

Appendix A
Comments on the Draft Supplemental EIS/EIR

Federal Agencies



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION IX

75 Hawthorne Street
San Francisco, CA 94105-3901

JAN 22 2010

Matthew See
Bureau of Reclamation
7794 Folsom Dam Road
Folsom, CA. 95630

Subject: Draft Supplemental Environmental Impact Statement for Mormon Island
Auxiliary Dam Modification Project (CEQ# 20090410)

Dear Mr. See:

The U.S. Environmental Protection Agency (EPA) has reviewed the above-referenced document 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 our January 7, 2010 agreement that EPA provide our comments no later than January 27, 2010. We appreciate the additional time to conduct our review.

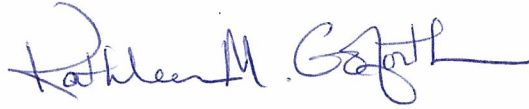
While EPA supports actions to reduce seismic and static risks at the Mormon Island Auxiliary Dam (MIAD), we have rated the Draft Supplemental Environmental Impact Statement (DSEIS) as Environmental Concerns – Insufficient Information (EC-2) (see enclosed “*Summary of Rating Definitions*”) because of our concerns regarding the significant and unavoidable air quality impacts of construction emissions and potential impacts to vernal pools, wetlands, and riparian habitat.

We acknowledge the temporary nature of the above adverse effects and the challenge of implementing a major construction project in an Air Basin that is in non-attainment for ozone and particulate matter smaller than 10 microns (PM₁₀), and at a site which may contain Naturally Occurring Asbestos (NOA). To minimize exceedences of nitrogen oxides (a precursor for ozone), particulate matter, and NOA thresholds, we recommend continued coordination with the Sacramento Metropolitan Air Quality Management District and El Dorado County Air Quality Management District on implementation measures that will avoid and minimize emissions and NOA exposure. All air quality mitigation measures and commitments should be described and listed in the Final Supplemental Environmental Impact Statement (FSEIS) and Record of Decision (ROD).

We recommend including in an appendix the Clean Water Act Section 404 Permit for the Folsom Dam Safety/Flood Damage Reduction Project. Provide a summary of its specific requirements and a description of the anticipated 404 permit amendments for the MIAD Modification Project in the FSEIS.

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

Sincerely,

A handwritten signature in blue ink that reads "Kathleen M. Goforth". The signature is fluid and cursive, with a long horizontal stroke at the end.

Kathleen M. Goforth, Manager
Environmental Review Office
Communities and Ecosystems Division

Enclosure: Summary of Rating Definitions

cc: Molly Wright, Sacramento Metropolitan Air Quality Management District
Pete Ghelfi, Sacramento Area Flood Control Agency

SUMMARY OF EPA RATING DEFINITIONS*

This rating system was developed as a means to summarize the U.S. Environmental Protection Agency's (EPA) 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 Environmental Impact Statement (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 should 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 Council on Environmental Quality (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.

State Agencies



Gold Fields District
7806 Folsom-Auburn Road
Folsom, CA 95630

January 19, 2010

Matthew See
U.S. Bureau of Reclamation
Central California Area Office
7794 Folsom Dam Road
Folsom, CA 95630

Dear Mr. See,

This letter is to express the interests and concerns of the Gold Fields District of California State Parks in response to the Draft Supplemental Environmental Impact Statement/Environmental Impact Report (EIS/EIR) for the Mormon Island Auxiliary Dam (MIAD) Modification Project. The Gold Fields District of California State Parks manages Folsom Lake State Recreation Area, which includes both Federal and State owned lands around Folsom reservoir and Lake Natoma. State Parks manages the public use, recreation facilities and resources on these federal lands through an agreement with the U.S. Bureau of Reclamation. Below are State Parks specific comments regarding the Draft EIS/EIR.

Mitigation at Mississippi Bar

The Draft Supplemental EIS/EIR proposes habitat mitigation on both State-owned and federal land at Mississippi Bar along Lake Natoma. As noted in the Draft EIS/EIR, Reclamation and State Parks have entered into discussions regarding the use of State land for mitigation purposes, but no formal agreement has yet been completed. Because the mitigation is a permanent commitment of land for the mitigation purposes, in order to accept off site mitigation, State Parks policies require some clear benefit to the State Park System. State Parks does have some key interests with regards to this potential use of State land for mitigation.

The entire Mississippi Bar area was mined in the late 19th and early 20th centuries, most notably by large gold mining dredger operations which have left tailing piles of river cobble across much of the area. More recently, the State owned portion of Mississippi Bar was mined for aggregate from 1959 to the early 1990's. As part of the reclamation plan for the aggregate mining, a series of linked lagoons and channels were created which are connected to Lake Natoma. However, much of the property was never restored, including a roughly 40-acre area that was graded flat and is devoid of tailings and top soil. In addition to the lagoons and the flat area, the balance of the property contains tailing piles with pockets of habitat, including oak woodland and riparian habitat and a few small ponds or seasonal wetlands.

While much of the Mississippi Bar area is undeveloped, existing facilities include: a small equestrian boarding and stable concession located adjacent to the large barren

flat area; the Snowberry trailhead and parking area; a portion of the paved bike path which crosses Mississippi Bar; several recognized system single track dirt trails and a number of user-created trails. Existing uses of the area include the equestrian use generated by the stables, other trail uses including road bikes, mountain bikes, pedestrians and equestrians on the trails in the area. Canoes and kayaks tour the lagoons and channels and anglers fish in these same ponds. There is a lot of informal use of the general area by the immediate community for walking dogs, jogging and walking.

The development and management of Folsom Lake SRA is guided by a General Plan. State Parks and Reclamation have been working on an updated General Plan/Resource Management Plan. State Parks approved this Plan in October 2009 and Reclamation approval of this Plan is pending. This new Plan provides specific direction regarding the development and management of the Mississippi Bar area. This direction includes restoration of riparian and floodplain habitat in those portions of the area which have not recovered (and are not likely to recover without active restoration) from past aggregate mining activities. The Plan also provides for the development of new day use facilities including picnic sites, restrooms, limited vehicle access and parking, expansion of the existing system of lagoons and channels for canoes and kayaks, development of additional trails, potential improvements associated with the horse stable concession, and the interpretation of the cultural resources in the area including the historic gold mining dredger tailings.

Site Planning which Considers Future Recreation Facilities

Because new recreational uses and facilities are proposed for the Mississippi Bar area, mitigation planning will need to consider where these future recreational facilities and uses will be located and accommodated. Some level of specific site planning for the area will be required. This site planning in particular needs to consider access roads, parking areas, picnic sites and trails. The areas to be set aside for these future facilities need to be incorporated into the mitigation plans to avoid future conflicts between recreation use of the area and the proposed mitigation. State Parks believes the lead agencies for this project need to provide the resources required to complete this site specific planning.

Land Form Restoration

State Parks is interested in focusing much of the proposed mitigation on the large flat (approximately 40 acres) which is unlikely to recover without active restoration. State Parks believes that the mitigation in this area would need to include excavation and grading to create topography, possible restoration of natural drainage patterns, importation of top soil and planting riparian woodland species. There are a few small pockets of mature cottonwoods in this area which need to be protected and incorporated into the mitigation and restoration design for this area.

Expanding the Lagoons and Channel and Creating a Paddling Loop

The Draft EIS/EIR includes the potential to make modifications to the existing lagoons and channels at Mississippi Bar as part of the mitigation proposal. This part of the proposed mitigation includes a second over-sized culvert and some channel widening and dredging which would create a "paddling loop" through the area. State Parks is supportive of this portion of the mitigation proposal.

Mitigation Maintenance Costs

Presuming an agreeable plan can be developed for the mitigation at Mississippi Bar, State Parks would not be responsible for any of the costs of constructing or maintaining this mitigation in the future. State Parks is also researching the appropriate compensation for the permanent commitment of State lands for mitigation.

Mormon Island Auxiliary Dam Modifications

The Draft EIS/EIR acknowledges potential impacts to trail access and trail use at Mormon Island Auxiliary Dam (MIAD) and provides mitigation measures (RC-1, RC-2 and RC-3) to address these impacts. State Parks is supportive of these mitigation measures, in particular mitigation measure RC-3, which indicates that trail detours will be established where trails are impacted by construction and if detours are not possible, other options including development of new trails will be pursued as a means of mitigating the impacts to trails.

Given the physical constraints of the reservoir, the MIAD construction area and Green Valley Road, it is likely not possible to re-route trail traffic around the construction site. However, there are nearby options to mitigate the loss of trailhead parking and trail use opportunities. State Parks is interested in working with the lead agencies further to define the specific mitigation measures to be implemented to address the loss of the trail use across the top of MIAD and the potential loss of the trailhead parking at Mormon Island Cove during construction.

Mormon Island Wetlands Natural Preserve

State Parks manages the federal lands within Folsom Lake SRA through an agreement with Reclamation. Within the larger State Recreation Area, State Parks has designated some specific limited areas as Natural Preserves, which is a designation used to provide a higher level protection to areas with specific unique resources within a State Park unit. The Mormon Island Wetland Natural Preserve is an area with this Natural Preserve designation. The specific resources for which the Preserve was designated are riparian habitat, wetlands and vernal pools. According to the California Public Resources Code, these areas are to be managed to protect the resources for which they were designated and manipulation of the habitat is to be permitted only in those areas where scientific analysis indicates manipulation is necessary to preserve the species or associations that constitute the basis for the establishment of the natural preserve.


State Parks recognizes the Mormon Island Wetlands Natural Preserve, a State designation, is on federal land which was acquired for the purposes of the Folsom Dam Project. Our request is that work within the Natural Preserve area be limited to the minimum necessary to complete the MIAD Modification Project and that any areas disturbed are restored to habitat or uses appropriate for the Natural Preserve designation.

Common to all of the alternatives in the Draft EIS/EIR is the use of a portion of the Mormon Island Wetlands Natural Preserve area to create 13 acres of detention ponds in conjunction with the dewatering of the project area. Reclamation has discussed with DPR the possibility of utilizing the top of the berms created as part of the ponds as trails after the conclusion of the project. If a portion of Mormon Island Wetlands is utilized for detention ponds, following the work on MIAD, State Parks is interested in seeing these

ponds restored or modified to create wetland and riparian habitat and the berms along these ponds utilized as trails. State Parks is interested in working further with the lead agencies on this aspect of the MIAD project.

If you have any further questions regarding this matter, please contact the Gold Fields District Planner Jim Micheaels at (916) 988-0513. Thank you.

Sincerely,

A handwritten signature in black ink, appearing to read 'Scott Nakaji', written in a cursive style.

Scott Nakaji
District Superintendent

CC Pete Ghelfi
Sacramento Area Flood Control Agency
1007 7th Street, 7th Floor
Sacramento, CA 95814

Local Agencies

January 13, 2010

SENT VIA E-MAIL

Mathew See
Bureau of Reclamation
7794 Folsom Dam Road
Folsom CA 95630

**SUBJECT: Folsom Reservoir Safety of Dams – Mormon Island Auxiliary Dam
SMAQMD #: SAC200801307**

Dear Mr. See:

Thank you for sending the *Folsom Reservoir Safety of Dams – Mormon Island Auxiliary Dam* notification of *Draft Environmental Impact Study/Environmental Impact Report* (DEIS / DEIR) to the Sacramento Metropolitan Air Quality Management District (District) for review and comment. District staff comments follow, with specific requests underlined.

Air Quality Analysis

The air quality analysis quantifies, determines significance of, and identifies mitigation for project-related "criteria" pollutants addressed by the National and California Ambient Air Quality Standards (NAAQS and CAAQS, respectively). URBEMIS 9.2.4, OFFROAD2007 and EMFAC2007 emission models were used to quantify estimated emissions for numerous construction sources and activities, including fugitive dust, construction equipment engines and employee commutes. The emission estimates are summarized in Table 6-15.

The emission estimates are evaluated for significance according to District thresholds of significance and the General Conformity Rule. NO_x emissions are significant for all alternatives, and PM₁₀ emissions exceed the General Conformity de minimis threshold for three alternatives.

1. Mitigation measures are provided for emissions estimated to be significant, and mitigated emission estimates are quantified in Table 6-17. NO_x emissions exceed District thresholds of significance and are found significant and unavoidable – significant even after mitigation – for all alternatives. When the standard mitigation does not reduce the impact to below the threshold a mitigation fee is required. The current mitigation fee rate is \$16,000 per ton of emissions. Please calculate this fee for the significant and unavoidable emissions, and include the fee as a mitigation measure in the Final Environmental Impact Report. Deferring the fee calculation to the time of construction will require an additional emissions analysis be performed and the mitigation fee determined will have to be paid at the fee rate at the time of construction, which may be higher than \$16,000 per ton of emissions.
2. Additionally, the District provides standard construction mitigation language for reducing NO_x emissions from off-road diesel powered equipment, and controlling visible emissions from off-road diesel powered equipment. This document, entitled *SMAQMD Recommended Mitigation for Reducing Emissions from Heavy Duty Construction Vehicles*, is attached for

your reference. The mitigation for reducing NOx emissions from off-road diesel powered equipment is included in the mitigation measures for this project. Please include the mitigation for controlling visible emissions from off-road diesel powered equipment (which is category 2 in the attachment.)

3. Local permitting requirements must be followed for emissions associated with any equipment considered to be a stationary source. This includes the California Air Resources Board (CARB) Portable Equipment Regulation Program (PERP). More information on PERP is available at www.arb.ca.gov/portable/perp/perp.htm

Toxic Air Contaminants

Our comments on the discussion of Toxic Air Contaminants (TACs) within the air quality analysis are as follows:

1. Please accurately reflect the availability and capabilities of existing protocols for the study of TAC emissions. The second paragraph on TACs states "There is currently no adequate methodology to assess TACS from mobile sources because the existing models and procedures are based on stationary sources that emit at a constant rate." The District's *Recommended Protocol for Evaluating the Location of Sensitive Land Uses Adjacent to Major Roadways* (Protocol), and CAPCOA's *Health Risk Assessment Guidelines* have California-specific mobile source emissions concentrations models. Although these models do not directly apply to a construction project such as this one, it is important to acknowledge their existence.
2. The first paragraph on TACs states "If a complete HRA is not completed, then emissions from mobile and stationary sources may be conservatively considered to be significant and unavoidable." For clarification, adequate analysis is required to make the finding that emissions are significant and unavoidable; we do not support any findings that are not demonstrated with adequate analysis. Moreover, environmental review for projects generating significant and unavoidable TACs must fully disclose health impacts of those TACs.

The second paragraph on TACs states "The primary TAC associated with the project construction is expected to be diesel particulate matter [DPM] generated during the operation of the construction equipment." Although we appreciate that this document identifies DPM as a TAC, please include a discussion of DPM health impacts in the analysis, including identification of any sensitive receptors within 1,000 feet of the project.

Further, significant and unavoidable findings are appropriate only in the context of all feasible mitigation. Please demonstrate that all feasible mitigation will be provided to reduce health impacts related to TACs. Mitigation measures are available in the Districts updated *Guide to Air Quality Assessment*, available at this website:
<http://www.airquality.org/ceqa/ceqaguideupdate.shtml>

Climate Change Analysis

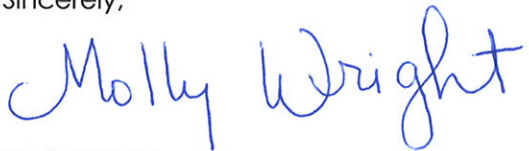
The Climate Change analysis quantifies project-related greenhouse gas emissions and discusses a threshold of significance, as recommended. The years of construction are identified as 2010 – 2013. The on-site construction equipment engine emissions quantification consisted of multiplying OFFROAD2007 emissions factors by the number of pieces of each equipment type identified for use during each phase. The employee commute emissions quantification consisted of multiplying the number of employees and the average commute trip length expected from EMFAC2007 emissions factors for passenger cars and light duty trucks in Sacramento County

(assuming the URBEMIS default assumption of a 50/50 split between the two for the commuter trips.)

1. The number of employees is stated as 100 earlier in the DEIS / DEIR, but not in the Climate Change analysis. Stating the number of employees in the Climate Change analysis discussion of employee commute emissions would provide more clarity.
2. The measurement "gallons per vehicle miles traveled" is used to quantify emissions, in Tables 19-3 and 19-4, as opposed to "grams per miles traveled." If grams per miles traveled were the intended measurement, please clarify.

Please contact me at 916-874-4886 or mwright@airquality.org if you have questions regarding district comments on this project.

Sincerely,



Molly Wright
Associate Air Quality Planner/Analyst

cc. Larry Robinson, Program Coordinator
Sacramento Metropolitan Air Quality Management District

1 attachment

SMAQMD Recommended Mitigation for Reducing Emissions from Heavy-Duty Construction Vehicles

Apply only to projects with construction emissions above the CEQA Threshold of Significance.

Revised December 1, 2008

Category 1: Reducing NOx emissions from off-road diesel powered equipment

The project shall provide a plan, for approval by the lead agency and SMAQMD, demonstrating that the heavy-duty (> 50 horsepower) self-propelled off-road vehicles to be used in the construction project, including owned, leased and subcontractor vehicles, will achieve a project wide fleet-average 20 percent NOx reduction and 45 percent particulate reduction¹ compared to the most recent CARB fleet average at time of construction; and

The project representative shall submit to the lead agency and SMAQMD a comprehensive inventory of all off-road construction equipment, equal to or greater than 50 horsepower, that will be used an aggregate of 40 or more hours during any portion of the construction project. The inventory shall include the horsepower rating, engine production year, and projected hours of use for each piece of equipment. The inventory shall be updated and submitted monthly throughout the duration of the project, except that an inventory shall not be required for any 30-day period in which no construction activity occurs. At least 48 hours prior to the use of subject heavy-duty off-road equipment, the project representative shall provide SMAQMD with the anticipated construction timeline including start date, and name and phone number of the project manager and on-site foreman.

and:

Category 2: Controlling visible emissions from off-road diesel powered equipment

The project shall ensure that emissions from all off-road diesel powered equipment used on the project site do not exceed 40 percent opacity for more than three minutes in any one hour. Any equipment found to exceed 40 percent opacity (or Ringelmann 2.0) shall be repaired immediately, and the lead agency and SMAQMD shall be notified within 48 hours of identification of non-compliant equipment. A visual survey of all in-operation equipment shall be made at least weekly, and a monthly summary of the visual survey results shall be submitted throughout the duration of the project, except that the monthly summary shall not be required for any 30-day period in which no construction activity occurs. The monthly summary shall include the quantity and type of vehicles surveyed as well as the dates of each survey. The SMAQMD and/or other officials may conduct periodic site inspections to determine compliance. Nothing in this section shall supercede other SMAQMD or state rules or regulations.

and/or:

If at the time of construction, the SMAQMD has adopted a regulation applicable to construction emissions, compliance with the regulation may completely or partially replace this mitigation. Consultation with SMAQMD prior to construction will be necessary to make this determination.

¹Acceptable options for reducing emissions may include use of newer model year engines, low-emission diesel products, alternative fuels, engine retrofit technology, after-treatment products, and/or other options as they become available.

Individuals

RECLAMATION

Managing Water in the West

Comment Sheet for the Mormon Island Auxiliary Dam Draft Supplemental EIS/EIR

Written comments on the Draft Supplemental EIS/EIR should be mailed
by Tuesday, January 19, 2010, to Mr. Matthew See,
Bureau of Reclamation, 7794 Folsom Dam Road, Folsom CA 95630,
or e-mailed to msee@usbr.gov, or faxed to 916-989-7208.

For questions or to request a CD or paper copy of the Draft Supplemental EIS/EIR,
please contact Mr. See at 916-989-7198 (TDD 916-989-7285) or msee@usbr.gov.

(Please print clearly)

Name LAURETTE J. LAURENT
Organization and Address 1212 FORREST ST. FOLSOM 95630

Phone (916) 9854488 FAX () E-mail

Comment here:

12/16/09
Date

IF CONSTRUCTION SAFETY + EFFICIENCY
REQUIRES RELOCATION OF
GREEN VALLEY RD., THAT SHOULD OCCUR.

IF YOU CAN CREATE MORE SACRAMENTO COUNTY
PEDESTRIAN ACCESS (FROM NATOMA ST/GRN
VLV RD) THAT WOULD BE DESIRABLE.
SAC CTY HAS ONLY ONE TINY ACCESS TO
FOLSOM RESERVOIR, DESPITE ITS LARGE
URBAN POPULATION.
PLEASE, MORE SAC CTY FOOT ACCESS.

All comments become part of the public record. FROM COMMUNITY.

RECLAMATION

Managing Water in the West

Comment Sheet for the Mormon Island Auxiliary Dam Draft Supplemental EIS/EIR

Written comments on the Draft Supplemental EIS/EIR should be mailed
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For questions or to request a CD or paper copy of the Draft Supplemental EIS/EIR,
please contact Mr. See at 916-989-7198 (TDD 916-989-7285) or msee@usbr.gov.

(Please print clearly)

Name Linda Smith

Organization and Address 2240 Hillview Dr Folsom CA 95762

Phone (916) 933-2771 FAX () _____ E-mail _____

Comment here: 12/17/09
Date

Matt gave us lots of information & answered all
our questions! Great photos & handouts.

Thanks for the opportunity to see
what's in store for the future.

All comments become part of the public record.

RECLAMATION

Managing Water in the West

Comment Sheet for the Mormon Island Auxiliary Dam Draft Supplemental EIS/EIR

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by Tuesday, January 19, 2010, to Mr. Matthew See,
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*For questions or to request a CD or paper copy of the Draft Supplemental EIS/EIR,
please contact Mr. See at 916-989-7198 (TDD 916-989-7285) or msee@usbr.gov.*

(Please print clearly)

Name 

Organization and Address _____

Phone () _____ FAX () _____ E-mail _____

Comment here: 12/18/09 -
Date

*I'm impressed with the amount
of information. Thank you*

Everyone is very helpful & friendly

All comments become part of the public record.

From: Michael Harris [mailto:blackagriculture@yahoo.com]
Sent: Friday, December 18, 2009 4:46 PM
To: Finnegan, Michael R; Denes, Janet C; See, Matthew A
Cc: mweiser@sacbee.com
Subject: Mormon Island Dam and Mormon Island Relocation Cemetery

December 18, 2009

Please share the process for submitting comments for the record to the Environmental Impact Report.

My concern is including the missing contributions of the Black California Pioneers, including Leidesdorff Ranch, Historic Negro Hill town and residents of the many other Gold Rush era towns not mentioned in the EIR.

The town of Mormon Island burned to the ground in the mid 1800's and the region history is incomplete.

This background is essential to even consider mitigation of past egregious mistake with Folsom Dam was originally built.

Today in Mormon Island Relocation Cemetery, 36 grave markers read, Unknown, moved from Nigger Hill Cemetery, by the U.S. Government in 1954.

The U.S. Civil Rights Act was signed in 1957 and today the Civil Rights Division of the U.S. Attorney General Office may find a violation in need of correction.

The many positive benefits of the needed repairs could include repairing dignity and respect for the contributions of California Black Pioneers in the Gold Rush Era.

<http://www.indybay.org/newsitems/2009/12/16/18632849.php>

Michael Harris, Project Director
Negro Hill Burial Ground Project
(919) 259-9888

Dr. Lanny H. Fisk, PhD, PG
9274 Auburn Folsom Road, Granite Bay, CA 95746
Mobile/Cell Phone: 916-947-9594
E-mail: Lanny@PaleoResource.com

21 December 2009

Mr. Matthew See
Bureau of Reclamation
7794 Folsom Dam Road
Folsom, CA 95630

Re: Mormon Island Auxiliary Dam Modification Project Draft Supplemental EIS/EIR

Mr. See:

I have reviewed the Mormon Island Auxiliary Dam (MIAD) Modification Project Draft Environmental Impact Statement/Environmental Impact Report (DEIS/EIR) and wish to comment on the inadequacy of the environmental impact analyses. My comments below specifically address the absence of any discussion of potential impacts to **paleontological resources (fossils)**. Paleontological resources appear to have been inadvertently overlooked in the DEIS/EIR for this Project. The Project description and brief discussion of the geology in the Project DEIR make it clear that the Project may include major excavations in presumably Pleistocene ("Ice Age") sediments that could contain the fossil remains of extinct Ice Age mammals. Thus, I was surprised to find that the DEIS/EIR contains no discussion of potential impacts to paleontological resources. This certainly must be an oversight that needs to be addressed and corrected in the Final EIS/EIR (FEIS/EIR).

The MIAD DEIS/EIR should document Project compliance with all relevant Federal and State laws and regulations. The regulatory requirements specifically pertaining to paleontological resources applicable to this Project include the Paleontological Resource Preservation Act (PRPA) of 2009. The PRPA directs the Secretary of the Interior to manage and protect paleontological resources on federal land. The potentially significant adverse impacts on paleontological resources require at a minimum that a preconstruction paleontological resource impact survey and assessment be done by a qualified professional paleontologist and incorporated into the FEIS/EIR before its approval.

I strongly recommend that the standard guidelines developed by the Society of Vertebrate Paleontology (SVP) for the mitigation of construction-related adverse impacts on paleontological resources be adopted for this Project. The SVP standard guidelines represent a consensus of professional paleontologists in the United States. They have been widely accepted by federal agencies (BLM, USFS, NPS, FERC, etc.), California state agencies (CEC, CPUC, Caltrans, etc.), and the planning departments of numerous California counties and municipalities with responsibility to protect paleontological resources. A copy of the SVP standard guidelines are appended to this letter. Briefly, SVP guidelines require that each project have a paleontological resource impact assessment, including literature and museum archival reviews and a field survey, before a project begins. Then, if the assessment concludes that there is a high potential for disturbing significant fossils during project construction, a mitigation plan is prepared that includes monitoring by a qualified paleontologist to salvage fossils uncovered, identification of any salvaged fossils, determination of their significance, and placement of curated fossil specimens into a permanent public museum.

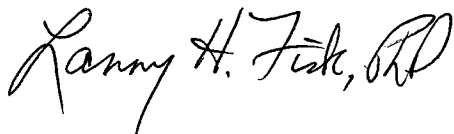
The SVP's standard mitigation measures ensure that adverse impacts to paleontological resources will be less than significant. Without an impact assessment by a qualified professional paleontologist before a project begins and appropriate mitigation measures during project construction, adverse impacts to significant paleontological resources are NOT reduced to a less than significant level as required by CEQA. Therefore, I strongly recommend that before the FEIS/EIR for the MIAD Project is prepared and approved that the SVP standard guidelines be studied and included as part of the environmental mitigation measures.

To allow the Project to be move forward without further delays while still providing adequate protection and mitigation of potential impacts to paleontological resources, I suggest that it may be possible to simply include in the FEIS/EIR or approval decision language similar to the following: ***Prior to the start of project construction, a paleontological resource survey and impact assessment will be completed by a qualified professional paleontologist. If the survey and impact assessment concludes that the project could have adverse impacts on significant paleontological resources, to effectively reduce these potential impacts to a less than significant level, the standard mitigation measures established by the Society of Vertebrate Paleontology will be adopted.*** In my professional opinion, inclusion of such a statement in the FEIS/EIR or decision regarding this Project would demonstrate Reclamation's intention to provide adequate protection and mitigation of impacts to paleontological resources.

Thank you for the opportunity to participate in the environmental review process for the MIAD Project. If you have questions regarding my comments, please feel free to contact me via either e-mail (Lanny@PaleoResource.com) or phone (530-885-9696 or 916-947-9594). I am a local resident concerned that the record of our prehistoric past be protected and preserved for my children and my children's children to enjoy in the future. As the area becomes covered with reservoirs, dams, buildings, concrete, and asphalt, our fossil record is rapidly being either destroyed or rendered inaccessible. **Thus, the impacts on paleontological resources from development projects are cumulatively considerable.** Adequate mitigation measures could easily and inexpensively reduce the direct, indirect, and cumulative adverse impacts on paleontological resources to a less than significant level and, in fact, could provide beneficial impacts by uncovering and then preserving this fossil record in public museums where it will be available for scientific study in the future.

Thank you for listening and responding to my concerns. Please add my name and address to your mailing list for all future communication regarding this and related projects.

Respectfully,



Dr. Lanny H. Fisk, PhD, PG
Professional Geologist
Professional Paleontologist

LHF/tbm

Attachment

Copy: Mr. Pete Ghelfi, Sacramento Area Flood Control Agency

FW Dam Upgrade.txt

From: Porter, Stacy
Sent: Wednesday, January 06, 2010 11:56 AM
To: Wilkins, Suzanne
Subject: FW: Dam Upgrade

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

From: See, Matthew A [mailto:msee@usbr.gov]
Sent: Monday, January 04, 2010 10:05 AM
To: Oliver Deegan
Cc: Schroeder, Robert L; Ghelfi, Pete (MSA)
Subject: RE: Dam Upgrade

Mr. Oliver Deegan,

Your comments on the Mormon Island Auxiliary Dam (MIAD) Modification Project have been received and will be included in the administrative record in the Environmental Impact State/Environmental Impact Report (EIS/EIR) for the project.

Comments on the MIAD Modification Project will be accepted until Tuesday, January 19, 2010. If you have any additional comments please submit them to Matthew See at the Bureau of Reclamation, Central California Area Office, 7794 Folsom Dam Road, Folsom, CA 95630-1799, or e-mailed to msee@usbr.gov, or faxed to 916-989-7208.

Please provide me with your contact information and mailing address, if you wish to be included on the mailing list for the MIAD Project.

Thank you,
Matthew See

Matthew See
Bureau of Reclamation, CCAO
916.989.7198

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

From: Oliver Deegan [mailto:odeegan@starstream.net]
Sent: Monday, December 21, 2009 1:20 PM
To: See, Matthew A
Subject: Dam Upgrade

I read with great interest the article in the Sacramento Bee on Dec. 18 re. the upgrade of the Mormon Island Dam. I don't have any comments about that project, but I do have some input re. the Warm Springs Dam in Sonoma county and I thought that the USBR might be interested.

I am a retired U.S. Probation Officer, now living in Placer county, and in my work as a USPO, many years ago I was assigned the case (false information on a loan application, I believe) of an individual who had worked on the building of the Sonoma county dam. He disclosed to me that when the dam was under construction, the soil compaction was found to be unstable in several areas. He stated that when such areas were found the area was supposed to be re-compacted for at least 100 feet in diameter.

This was not done, he said. The areas were only re-compacted for up to 10 feet in diameter. He was concerned that an earthquake would cause serious problems. At the time, I reported this information to the U.S. Attorney's Office in the N.D. of CA, San Francisco, and to the then Congressman's Office. To my understanding, no new action was undertaken following this disclosure.

Oliver Deegan

Castro 1-9-2010.txt

From: Dave Castro [mailto:dcastroz@comcast.net]
Sent: Saturday, January 09, 2010 4:15 PM
To: See, Matthew A
Subject: Folsom Lake Level - 2010

Hello Mr See -

It was good to meet you at the December Mormon Island Aux Dam community meeting in Folsom. I

recall discussing lake levels with you, regarding my involvement with bass fishing tournaments on

Folsom Lake, and hearing that the the MIAD Safety project would not drive the lake levels.

Our annual bass fishing tournament counts on the lifting of water speed limits (5 mph) that are imposed

when the lake levels are below 400 ft elevation, so understanding the plans is key for us to determine

whether we will be able to hold a tournament (fundraiser) this year.

Could you please let me know whom the best contact would be for finding out what the plans are for the

lake levels this Spring?

Also, would you please confirm that

Thank you for your help,

Dave Castro

President, Golden State Bass Club
and resident of Folsom.

January 12, 2010

Bureau of Reclamation
Matthew See
Central California Area Office
7794 Folsom Dam Rd.
Folsom, CA. 95630-1799
Re: American River Watershed Project Folsom Dam Raise/Folsom Dam Bridge and MIAD

Dear Mr. See,

As I mentioned in my March 26, 2008 letter, I applaud those individuals that had the fortitude to get this much needed project into the actual construction stage. Flood control and dam safety are obvious priorities. However, the obligations for public access and recreation around the reservoir must also be addressed.

Please retain the user designation on trails rerouted as a result of the MIAD Project, either equestrian/hiking only or multiuse. If multiuse, then the reroute trail be constructed with safety in mind., i.e. a good dirt base, a very wide trail width to accommodate not only passage of different users but also escape zones, and good site distances.

This letter also serves to inform and provide notice to the overarching lead agencies of the entire Folsom Dam Raise/ Folsom Bridge Project that an important trail segment relative to the historical Trail System on the west side of Folsom Reservoir and the American River has been cut off and destroyed due to the construction of the new Folsom Dam Bridge. This segment is located under the west end of the new Folsom Dam Bridge. A class 1, paved two lane bike trail has been built in the area but the dirt equestrian/hiker trail has not been rebuilt. The Trail that has now been cut off has historical roots. Whether this is the exact location of the original Pioneer Trail or the reroute due to the building of Folsom Dam in the 1950's is not clear. While records from the 1850's are difficult to locate, what we do know is that the American River and human activity via trails are inexorably linked throughout the length of the this River. The historical importance and longevity of this Trail is evidenced by California Historical Landmark #585 "Pioneer Express Trail" near mile marker 33 placed May 5, 1957 and references in the National Trail data base as "Western States Pioneer Trail", designated December 5, 1975, 50 miles linear, Sacramento.

This trail has been in constant use for at least 50 years and serves as the southern portion of the route of the American River endurance ride, the oldest endurance ride in the United States, I believe in it's 50th year as well.

The American River/ Middle Fork American River Watershed Trail System in the Folsom Lake Recreation Area connects south to Sacramento and north to nationally known trails such as the Pacific Crest Trail, the Western States Trail, and the Tahoe Rim Trail. Thus the loss of this local trail segment not only creates a multitude of local problems but also has a regional impact.

I request that the agencies responsible for the American River Watershed Project/ Folsom Dam Raise/Folsom Bridge Project rebuild the destroyed hiker/equestrian trail in a timely manner.

Thank-you,

Patricia Gibbs
cc: Army Corps of Engineers, Central Valley Flood Protection Board

Porter, Stacy

From: Porter, Stacy
Sent: Monday, January 25, 2010 2:48 PM
To: Porter, Stacy
Subject: FW: Mormon Island Dam Question

From: Dave and Susan Comstock [mailto:dandscomstock@comcast.net]
Sent: Saturday, January 23, 2010 3:23 PM
To: See, Matthew A
Subject: Mormon Island Dam Question

The two articles I've read about the upgrades to the Mormon Island Dam indicate two separate projects with the first one taking about two years. I don't remember seeing anything on the time needed for the second part.

I walk on the top of the current dam almost every day and I'd like to know if there are any plans to keep some part open for walking, biking etc. during construction. If not, does this mean it will be totally off limits to the public for several years and no way to get between Browns Ravine and Folsom Point?

Thank you,

Dave Comstock