expansion (Alternative 1), this alternative emphasizes expanded recreation opportunities". Depending on the amount of traffic generated by this expansion, Alternative 1 could result in significant impact to Millerton Road. The project proponents should consult with the County of Fresno department of Public Works and Planning, Design Division to determine if a traffic impact analysis is needed to determine the potential impact by the project to the County of Fresno's roads and intersections. The project proponents shall pay their prorate share to reduce the impact of the project to a less than significant level.

If you have any questions pertaining to these comments, please contact Marina Popov, Project Engineer, Design Division at [mpopov@co.fresno.ca.us](mailto:mpopov@co.fresno.ca.us) or (559) 262-4210.

Sincerely,



C. Shay Dewey, Planner  
Development Services Division

CSD  
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- c: Alan Weaver Director, Public Works and Planning  
Lynn Gorman, Deputy Director, Public Works and Planning  
Bernard Jimenez, Division Manager, Development Services  
Janet Dailey, Division Manager, Design Division  
Will Kettler, Principal Planner, Development Services  
Theresa Acosta-Mena, Environmental Analysis, Development Services  
Marina Popov, Project Engineer, Design Division

## *Responses to Comment R-2*

### **R-2-1**

Section 3.10.2.1 and Table 3.10-3 have been revised as suggested.

### **R-2-2**

Table 3.10-2 has been revised based on the Draft 2007 Regional Transportation Plan (Council of Fresno County Governments 2007).

### **R-2-3**

The Fresno County projects listed in Table 3.10-3 are from the Draft 2007 Regional Transportation Plan (Council of Fresno County Governments 2007). The Regional Transportation Plan indicates that the widening of Millerton Road from Friant Road to Table Mountain Road and from Table Mountain Road to Auberry Road are regionally significant "candidate" projects with tentative delivery dates of 2015 and 2030, respectively. Table 3.10-3

has been updated and notes that the Road Improvement Program 2008–2013 (County of Fresno Department of Public Works and Planning 2008) lists the widening of Millerton Road as a single project (future/unfunded) between North Fork Road and Sky Harbour Road.

**R-2-4**

Alternative 2 has been identified as the Preferred Alternative. If, during the 25-year planning horizon for the RMP/GP, Plan Area traffic at the South Shore entrance regularly backs out onto the road, Reclamation would consult with the County of Fresno Department of Public Works and Planning Design Division regarding entrance traffic. However, overall traffic levels on Millerton Road are more likely to be generated by regional developments approved by local agencies.

**B.4 COMMENTS FROM LOCAL AGENCIES AND ORGANIZATIONS**

**L-1 Friant Development Corp., John N. Kesterson**

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2008 NOV -7 P 1:39

**Friant Development Corp**  
7740 N. Fresno St., Suite 104  
Fresno, CA 93720-2409  
Ph. 559-436-1900 Fax. 559-436-1204

November 7, 2008

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DATE ACTION TAKEN		
RELATES TO		

**HAND DELIVERED**

Mr. Bob Epperson  
UNITED STATES BUREAU OF RECLAMATION  
1243 N. Street  
Fresno, CA 93721

**Re: Millerton Lake Draft Resource Management Plan/General Plan  
Draft Environmental Impact Statement/ Environmental Impact Report  
Comments by Friant Development Corporation (FDC)**

Gentlepersons:

Friant Development Corporation (FDC) has reviewed the Draft EIS/EIR for the above-referenced project and hereby submits the following comments for the public record and record of decision.

**Procedural Objections**

1. Since the Joint EIS/EIR must comply with the California Environmental Quality Act (CEQA) [Public Resources Code (PRC), section 21000 et seq.], all requirements of CEQA must be implemented. PRC section 15087, "Public Review of Draft EIR (a)(3)" requires:

"Direct mailing to the owners and occupants of property contiguous to the parcel or parcels on which the project is located. Owners of such property shall be identified as shown on the latest equalized assessment roll."

This provision was violated. FDC recently became aware of the EIR only through a second hand discussion with a Friant resident and was not properly notified by mail by the lead agencies prior to the commencement of the public participation program. FDC had multiple meetings with State of California Department of Parks and Recreation (DPR), and at no time did representatives from either agency discuss the on-going EIR or seek to inform FDC of the project review activities. Due to non-compliance with section 15087, FDC request that the lead agencies re-notice the Notice of Preparation and provide written notice to all contiguous property owners and for re-circulation of the revised Draft EIS/EIR.

L-1-1

LSD: 8-00  
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Control No. 08077650  
Paper ID. 1052220

L-1-2

2. CEQA requires that the Notice of Preparation (NOP) be included in the Draft EIR, along with the mailing list of all state and federal public agencies to which written notice was provided and the circulation list of all public agencies which were provided copies of the DEIS/DEIR for comment. There is no NOP contained within the DEIS/DEIR nor was the public agency circulation list included in the document.

L-1-3

3. Since the management decision and action and proposed project is the renewed lease of the Millerton Lake State Recreation Area by the U.S. Bureau of Reclamation (USBR) to the State of California Department of Parks and Recreation (DPR), the DEIS/DEIR should include a copy of the proposed lease agreement for review by the public decision-makers and the general public. No lease agreement is included in the document. The revised DEIS/DEIR should include the proposed lease agreement.

**Attendance**

L-1-4

4. There is substantial misrepresentation and omission in the Draft EIS/EIR regarding historic and future visitor attendance to the MLSRA. The EIR preparer failed to provide current and accurate statistical information which clearly demonstrates that as regional population has increased approximately 20% over the past 10 years, attendance at the MLSRA has decreased nearly 10%. In fact, since 2001, attendance has declined by more than 55%. However, the EIR failed to disclose such data and information in the following manner:

a. [Excerpt from Pg. 2-5] *"The Millerton Lake Plan Area gets heavy year-round use and is most popular during the spring and summer seasons. Total visitor use from July 1995 through June 2002 averaged just over 500,000 visitors per year. During that time, total visitor use increase 35 percent, from approximately 460,000 visitors to 620,000 visitors."*

L-1-5

i. Comment: The EIR is dated June 2008. Why does the statistical information referenced in the EIR stop at June 2002 instead of at least June 2006? In fact, several sections of the EIR reference events as recent as early 2008. The reasons for omission are obvious; the data, when evaluated as a whole, do not paint the same picture. Thus, the data is stale, outdated, and misleading. Therefore, the DEIR must be revised and updated to incorporate recent visitor information and correct the unsupported conclusory language that incorrectly suggests the park is encountering "heavy" usage. [PRC section 21092, subd. (b)(2)]

L-1-6

b. [Excerpt from Pg. 2-5] *"Fresno and Madera Counties are projected to have substantial growth in the next 20 years, thus the number of people participating in recreation activities can be expected to increase as well. Madera County's growth rate is projected to be 86 percent between*

*2000 and 2010, one of the highest percentages of growth in the state. Fresno County, similarly, is projected to grow substantially, but at lower rate of 42 percent."*

L-1-6,  
Cont.

i. Comment: To be statistically accurate, the statement requires an evaluation of existing and future population as it relates to "growth". For example, 86 percent sounds large, but the total 2000 U.S. Census Population for Madera County was only 123,109 citizens. Again, the EIR fails to provide an accurate disclosure of historical and future impacts to the MLSRA. In addition, the EIR improperly omits any evaluation of historical or projected boat and R.V. sales as they have and will relate to usage of the MLSRA. Present sales of boats and R.V.'s have dramatically declined, and most important to park attendance, gasoline price increases have resulted in declining camping and boating activities across the entire United States. In essence, attendance at the MLSRA is not directly proportional to regional population growth. In fact, the EIR must a quantified study, analysis, and disclosure of both the recreational habits of the Central San Joaquin Valley and the inter-relationship of boating and camping usage as they relate to gasoline prices in order to provide accurate data and to provide an adequate disclosure of future usage of the MLSRA.

c. [Excerpt from Pg. 3-51] *"Total visitor use from fiscal years 1995-1996 to 2005-2006 (shown in Table 3.9-4; excluding fiscal year 1997-1998 data) average 486,046 visitors. Comparing the last two complete years (July 2004 through June 2006) with the previous years (excluding fiscal years 1997-1998), total visitor use declined from an average of approximately 514,000 to 373,000. This corresponds with the increase in fees in 2002 and 2004. Visitor use figures by month for fiscal years 2000-2001 to 2005-2006 are shown in Table 3.9-5".*

L-1-7

i. Comment: According to the Draft EIS/EIR, attendance drops by 27.4% over two years and it is solely attributed to an increase in park usage fees. This assertion is speculative and is not supported by substantial credible evidence or logical reasoning. The EIR must conduct an adequate disclosure and analysis of the reasons for such a marked decrease in park attendance. For example, between January 2004 to June 2006, regional gasoline prices rose from an average of \$1.64/gal to approximately \$3.15/gal (+92%). Thus, the decline in park attendance appears to be directly attributable to the substantial increase in gas prices and is not related to the minor increase in park usage fees. Thus, the Draft EIS/EIR improperly bases its conclusions on unsupported speculation, and is inadequate, accordingly.



L-1-8

ii. In addition, one must compare the bubble experienced in park usage between the Summer of 2000 and the Summer of 2003 to the decline in gasoline prices as both real wages and California real estate prices were increasing. For example, in June 2000, the price for a gallon of gasoline was \$2.09. By June 2002, the price had fallen to \$1.69/gallon (-20%). Thus, following quick and significant rises in gasoline prices between 2004 and 2006, significant reductions in park attendance occurred. During the Summer of 2008, the price of oil reached \$147/barrel. The EIR should also incorporate the likely significant drop in attendance for FY2008 into its latest revision.

L-1-9

iii. Lastly, after conducting a more thorough evaluation of the relationship between park attendance and gasoline prices, the EIR must consider the current state of the U.S. economy, the banking industry as it relates to loans being made on new boats and R.V.'s and the future supply of easily accessible, affordable gasoline, specifically in how it created a "bubble effect" on park attendance, which is not likely to occur again. The facts are simple: global peak oil production is nearly upon us and as the economy continues to encounter and confront this reality, the ability for people to drive boats and R.V.'s to the MLSRA will continue to be impacted and diminished.



Figure 1 - Courtesy of Gasbuddy.com

L-1-10

d. [Excerpt from Pg. 3-54] *"Recreation demand and supply analyses depict the current situation. When these analyses are coupled with trends in the demographics of a recreation area, projected recreation use can be assessed. Both Fresno and Madera Counties are projected to have growth rates higher than the state average. Madera is projected to have*

L-1-10,  
Cont.

*a growth rate of 86.2 percent between 2000 and 2020, one of the highest percentages growth in the state. Table 3.9-16 summarizes the projected population changes that would occur statewide as well as in Fresno and Madera Counties. Because both Fresno and Madera Counties are projected to have substantial growth in the next 20 years, the number of people participating in recreational activities can be expected to increase.”*

i. Comment: As stated previously, park attendance is presently in decline, despite regional population increases. As existing data illustrate, population growth is not a direct correlation to park attendance. The EIR must consider all aspects of the economy, particularly future gasoline pricing, in order to correctly ascertain future usage of the MLSRA. At present, the data for a possible recovery in park attendance at the MLSRA are not supported by credible data and information, and the document does not draw logical and reasonable inferences from substantial credible evidence in the record.

e. [Excerpt from Pg. 3-58] *“As Table 3.10-1 indicates, the number of paying vehicles per year has decreased from 2000 to 2006. The total number of vehicles was 130,567 in FY 2001 and 107,235 in FY 2005, a decrease of 17.9 percent.”*

L-1-11

i. Comment: The EIR avoids a more accurate comparison by not accounting for FY 2006, which reported 54,031 paying vehicles. By including FY 2006, the total decrease in vehicles between FY 2001 and FY 2006 is 58.6%. It is significant that DPR is considering expansion or upgrade of any facilities without an evaluation of actual park attendance. Simply stated, the credible evidence in the record does not support a finding that a park expansion is cost-effective or economically feasible under current and future economic conditions. Based on a thorough evaluation of park usage data contained in the EIR, we recommend that an “Alternative 4 – Reduced Footprint” alternative be considered to evaluate park contraction via closure and habitat restoration of the Rocky Point, Mono, Duma Strand and the Group Camp campsites as well as the Blue Oak and South Bay Day Use Areas.

**Federal Lease Agreement**

5. The EIR must disclose the full significance of the lease agreement between the federal government and the State of California, particularly the primary function of the reservoir, which is water supply.

L-1-12

a. [Excerpt from Pg. ES-1] *“On November 1, 1957, Reclamation entered into a 50-year lease with the State of California through its State Park and Recreation Commission for the purpose of developing, administering, and maintaining the public lands around Millerton Lake as part of the California State Parks system. The agreement stipulated that the occupancy, control, and administration of the park were subject to use by Reclamation and other Central Valley Project (CVP) purposes with the primary purpose of the project for water supply.”*

i. Comment: On November 1, 2007, the lease agreement between the USBR and the DPR expired. It is assumed that the original lease agreement is not being modified and that the “primary” purpose of Millerton Lake is still water supply. However, as stated above, there is no lease agreement to review or consider as part of the program description, and neither the public agencies nor the general public has been informed as to the terms and conditions proposed for the new lease agreement.

L-1-13

ii. Comment: Since the DPR only leases the land from the federal government, the state has limited authority regarding its tenant status, particularly in the acquisition of additional lands for park expansion. Should the federal government refuse to extend the existing lease or any future lease agreement, the acquisition of any neighboring property should be owned by the federal government, not the state. The EIR should discuss, in contractual context, how park expansion should be conducted with regards to land ownership.

**EIR Alternatives Section**

6. In the Executive Summary, the document fails to identify and disclose the environmentally superior alternative and the preferred alternative as required under CEQA.

L-1-14

Similarly, the Alternatives Analysis does not identify, evaluate, or consider an off-site alternative which does not include the existing MLSRA property, which should be disclosed, in the event that the USBR does not proceed with the proposed undisclosed lease agreement.

Therefore, the Draft EIS/EIR must be revised and re-circulated.

**Cumulative Impacts**

7. The EIR fails to recognize its own impacts and proposes to defer its required mitigation onto third parties regarding traffic impacts.

a. [Excerpt from Pg. 4-70] *“Traffic congestion at the South Shore entrance currently exists during periods of high use. The congestion results from traffic from surrounding development (which will continue to increase) in combination with visitors accessing Millerton Plan Area. This cumulative impact could be addressed by extending the left turn lane at the South Shore Entrance or other entrance design changes. To alleviate this congestion, Reclamation and State Parks will request that Fresno County evaluate alternative design improvements and funding mechanics such as county development fees. Similar congestion is likely to occur at the North Shore entrance as surrounding development is completed. Reclamation and State Parks would request that Madera County evaluated design improvements and funding mechanisms similar to those discussed for the South Shore entrance.”*

L-1-15

i. Comment: The EIR is defective and deficient in admitting that traffic congestion already exists at the South Shore entrance and then states that the costs for adding capacity should fall on the County of Fresno. The MLSRA has existing and future impacts, particularly in a park expansion alternative. The MLSRA is a park which, by its mere existence, attracts visitors who have a reciprocal effect on local traffic, similar to any another park, amusement or entertainment venue. The EIR should be modified accordingly to recognize its own impacts under CEQA and then provide mitigation accordingly, specifically payment of development impact fees to the County of Fresno and to the County of Madera as is presently required of all other, new development.

ii. Comment: The EIR must also consider that, given decreases in park attendance, the likelihood that traffic impact mitigation would not be required, particularly in the “Alternative 4 - Reduced Footprint” as recommended in this comment letter.

L-1-16

**Fire Protection**

8. Existing campground sites along the North Shore of the MLSRA lie at the end of a 3-mile long, two-lane, dead-end road. Absent development of the NFV-1 project and the provision of a secondary access road, the North Shore campgrounds do not comply with existing State of California or Madera County fire requirements requiring 2-points of ingress and egress. The EIR should address how expansion of any campground or day use facilities would comply

L-1-17

L-1-17,  
Cont.

with fire code requirements. In addition, the EIR should discuss existing fire protection services and current fire protection deficiencies.

**Groundwater**

L-1-18

9. The EIR does not contain factual information regarding the groundwater basin serving the North and South shore facilities.

a. [Excerpt from Pg. 3-4] *“Millerton Lake is located in the San Joaquin District on the eastern edge of the Madera groundwater basin.”*

i. Comment: Millerton Lake is outside the Madera Basin. The document must be revised and corrected, accordingly.

**Air Quality**

L-1-19

10. The Air Quality analysis, which appears at pages 3-7 through 3-8 and 4-8 through 4-10, is noteworthy due to a number of omissions and deficiencies.

a. This Commentator was unable to locate any indication in the document that the San Joaquin Valley Air Pollution Control District (SJVAPCD) had been notified of the public participation process or that the lead agency had complied with the District’s Indirect Source Review relative to new development in the Valley which generates over 10 Tons Per Year of criteria emissions. Since the existing lease has been in effect for over fifty (50) years and has expired, the lead agencies must comply with the District’s regulations regarding new source review and the District’s CEQA review process, due to the fact that the existing General Plan for the MLSRA was adopted by DPR in 1983.

L-1-20

b. The Air Quality analysis is inadequate, due to the omission of the significant information that the SJVAPCD is an extreme non-attainment basin, pursuant to the Federal Clean Air (FCAA) and the California Clean Air Act (CCCA). Assuming the substantial growth in attendance (which is disputed by this Commentator, per comments above), the lead agencies must perform a quantified air quality study in order to disclose, analyze, and consider the potentially significant adverse cumulative impacts to air quality and public health. [See, Kings County Farm Bureau v. City of Hanford (Fifth DCA, 1990) 221 Cal.App.3d 692, 270 Cal.Rptr. 650, regarding potential significance of adverse impacts resulting from “minor” increase in criteria emissions in non-attainment area, under federal and state law.]

L-1-21

c. This Commentator has been unable to find any AB 32 Greenhouse Gas (GHG) emissions analysis in the Draft EIS/EIR. The revised document should include a GHG emissions analysis, pursuant to

L-1-21,  
Cont.

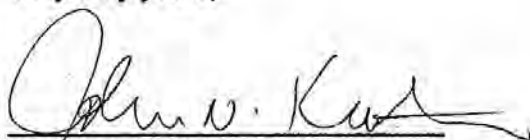
the California Air Resources Board (CARB) Guidelines and the California Attorney General's guidance which is utilized by state and local agencies in performing their GHG emissions analysis.

**San Joaquin River Settlement**

L-1-22

11. The EIR does not discuss how the settlement between Rogers vs. NRDC may affect surface levels in Millerton Lake and how anticipated changes to seasonal surface levels would affect visitor usage. Please evaluate and modify the EIR accordingly.

Very truly yours,



**JOHN N. KESTERSON**  
President

### *Responses to Comment L-1*

#### **L-1-1**

The comment appears to refer to CEQA Guidelines Section 15087(a) (in Title 14, California Code of Regulations), which states:

The lead agency shall provide public notice of the availability of a draft EIR ... by at least one of the following procedures:

- (1) Publication at least one time by the public agency in a newspaper of general circulation in the area affected by the proposed project. If more than one area is affected, the notice shall be published in the newspaper of largest circulation from among the newspapers of general circulation in those areas.
- (2) Posting of notice by the public agency on and off the site in the area where the project is to be located.
- (3) Direct mailing to the owners and occupants of property contiguous to the parcel or parcels on which the project is located. Owners of such property shall be identified as shown on the latest equalized assessment roll.

As stated above, CEQA Guidelines Section 15087(a) allows notification by one or more of three possible methods.

Reclamation and State Parks complied with CEQA Guidelines Section 15087(a)(1) by placing public notices in the *Fresno Bee* on July 30 and August 6, 2008. Reclamation and State Parks also sent notices to approximately 200 people who had signed attendance sheets at previous public meetings about the project (described in Appendix A) or requested notification in writing.

The original public comment period for the Draft EIR was from July 25, 2008, to September 22, 2008, a total of 60 days. On September 22, 2008, the commenter requested a 30-day extension of the comment period. The comment period was ultimately extended by 50 days, from September

22, 2008, to November 10, 2008, to allow interested parties time to review and comment on the Draft EIR. In all, the public had 110 days to comment. CEQA requires a minimum review period of 45 days, as the document was submitted to the State Clearinghouse (CEQA Guidelines Section 15105).

**L-1-2**

Article 9 of the CEQA Guidelines, “Contents of Environmental Impact Reports” (14 California Code of Regulations 15120–15132), does not require that a Draft EIR include a Notice of Preparation or a mailing list of individuals or agencies. In fact, Section 15125 acknowledges that in some cases, a Notice of Preparation may not have been published. A Notice of Intent to prepare a programmatic EIS/EIR was published in the Federal Register on February 3, 2003 (Vol. 68, No. 22, 5307–5308).

**L-1-3**

The discretionary action evaluated in the RMP/GP is not the management agreement or lease under which State Parks operates the Plan Area. As stated in Section 1.2 of the RMP/GP, the new plan will provide “updated management considerations for establishing a new management agreement with the State of California.” A management agreement or lease would be based on the adopted RMP/GP.

Note also that the current lease between Reclamation and the State has been extended and is still in effect.

**L-1-4**

Visitor use data through 2006 were included in the RMP/GP because data from 2007 and later were not available at the time of plan preparation. Tables 3.9-4 and 3.9-5 and Section 3.9.3.2 of the Final EIS/EIR have been revised to include visitor use data for fiscal years 2006–2007 and 2007–2008.

Since fiscal year 2002–2003, there has been a trend toward lower visitor use. Section 3.9.3.2 identifies a decline in visitation and provides a discussion of factors that influence visitor use.

**L-1-5**

Section 2.3.3 has been revised to reflect the downward trend in visitation since fiscal year 2002–2003.

The planning horizon for the RMP/GP is through 2035; therefore, the plan seeks to identify trends over a longer period than a few years. Trend variations will inevitably take place.

**L-1-6**

Future growth and other conditions are subject to many unknowns and require speculation. Section 2.3.3 has been modified to include recent trends in visitor use, county growth forecasts, and a statement that uncertain economic conditions may affect future growth and visitor use. The RMP/GP considers potential management actions that would only be implemented when needed and based on best management practices, staff recommendations, and adequate funding. An objective of the plan is to provide recreation opportunities consistent with future visitor use.

**L-1-7 through L-1-10**

See the response to Comment L-1-6. The text of Section 3.9.3.2 states the decline “corresponded” with the increase in visitor fees but did not identify it as the single causation factor. The second paragraph in Section 3.9.3.2 acknowledges other factors.

The growth and recreational use projections for Fresno and Madera counties have been updated in Table 3.9-15 and Sections 2.3.3, 3.8.5, and 3.9.4.3 of the Final EIS/EIR. Uncertain economic conditions and other factors such as gasoline prices are likely to influence these projections. For example, in the Folsom Recreation Area, higher gas prices did not affect visitor use because local growth and economic conditions resulted in high local use patterns.

**L-1-11**

The comment regarding an Alternative 4 is noted. As stated previously, potential management actions included in the Preferred Alternative (Alternative 2) would only be implemented when needed and based on best management practices, staff recommendations, and adequate funding.

**L-1-12**

See the response to Comment L-1-3.

**L-1-13**

The comment appears to refer to the third paragraph of Section 2.4.2.1, which indicates that acquisition of additional lands on the North Shore for additional campsites or buffer zones from planned residential development could be pursued under all of the action alternatives. Since the RMP/GP is both a State and Federal plan, either State Parks or Reclamation could pursue acquisitions where it may serve the needs of the adjacent landowner and the State or Federal governments.

**L-1-14**

A discussion of the environmentally superior alternative has been identified in the Final EIS/EIR in Section 4.13. Neither NEPA nor CEQA require a Draft EIS or EIR to identify a preferred alternative. NEPA specifies a preferred alternative in the Draft EIS if one exists and in the Final EIS unless prohibited by another law (CEQ NEPA Regulations Section 1502.14[e]). In accordance with Section 1502.14(e), the Final EIS/EIR discusses the Preferred Alternative in Section 2.4.3.3. All of the management actions included in the environmentally superior alternative and the Preferred Alternative were fully evaluated in the Draft EIS/EIR.

According to CEQA Guidelines Section 15126.6(a), an EIR need not consider every conceivable alternative to a project. An off-site alternative that does not include the Plan Area would not satisfy the purpose of the RMP/GP, which is to provide a program and set of policy guidelines necessary to encourage the orderly use, development, and management of the reservoir and the surrounding lands (EIS/EIR Section 1.3).

**L-1-15**

Future traffic in the vicinity of the Plan Area would likely result primarily from area development, not from implementation of projects envisioned in the RMP/GP. For example, in the last several years, some Plan Area facilities have been retrofitted to comply with ADA and restrooms have been replaced. These additions are similar to some of the actions proposed for the Preferred Alternative and have not resulted in substantial increases in traffic. Therefore, a



substantial increase in visitor use is not anticipated due to actions proposed under the Preferred Alternative. Also see the response to Comment R-2-4.

In October 2008, the South Shore entrance was reconfigured with additional lanes, a relocated entrance kiosk, a more efficient fee collection system, and other improvements to prevent queuing on Millerton Road.

Other planned or recently completed roadway improvements in the Plan Area vicinity will further alleviate traffic. Friant Road has been widened to four lanes except for a two-lane segment from Lost Lake Park Drive from Road 206 (North Fork Road), where widening is planned for Spring 2009. Widening of Millerton Road to four lanes between Friant Road and Table Mountain Road is included in the 2007 Fresno County RTP, with a delivery date of 2015. As shown in the updated Table 3.10-2, key roadway segments in the Plan Area are expected to operate at LOS A or B in 2030.

If, during the 25-year planning horizon for the RMP/GP, Plan Area traffic at South Shore entrance regularly backs out onto the road, Reclamation would consult with the County of Fresno Department of Public Works and Planning Design Division regarding entrance traffic. However, overall traffic levels on Millerton Road are more likely to be generated by regional developments approved by local agencies.

In regard to development impact fees, it should be noted that the RMP/GP is a programmatic document that considers potential management actions that would be implemented when needed and based on best management practices, staff recommendations, and adequate funding. Facilities or activities envisioned for the Preferred Alternative would not be implemented to increase demand, but rather to respond to the demand that has the potential to result from population growth and other area development. Additionally, county laws with respect to development impact fees do not apply to federal land.

#### **L-1-16**

The RMP/GP considers potential management actions that would be implemented when needed and based on best management practices, staff recommendations, and adequate funding. If an action that has the potential to affect traffic is not implemented, the mitigation for the potential traffic impact would not be required.

#### **L-1-17**

No provisions of the California Codes or the California Code of Regulations require campgrounds to have two points of ingress and egress. Numerous campgrounds around the state, including at Yosemite National Park, would need to have additional access roads constructed if such a requirement applied.

According to the Madera County fire marshal, Madera County requirements do not apply to federal lands (Kennan 2009).

Existing fire protection and fire conditions in the Plan Area are discussed in Section 3.8.1.4. The action alternatives evaluated in the EIS/EIR would provide for the preparation of a vegetation management plan to address fire management and other issues. Reclamation would coordinate with appropriate agencies and groups to integrate fire management with vegetation management regimes. Reclamation and State Parks are exploring the inclusion of shelter-in-place provisions, in which visitors could avoid a fire by taking shelter within the facility at designated areas.

**L-1-18**

Section 3.1.1.3 has been revised to indicate that Millerton Lake is not within an alluvial groundwater basin. The closest alluvial groundwater basin is the Madera subbasin of San Joaquin Hydrologic Region No. 5. Millerton Lake is just east of the easternmost extent of the Madera subbasin.

**L-1-19**

The San Joaquin Valley Air Pollution Control District was included on the mailing list for public notification of the Draft RMP/GP/EIS/EIR and the August 2008 public meeting.

The purpose of the SJVAPCD's Indirect Source Review Program is to reduce emissions of NO<sub>x</sub> and PM<sub>10</sub> from new development projects. In general, new development contributes to air pollution in the San Joaquin Valley by increasing the number of vehicles in the area as well as the vehicle miles traveled. The Indirect Source Review Program applies to development projects that have not yet gained discretionary permits, which are permits from a public agency—such as a city or county—that require some amount of deliberation by that agency, including the potential to require modifications or conditions on the project. The rule requirement is to reduce construction NO<sub>x</sub> and PM<sub>10</sub> emissions by 20 percent and 45 percent, respectively, and to reduce operational NO<sub>x</sub> and PM<sub>10</sub> emissions by 33.3 percent and 50 percent, respectively, when compared to unmitigated projects. A discussion of the program has been added to the Final EIS/EIR in Section 3.2.4.

As stated in Section 2.2.4, the RMP/GP is intended to be a programmatic document that provides a broad range of management activities that are feasible within the Plan Area. Future project-specific actions would only be implemented when needed and based on best management practices, staff recommendations, and adequate funding. Insufficient information about individual projects is available to quantify construction and operation emissions; therefore, an Indirect Source Review cannot be performed.

See the response to Comment L-1-3 regarding the lease.

**L-1-20**

Section 4.2.3 of the Final EIS/EIR has been revised to include a description of future emissions from boats, personal watercraft, and vehicles, including recreational vehicles.

**L-1-21**

A discussion of climate change and greenhouse gas emissions has been added to Sections 3.2.7 and 4.2.3 of the Final EIS/EIR.

**L-1-22**

The text of Final EIS/EIR Section 3.1.2.1 has revised to discuss the effects of the San Joaquin River Restoration Agreement on Plan Area operations and activities.

**Appendix B**  
**Responses to Comments on the Draft EIS/EIR**

**L-2 Lakeview Estates Homeowner Association, Kenneth Kay**

2008 OCT 11 A 10:30  
Lakeview Estates Homeowner Association  
983 N. Lind Avenue  
Clovis, California 93611

OFFICIAL FILE COPY		
CODE	ACTION	SIGNATURE & DATE
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IC REVISION TAKEN

October 9, 2008


Mr. Bob Epperson  
Project Manager  
Bureau of Reclamation  
1243 'N' Street  
Fresno, Ca. 93721

Re: Draft EIS/EIR Millerton Lake state recreation area plan

L-2-1

Mr. Epperson,  
The Lakeview Estates homeowner association has just been recently made aware of your draft EIS/EIR for the Millerton Lake State Park recreation area. We were not notified of your meetings/workshops despite some of our homeowner's requesting notification. We are aware that the comments period has been extended for an additional 30 days, until October 22<sup>nd</sup>. And as such it has given us the opportunity to review your plan. Our association has determined that expansion or new construction of your roads, trails, or other facilities may impact our homes. Particularly if the water levels in the lake are raised. Therefore, it is our recommendation that a citizen's advisory committee, comprised of property owners who surround Lake Millerton, be involved in the placement of facilities, structures, roads and trails within the park. This request is similar to the demand in your EIS/EIR, which requests your involvement at local levels for development in the Millerton Lake area. And as your study makes reference to the viewsheds within the park, we on the other side of the fence find our viewsheds extremely important, not just for the view but for our property values as well.  
We thank you for your cooperation and would appreciate notification of any future projects in the park that relate to this plan.

Sincerely,

  
Kenneth Kay  
President, JD, LLC  
PO Box 476  
Friant, CA 93626

Classification LND-8.00  
Project CVP-0A  
Control No. 08073473  
Folder ID. 1052220

*Response to Comment L-2*

**L-2-1**

None of the actions contained in the final RMP/GP would affect water levels in Millerton Lake. If lake levels are raised due to another action that is not included in the RMP/GP, the proponent of that action would be required to undergo a separate environmental process. That environmental review would have to consider the effect of the lake level change on any new facilities as well as other issues related to lake level rise. The environmental process for the action would require public notification and review.

As stated in Section 2.2.4, the RMP/GP is intended to be a programmatic document that provides a broad range of management activities that are feasible within the Plan Area. Future project-specific actions, if and when implemented, would require additional environmental review that would reference this programmatic document. Some actions considered in the RMP/GP would not require additional environmental review, such as upgrading Plan Area restrooms to comply with the Americans with Disabilities Act (ADA) or increasing the surface grade of existing roads that are prone to flooding. Other actions such as creating new trails or expanding existing facilities would undergo an additional environmental process, including public notification, review, and comment.

Future management actions associated with the RMP/GP such as the construction or expansion of facilities, structures, roads, and trails would only be implemented when needed and based on best management practices, staff recommendations, and adequate funding. Any time an action is undertaken that would require CEQA or NEPA review, the public would be notified through the environmental process. The Lakeview Estates Homeowner Association has been added to Reclamation's project mailing list.

L-3 Lake Millerton Marinas, LLC, Brice B. Ewell

LAKE MILLERTON MARINAS, LLC

466 West Fallbrook Avenue ♦ Suite 101 ♦ Fresno, CA 93711  
Telephone: (559) 437-1990 ♦ Fax: (559) 437-1992 ♦ E-Mail: admin@millertonlakemarina.com

November 6, 2008

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VIA EMAIL & US MAIL

Mr. Bob Epperson  
Project Manager  
Bureau of Reclamation  
1243 "N" Street  
Fresno, California 93721

RE: Comments

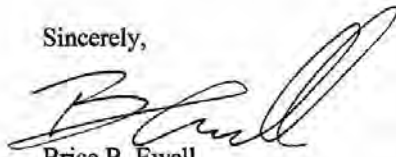
Dear Mr. Epperson:

Please note the following comments to the Draft Resource Management Plan/General Plan Environmental Impact Statement/Environmental Impact Report as follows:

- L-3-1 1. Clarify that total number of boat slips at Winchell Cove Marina will be 700. The draft document provides for an increase of 200 slips and there is reference in another section that 500 slips are currently authorized, but it would be helpful to confirm the total number is 700.
- L-3-2 2. The concept of a small 25 plus boat mooring or dock facility near the North Fine Gold area, similar to what is already included in the current General Plan Document should be continued in the new General Plan. The location and specifics of this facility to be worked out with State Parks, the Bureau of Reclamation and Madera County. This facility could accommodate users in that area and would be operated in conjunction with the Winchell Cove Marina, but not increase the total number of slips already referenced in the new General Plan Document.

Thank you for your attention.

Sincerely,



Brice B. Ewell  
Vice President

ABE/keo  
cc: Mr. Scott Wassmund  
Mr. Jess Cooper

karen.letter.epperson.11.06.08

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*Responses to Comment L-3*

**L-3-1**

Page 2-15 of the Draft EIR states: “Facilities at the Marina would be upgraded, including adding area gates, security, and up to 200 slips or moorings could be added, to allow for up to a total of 700 boats.”

**L-3-2**

A 25-slip marina on the North Shore in the Fine Gold Creek area has been determined infeasible and therefore has not been included in the RMP/GP. Public access is limited by steep topography and lack of adequate space for parking. In addition, the increased traffic, noise, and patrol requirements associated with a marina would be incompatible with the Up-river area’s management zone designation of Rural Natural.

Although a marina in the Fine Gold Creek area is not included in the Preferred Alternative, a development could be proposed, would be subject to environmental review under CEQA and/or NEPA, and may require an amendment to the RMP/GP.

## **B.5 COMMENTS FROM AUGUST 14, 2008, PUBLIC HEARING**

A public hearing for the Draft EIS/EIR was held at the Friant Learning Center (17200 Burroughs Avenue, Friant, California) on August 14, 2008 from 6:30 to 9:00 PM. Spoken comments received during the hearing are summarized and responded to below.

### *Jacob Belanjian*

**Comment:** When was an RMP/GP last completed? Is this a newly mandated process?

**Response to Comment:** The last General Plan for the Plan Area was finalized by State Parks in 1980 and amended in 1983. The plan projected recreation trends and deficiencies through 1990. Sections 1.1 and 1.2 of the EIS/EIR describe the planning background and requirements, respectively, for the RMP/GP.

### *Judy Tapia*

**Comment:** The slideshow focused on differences among the alternatives in terms of their water recreation opportunity spectrum (WROS) ratings. Are there also land-based differences between the alternatives?

**Response to Comment:** While the WROS is specifically intended to address water-related recreation activities, the WROS management zones are also appropriate to describe other adjacent natural resources and management actions in the Plan Area. This dual use of the WROS is warranted because the activities surrounding Millerton Lake are closely associated with water, and steep terrain limits the viewshed adjacent to Millerton Lake. For example, if a person on or near the lake is in a Semi-Primitive zone, little or no development is visible in the immediate viewshed. A person on land in the same area would also experience surrounding natural resources without much human activity or resource modification. The WROS zones are used as tools to assist planners in developing management guidelines appropriate for different recreational activities associated with water.

### *Dylan Blackshear*

**Comment:** It appears that no matter which alternative is chosen, the boat-in campground at Temperance Flat will be moved from the Madera side of the river to the Fresno side. What was the thought process for moving the campground?

**Response:** As stated in the EIS/EIR, the Temperance Flat boat-in campground currently located on the North Shore could be moved to the South Shore before this RMP/GP takes effect, if adequate funding is secured. Moving the campground to the South Shore would allow State Parks to access the area by vehicle instead of by boat to perform facility maintenance and support.

### *Douglas Bowman*

**Comment:** Will the spring turkey hunt (archery only) continue to be allowed on the Fresno side of Millerton Lake?

**Response to Comment:**

Under all the Preferred Alternative (Alternative 2), special use permitted hunting, including the turkey hunt, in accordance with CDFG laws would be explored.

*Kurt Phillips*

**Comment:** Certain alternatives propose to eliminate two-stroke engines. However, Bombardier makes a two-stroke outboard engine that burns cleaner than a Yamaha four-stroke outboard motor. To ban two-stroke engines because they're dirtier than four-stroke is stifling ingenuity for cleaner-burning technology. If you want to restrict clean engines to clean burning standard, why must you specify two-stroke vs. four-stroke?

**Response to Comment:** The RMP/GP does not propose to eliminate all two-stroke engines, only carbureted "nonconformant" two-stroke engines whose intake and exhaust processes allow the expulsion of hydrocarbon emissions into the air and water. Within three years of final certification, the RMP/GP will require all boats and personal watercraft to comply with the 1998 California Air Resources Board (CARB) regulations for lowering recreational watercraft emissions. These CARB regulations require engine manufacturers building 2001 and newer engines to meet phased lower emissions limits. An engine meeting this emission regulation, such as a new direct-injection two-stroke engine, will normally have a label sticker (with 1 to 3 stars) on its engine cover indicating that it meets CARB emission regulations for 2001, 2004, and 2008 for vessel engine manufacturers. Newer CARB emission regulations in 2008 require even lower emission rates for engines built after 2008. The three-year phaseout will not apply to the new engines. However, over the RMP/GP planning horizon, as engines purchased after 2008 are introduced to Millerton Lake, emission rates will be further reduced.

**Comment:** I have problems with Alternatives 2 and 3. If the plan is to calibrate the alternatives based on population growth, implement the plans gradually as population increases. Why go to Alternative 3 when we haven't reached a population density that would require such restrictions? Right now the most we would need is Alternative 1. We could always go to Alternatives 2 and 3 later.

**Response to Comment:** As stated in Section 2.2.4, the RMP/GP is intended to be a programmatic document that provides a broad range of management activities that are feasible within the Plan Area. Future project-specific actions would only be implemented when needed and based on best management practices, staff recommendations, and adequate funding. Population increases would only be a deciding factor if related to increased demand.







**URS**

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