
APPENDIX F
PUBLIC INPUT ON THE DRAFT EIS/EIR

F.1 Public Input on the Draft EIS/EIR

The Nimbus Hatchery Fish Passage Project Draft EIS/EIR was released on October 1, 2010, and was made available for public review and comment until November 30, 2010. On November 4, 2010, Reclamation and the CDFG held two open houses to obtain public feedback on the alternatives and on the potential impacts that the alternatives would have on resources in and near the hatchery and fish passage project area. Individuals and representatives of organizations and agencies were invited to submit written comments. All comments, as well as Reclamation and CDFG's responses, are included in this appendix.

Twenty-four comments were received by the close of the comment period, and 16 late comments were received. All comments received have been incorporated into this comment appendix.

Changes to the text of the Draft EIS/EIR were made, where applicable, in response to comments received. An overview of revisions to the Draft EIS/EIR is included in Section F.2.

In compliance with NEPA regulations, this appendix also includes a list of individuals and agencies and organizations whose representatives commented on the Draft EIS/EIR, copies of their comments, and the responses to these comments.

Reclamation and the CDFG appreciate the participation of all those who commented, and while not all comments required changes to the Draft EIS/EIR, all comments are included in this document, as part of the public record.

Twenty-three percent of the comments received focused on access to Nimbus Shoals, and 15 percent focused on boating. General comments, primarily those stating a preference for a particular alternative, accounted for 33 percent of the comments received. A smaller number of comments related to the following:

- Biological resources;
- Facilities;
- Land management;
- Noise;
- Public health and safety; and
- Recreation (fishing and fishing closures).

Most of these issues also were identified during the scoping process and addressed in the Draft EIS/EIR. These and other impacts are thoroughly analyzed in the Final EIS/EIR.

F.2 Overview of Revisions to the Draft EIS/EIR

Reclamation and the CDFG revised the Draft EIS/EIR to incorporate responses to public comments. In addition, a number of revisions were incorporated into the Draft EIS/EIR to create a more complete document for the Final EIS/EIR. These revisions are summarized below. Throughout the document, typographical errors were changed to reflect correct wording and grammar. In addition, several sentences were clarified by adding more descriptive language.

F.2.1 Executive Summary

- **Text and Table ES-1.** Revisions were made to the Executive Summary content, consistent with changes made in other sections of the EIS/EIR, as described below.

F.2.2 Chapter 1

- **Section 1.2.** The following text was added to the Purpose and Need to clarify the CDFG's role in managing the Hatchery: *“Reclamation formed a partnership with the CDFG to operate and manage the Hatchery. The CDFG also has responsibility statewide for overseeing fish hatchery operations and managing fishery resources.”*
- **Section 1.6.** Text summarizing Native American consultations and the public involvement process for the Draft EIS/EIR was added to the Public and Agency Involvement Section.
- **Section 1.7.1.** Text was added indicating that Reclamation has applied for Section 401 and 404 permits under the CWA, has begun Section 7 consultation under the ESA, and has completed Section 106 consultation under the NHPA.
- **Section 1.7.2.** Text was added indicating that a Streambed Alteration Agreement will not be required for this project.

F.2.3 Chapter 2

- **Section 2.1.** Text was revised in this section and throughout the document to clarify that the fishing closure under Alternative 1C would involve an amendment to existing regulations, not a new regulation.
- **Section 2.1.** Text was revised in this section and throughout the document indicating that Reclamation and the CDFG have identified Alternative 1C as the preferred alternative.
- **Section 2.2.** Text was revised in this section and throughout the document correcting information presented in the Draft EIS/EIR regarding portions of the project area closed to boating. The text in the Final EIS/EIR states *“Boat launching is not allowed between the Hazel Avenue Bridge and the Nimbus Dam, in accordance with State Parks Superintendent's Water Safety Order 690-004-*

2010... In addition, Sacramento County Code 13.24.010 prohibits boating, swimming, rafting, and floating from Nimbus Dam to 150 feet downstream of the dam.”

- **Section 2.3.1.** Clarifying details were added regarding certain components of the extended fish ladder design.
- **Section 2.3.2.** A statement was added indicating that enhancing the streambed and salmon habitat by top dressing the remaining angular rock foundation with spawning gravels would be included in the final design criteria for removing the weir foundation.
- **Section 2.3.3 and Section 2.4.2.** Text was added indicating that construction would be conducted under the Annual Operations Forecast and Temperature Management Plan, in accordance with the biological opinion and conference opinion on long-term operations of the Central Valley Project and State Water Project. This text also indicated that Reclamation would coordinate with the American River Group to ensure that water temperature and flows would not be negatively impacted by project construction.
- **Section 2.3.5.** Text was added indicating how the public would be informed of the fishing regulation amendment under Alternative 1C and how enforcement would be addressed.
- **Section 2.5.** A statement was added indicating that Reclamation has identified public vehicle access with defined parking as the preferred public access scenario. In addition, text was added about how the public would be informed of any change in access to Nimbus Shoals and how enforcement would be addressed.

F.2.4 Chapter 3

- **Section 3.1.2.** The text pertaining to illegal fishing at Nimbus Shoals was revised to say, “*There is no readily available statistical data on the rate or volume of citations issued specifically in the Nimbus Basin. However, it is clear from the anecdotal evidence from seasoned game wardens, Delta Bay Enhancement Enforcement Project wardens, and field training officers that the CDFG patrols this area frequently and issues numerous citations for Nimbus Shoals each year.*”
- **Table 3-1.** The likelihood of occurrence of the winter-run Chinook salmon in the project area was changed to “unlikely.”
- **Section 3.1.3. Central Valley Fall Run Chinook Salmon.** Escapement data related to early placement of the diversion weir was added.
- **Section 3.1.3.** Information on the southern green sturgeon was added under the sensitive species heading in the Fisheries affected environment.
- **Section 3.3.1. Boats.** Text was revised in this section correcting information presented in the Draft EIS/EIR about portions of the project area closed to boating.

- **Section 3.4.6.** This section was updated to include information on the consultation with representatives of the Shingle Springs Rancheria, which occurred after the release of the Draft EIS/EIR. The following text was added: *“Reclamation met with representatives of Shingle Springs Rancheria on October 8, 2010. The tribal members stated their interest in preserving their heritage and asked that they be contacted to provide input on the appropriate course of action if prehistoric cultural resources or human burials are inadvertently discovered during construction. They did not raise any specific concerns regarding project activities.”*
- **Section 3.8.1.** Text was revised in this section correcting information presented in the Draft EIS/EIR about portions of the project area closed to boating.

F.2.5 Chapter 4

- **Section 4.1.1.** The following statement was added pertaining to impacts on fisheries from the loss of the riffle resulting from weir removal: *“Included in the final design criteria for removing the weir foundation is enhancing the streambed and salmon habitat by top dressing the remaining angular rock foundation with spawning gravels; this would minimize the impact from the loss of the riffle.”*
- **Section 4.1.1.** The statement regarding mitigation for impacts on fisheries due to increased sportfishing pressures under Alternative 1A was revised as follows: *“This impact would be mitigated to less than significant by Reclamation restricting or closing public access to Nimbus Shoals, if the California State Fish and Game Commission were not to close the area to fishing (under Alternative 1C).”*
- **Section 4.2.1. Wetlands and Sensitive Habitats.** The acreages of impacts on wetlands and other waters of the US were updated and additional information was added about Section 401 and 404 permitting and proposed compensation for impacts.
- **Section 4.2.1. Valley Elderberry Longhorn Beetle.** Additional text was added about impacts on elderberry shrubs and proposed compensation for impacts.
- **Section 4.3.1. Boating.** Text was revised in this section correcting information presented in the Draft EIS/EIR about portions of the project area closed to boating.
- **Section 4.4.1. Ethnographic Resources.** This section was revised to include information on the consultation with representatives of the Shingle Springs Rancheria, which occurred after the release of the Draft EIS/EIR. Because the representatives did not raise any specific concerns about project activities, impacts on ethnographic resources are expected to be less than significant, and the mitigation measure that was included in the Draft EIS/EIR was deleted. The impacts on ethnographic resources were updated accordingly throughout Section 4.4.

- **Section 4.8.1 and 4.8.3. Operations and Maintenance.** Text was revised in this section correcting information presented in the Draft EIS/EIR about portions of the project area closed to boating.
- **Sections 4.12.1 and 4.12.3.** Text was added to further explain why it is not practical to provide noise shielding for equipment being operated on the riverbed.
- **Section 4.18.1.** The mitigation measure that previously stated Reclamation may prohibit public access to Nimbus Shoals under Alternative 1A was revised as follows: *“If the State Fish and Game Commission does not close year-round fishing from Nimbus Dam to the USGS Fair Oaks gaging station cable, downstream of the Hatchery, Reclamation would restrict visitor access to Nimbus Shoals to avoid significant impacts on fishery resources. These restrictions may involve full-time or seasonal closures of Nimbus Shoals to the public or public vehicle access.”*
- **Section 4.18.4.** The mitigation measure to continue Native American consultation was deleted because this process has been completed and impacts are expected to be less than significant.

F.2.6 Chapter 5

- **Sections 5.4 and 5.5.** Revisions were made to the summary of environmental impacts and conclusions, consistent with changes made in Chapter 4, as described above.

F.3 Comments Received

Written comments received on the Draft EIS/EIR are presented in the pages that follow.

INDEX OF COMMENTERS

Document Code	Commentor	Page No.
Federal Agencies		
F-1	US Environmental Protection Agency	F-1
State Agencies		
S-1	Governor's Office of Planning and Research; State Clearinghouse and Planning Unit	F-7
S-2	California Department of Parks and Recreation	F-8
Organizations		
O-1	<i>Mountain Democrat</i>	F-13
O-2	American Whitewater	F-14
O-3	Nimbus Whitewater	F-15
Individuals		
I-1	Peter Gandesbery	F-17
I-2	John Hervey	F-18
I-3	Darrick Hilbert	F-19
I-4	David Long	F-20
I-5	Joanne Vinton	F-21
I-6	Bill Back	F-22
I-7	John Hervey	F-24

FEDERAL AGENCY COMMENTS

Letter F-1

Comments

Responses



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
 REGION IX
 75 Hawthorne Street
 San Francisco, CA 94105-3901

NOV 24 2010

David Robinson
 Central California Area Office
 Bureau of Reclamation
 7794 Folsom Dam Road
 Folsom, CA. 95630-1799

Subject: Draft Environmental Impact Statement for Nimbus Hatchery Fish Passage Project, Lower American River, Sacramento County, California. [CEQ #20100392]

Dear Mr. Robinson:

The U.S. Environmental Protection Agency (EPA) has reviewed the Draft Environmental Impact Statement (DEIS) for the above project. Our comments are provided 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.

F-1-1

The Draft Environmental Impact Statement (DEIS) clearly demonstrates the need to improve the existing weir and fish ladder for the Nimbus Fish Hatchery. EPA supports the preferred alternative to construct a new fish passage and ladder with its entrance in the Nimbus Dam stilling basin. This alternative would eliminate the existing weir, and its adverse effects, and allow spawning and rearing of threatened and endangered steelhead and Chinook salmon within the Nimbus Dam stilling basin and Nimbus Shoals. These fish would benefit from the proposed fish spawning gravel augmentation and side-channel habitat establishment sites upstream of the USGS gaging cable, within the stilling basin, and at Nimbus Shoals (p. 4-106).

Based on our review of the DEIS, we have rated the project and document as *Lack of Objections (LO)*. Please see the enclosed "Summary of EPA Rating Definitions." The enclosed detailed comments provide recommendations for additional documentation regarding noise mitigation, enforcement, and fisheries which would ensure full disclosure of proposed actions and potential impacts.

F-1-2

We recommend serious consideration of a year-round fishing closure between Nimbus Dam and the USGS gaging station cable crossing. In addition, we recommend limited and controlled visitor access to Nimbus Shoals. Implementation of these measures would significantly reduce the occurrence of vandalism, vehicle break-ins, vehicle-related user conflicts, trash, sanitation issues, lead sinker accumulation in the stilling basin, and risk of river contamination by car oil, fuel, and sediment. Furthermore, limiting visitor and angler access to Nimbus Shoals would reduce illegal take of Chinook salmon and off-road vehicle use within the rock channel portion of the new fish passageway. The DEIS also identifies a significant concern regarding the spread of the New Zealand Mud Snail (NZMS) which could adversely affect the Lake Natoma water supply and American River Trout Hatchery which is used to stock areas free

F-1-1: Comment noted.

F-1-2: Comment noted.

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Letter F-1, Continued

Comments

Responses

of NZMS (p. 3-13). Limiting visitor and angler access to Nimbus Shoals would reduce the possible spread of the invasive NZMS that attaches to anglers' gear and boots.

F-1-3

EPA encourages implementation of additional mitigation measures as described in Section 4.18, "Mitigation Measures," which may be implemented to further reduce the adverse impacts identified for the Nimbus Hatchery Fish Passage project.

EPA appreciates the opportunity to provide input regarding the proposed project. When the Final EIS is released for public review, please send one hard copy to the address above (Mail Code: CED-2). If you have 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,



Kathleen M. Goforth, Manager
Environmental Review Office (CED-2)
Communities and Ecosystems Division

Enclosures: Summary of EPA Rating Definitions
Detailed Comments

Cc: Joe Johnson, CDFG

F-1-3: Comment noted.

Letter F-1, Continued

Comments

Responses

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.

Letter F-1, Continued

Comments

Responses

U.S. EPA DETAILED COMMENTS ON THE DRAFT ENVIRONMENTAL IMPACT STATEMENT FOR NIMBUS HATCHERY FISH PASSAGE PROJECT, SACRAMENTO COUNTY, CA., NOVEMBER 24, 2010

Noise

Evaluate noise reduction and mitigation options. Significant adverse direct and cumulative noise impacts are expected due to the close proximity of in-river demolition work to homes on the north side of the American River (pps. 4-80, 4-116). Although the noise would be limited to daytime hours, it is considered a significant and unavoidable adverse impact due to the difficulty of providing noise shielding for equipment operating in the riverbed.

F-1-4

Recommendation: We recommend the Final Environmental Impact Statement (FEIS) provide more definitive information demonstrating that noise shielding is impractical. We suggest evaluation and implementation of one or more of the following noise mitigation measures:

Source Controls:

- Time Constraints – prohibiting work during sensitive nighttime hours
- Scheduling – performing noisy work during less sensitive time periods
- Equipment Restrictions – restricting the type of equipment used
- Emission Restrictions – specifying stringent noise emission limits
- Substitute Methods – using quieter methods/equipment when possible
- Exhaust Mufflers – ensuring equipment have quality mufflers installed
- Lubrication & Maintenance – well maintained equipment is quieter
- Reduced Power Operation – use only necessary size and power
- Limit Equipment On-Site – only have necessary equipment on-site
- Noise Compliance Monitoring – technician on site to ensure compliance
- Quieter Backup Alarms – manually-adjustable or ambient sensitive types

Path Controls:

- Noise Barriers – semi-permanent or portable wooden or concrete barriers
- Noise Curtains – flexible intervening curtain systems hung from supports
- Enclosures – encasing localized and stationary noise sources

Receptor Controls:

- Window Treatments – reinforcing the building’s noise reduction ability
- Community Participation – open dialog to involve affected residents
- Noise Complaint Process – ability to log and respond to noise complaints
- Temporary Relocation – in extreme otherwise unmitigatable cases

Enforcement

Describe enforcement measures to ensure compliance with new fishing and visitor use regulations. The DEIS states that Nimbus Shoals and the Nimbus Fish Hatchery parking area experience vandalism, vehicle break-ins, vehicle-related user conflicts, and one of the highest citation rates for illegal take of salmon. While law enforcement is provided by California Department of Fish and Game (CDFG) and California Department of Parks and Recreation (CDPR) patrols, the occurrence of the above problems may indicate that the existing level of law

F-1-4: The suggested noise controls are either already assumed in the analysis or are impractical for this project. Appropriate noise controls on construction equipment is assumed as part of the impact analysis. Receptor controls would do nothing to reduce outdoor noise levels, and it is impractical to provide path controls. The homes on the north side of the American River are at the top of a bluff that is 125 feet above river level. Figures 3-7 and 3-8 in the Draft EIS/EIR (Section 3.14, Aesthetic, Visual, and Scenic Resources) show views of the north bank of the American River (and some of the homes at the top of the bluff) from the south bank near the weir. The terrain of the north bank is clearly not favorable for creating temporary barriers to reduce noise levels at the homes along the top of the bluff. It is not practical to provide shielding around mobile equipment operating in a riverbed. The height of the bluff makes any noise shielding on the river bank impractical. It cannot be assumed that property owners would allow construction of temporary noise barriers on their property close to their homes; consequently, noise impacts from the proposed project are considered unavoidable.

Section 4.12 of the EIS/EIR has been edited to clarify the difficulties in providing temporary noise barriers for the homes on the north side of the river.

Letter F-1, Continued

Comments

Responses

enforcement is not sufficient. The action alternatives may change existing fishing regulations and visitor access to Nimbus Shoals, including a fishing prohibition within 250 feet of the new fish passageway entrance. This entrance would be on Nimbus Shoals which is currently open to unrestricted public vehicle access. Given the ready access to Nimbus Shoals, an increase in vandalism, illegal fishing, and parking and off-road vehicle use in the new rock channel portion of the fish passageway is expected (p. 4-50).

F-1-5

Recommendation: The FEIS should describe the enforcement measures that will be taken to ensure compliance with new fishing restrictions and Nimbus Shoals visitor use regulations. Given the existing problems and projected increase of vandalism, vehicle break-ins, vehicle-related user conflicts, and citations for illegal take of salmon, the FEIS should describe additional enforcement, security, and educational measures that can be taken to reduce these visitor use issues.

Fisheries

Constructing side channel habitat and the fish ladder at the same time, if feasible. A priority site for side channel habitat establishment is located on Nimbus Shoals on the south side of the American River. The side channel would start in the Nimbus Dam stilling basin north of the proposed fish ladder and would cross the gravel bar to the river. Construction would occur after construction of the new Hatchery fish ladder (p. 4-106). Given the proximity of the side channel project to the proposed fish ladder, engineering and construction efficiencies, plus, a reduction of potential adverse environmental effects, may be gained by building these two features at the same time.

F-1-6

Recommendation: We recommend the FEIS describe the proposed Nimbus Shoals side channel habitat project and consider constructing the side channel at the same time as construction of the new fish ladder, if feasible.

Evaluate predation pressure and disease incidence as a result of higher fish densities in the stilling basin. The preferred alternative would construct a new fish passageway and ladder with its entrance in the Nimbus Dam stilling basin. Nimbus Dam would operate as the upstream barrier/fish weir directing fish into the new entrance. The DEIS does not state whether there would be an increase in predation pressure or disease incidence as a result of higher fish densities in the stilling basin.

F-1-7

Recommendations: The FEIS should provide information on predatory fish and fish diseases that may affect fisheries in the American River and Nimbus Dam stilling basin. Evaluate whether there would be an increase in predation pressure or disease incidence as a result of higher fish densities in the stilling basin.

F-1-5: If the Fish and Game Commission closes the area to fishing, then anyone observed fishing in area will be cited. Public notice will be given through media outlets of the change in fishing regulations, and there will be an implementation period during which notice will be posted in the area. Reclamation's management of Nimbus Shoals is guided by 43 CFR, Part 423 - Public Conduct on Bureau of Reclamation Facilities, Lands, and Waterbodies. Subpart C states the rules of conduct that apply to persons on Reclamation facilities, lands, and waterbodies and addresses such issues as trespassing, vandalism, and theft. Reclamation would work with its managing partners for Nimbus Shoals to provide adequate enforcement and security. Should Reclamation decide to limit vehicle access by either a defined parking area or walk-in only access, signs indicating permissible access would be posted. In addition, should Reclamation decide to close Nimbus Shoals to access, the procedures for closing public lands under 43 CFR, 423.12, would be followed, including proper posting and delineation of the closed area and notification of the public. Additional text on enforcement has been added to Chapter 2.

F-1-6: The side channel for Nimbus Shoals was described on page 4-106, beginning on line 18, of the Draft EIS/EIR. These two projects are facilitated through different processes and have different funding sources and priorities; therefore, concurrent construction would not likely be feasible. Coordination between the two projects would occur to identify opportunities to work together.

F-1-7: Adult salmonids are not typically subject to predation by other fish species in the American River. This would not change with project implementation. The hatchery would not be changing its juvenile release operations, specifically its release locations, due to this project. Wild production within the project area is not expected to substantially increase. Consequently, densities of juvenile salmonids are not anticipated to change significantly from current conditions. Predation in the (Continued on next page.)

Responses
(Continued from Previous Page)

F-1-7 (Cont.): project area is not expected to increase or to be any different from other spawning grounds in the American River. The habitat in the project area consists of relatively cool water temperatures for the American River, ample food supply, and high dissolved oxygen. This creates a low stress environment for salmonids and as a result decreases the potential for disease. Allowing fish to move into and out of the shoals in the absence of the weir is anticipated to alleviate any crowding issues.

STATE AGENCY COMMENTS

Letter S-1

Comments

Responses



Arnold Schwarzenegger
Governor

STATE OF CALIFORNIA
Governor's Office of Planning and Research
State Clearinghouse and Planning Unit



Cathleen Cox
Acting Director

December 1, 2010

Joseph Johnson
California Department of Fish and Game
North Central Region
1701 Nimbus Road, Suite A
Rancho Cordova, CA 95670

Subject: Nimbus Hatchery Fish Passage Project (NHFPP)
SCH#: 2009042050

Dear Joseph Johnson:

S-1-1

The State Clearinghouse submitted the above named Joint Document to selected state agencies for review. The review period closed on November 30, 2010, and no state agencies submitted comments by that date. This letter acknowledges that you have complied with the State Clearinghouse review requirements for draft environmental documents, pursuant to the California Environmental Quality Act.

Please call the State Clearinghouse at (916) 445-0613 if you have any questions regarding the environmental review process. If you have a question about the above-named project, please refer to the ten-digit State Clearinghouse number when contacting this office.

Sincerely,

Scott Morgan
Director, State Clearinghouse

S-1-1: Comment noted.

Letter S-2

Comments

Responses



State of California • The Resources Agency
 DEPARTMENT OF PARKS AND RECREATION
 Gold Fields District
 7806 Folsom Auburn Road
 Folsom, CA 95630

Arnold Schwarzenegger, Governor
 Ruth Coleman, Director

January 7, 2010

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

Dear Mr. Robinson,

The purpose of this letter is to provide comments and recommendations from the California Department of Parks and Recreation (State Parks) regarding the Draft Environmental Impact Report/Environmental Impact Statement (EIR/EIS) for the Nimbus Hatchery Fish Passage Project. State Parks previously commented on this project in a May 27, 2009 letter to the U.S. Bureau of Reclamation (Reclamation).

California State Parks manages Folsom Lake SRA, which includes the Nimbus Shoals area, through an agreement with Reclamation. State Parks is also has been part of past agreements between Reclamation, the California Department of Fish and Game (DFG) and State Parks regarding the management of the Nimbus Shoals. A General Plan/Resource Management Plan (GP/RMP) for Folsom Lake SRA was prepared by State Parks and Reclamation and completed in October 2009. As noted on page 3-33 of the Draft EIR/EIS, the GP/RMP anticipated the development of a new fish passage facility at Nimbus Shoals and provides specific guidelines regarding the future management of the Nimbus Shoals area.

Alternatives

State Parks supports Alternative 1C, which would replace the existing in-stream weir with a fish passage channel across the Nimbus Shoals area and would implement a year round restriction on fishing from Nimbus Dam to the USGS cable downstream of the Hazel Avenue Bridge. State Parks believes this fishing restriction option provides the best protection for fish, would be the easiest option to clearly communicate to the public and would be the best option with regards to enforcement. In addition to DFG Game Wardens, State Park rangers also enforce fishing regulations and our rangers regularly patrol the Nimbus Shoals area.

Visitor Management Options for Nimbus Shoals

California State Parks has undergone a number of budget reductions over the past several years which has put a strain on our resources and staffing, including the number of State Park Ranger positions we are able to maintain at Folsom Lake SRA. State Parks has implemented seasonal service reductions in portions of Folsom Lake SRA as a means of continuing park operations while absorbing budget reductions. The Nimbus Shoals has been a management problem area in the past with regards to inappropriate uses and illegal activity, including fishing violations and off road use which damages

S-2-1: Comment noted.

S-2-1

Letter S-2, Continued

Comments

Responses

resources. Other than fishing, the area has not been used for a lot of other legitimate recreational purposes.

S-2-2

In the short-term, if fishing were no longer permitted at Nimbus Shoals as indicated in Alternative 1C, due to the current staffing and budget challenges associated with the State fiscal crisis, State Parks would not object to closing the Nimbus Shoals to public vehicle access and allowing only walk-in access. If fishing were no longer permitted at the Shoals, closing the area to public vehicle access would reduce the management burden on State Parks without displacing a lot of public use.

S-2-2: Comment noted.

S-2-3: Comment noted.

S-2-4: Thank you for the clarification. The information about the boating ordinances in the EIS/EIR has been revised to present the correct information.

S-2-3

However, in the long-term State Parks would like to preserve the opportunity to provide different types of public use opportunities at the Nimbus Shoals, including allowing vehicle access, providing designated and defined parking, and potentially hand launching of boats just upstream of the Hazel Avenue Bridge. State Parks concurs with the description of this option in the Draft EIR/EIS that the parking area would be unpaved and would be defined by some type of barriers (e.g. large boulders) to contain vehicles. State Parks believes that a parking lot sized to accommodate 15-20 vehicles would be sufficient. The Draft EIR/EIS discusses other potential facilities for this area including portable restrooms, picnic tables. Some of these facilities may be appropriate for the area, others may not. This long term vision of visitor management at Nimbus Shoals is consistent with the Folsom Lake SRA GP/RMP guidelines (which are listed on page 3-33 of the Draft EIR/EIS).

S-2-5: Comment noted. The Proposed Action would not create additional access for watercraft as it is not within Reclamation's authority to change the State Parks Superintendent's order. However, Reclamation will consider boating interest in making a decision on visitor management of Nimbus Shoals.

S-2-4

A key piece of information to correct in the Draft EIR/EIS document is the County regulation regarding boating restrictions on the American River in the vicinity of Nimbus Dam. The document refers to a Sacramento County ordinance regarding boating restrictions on the American River near Nimbus Dam in several sections including page ES-7, 2-6 and 3-30. The document incorrectly states that this ordinance either prohibits boating between the weir and Nimbus Dam or that the ordinance prohibits boating for 1,000 feet downstream of Nimbus Dam. Sacramento County Code 13.24.010 prohibits boating swimming, rafting and floating within 150 feet of Nimbus Dam, not 1,000 feet as stated in the Draft EIR/EIS. Here is the complete text of the ordinance:

"Boating, swimming, rafting and floating in any other manner, with or without the use of an inflated tube or other flotation device, is prohibited on or in the waters of the American River for a distance of one hundred fifty feet downstream from the Nimbus Dam. (SCC 302 § 2, 1977.)"

State Parks has a Superintendent's Water Safety Order (Order No. 690-004-2010) which prohibits "bathing" (which includes swimming, wading, floating, etc) on the American River between the Hazel Avenue Bridge and Nimbus Dam and the order also prohibits boat launching in this same area.

S-2-5

The existing weir structure is certainly a danger to boaters, however if the weir is removed in the future, as anticipated in Alternatives 1A and 1C, hand launching of boats from the Nimbus Shoals area is feasible and could be an attractive future use for the area. The County ordinance is not an impediment to this potential future use and the State Parks Superintendent's order could be revised as necessary.

Letter S-2, Continued

Comments

Responses

S-2-6	<p>Another important piece of information to consider when analyzing the visitor management options for the Nimbus Shoals and the type of visitor access to be permitted is the availability of public parking in the areas adjacent to the Shoals. The paved parking lots adjacent to the Sacramento State Aquatic Center and located at the top of the bluff above Nimbus Shoals are part of the area managed by the Aquatic Center through an Operating Agreement with California State Parks and are, for the most part, available only to those visiting the Aquatic Center and not the general public.</p>	S-2-6: Comment noted. Reclamation will consider parking when making a decision on visitor management of Nimbus Shoals.
S-2-7	<p>There is a gate at the top of the access road down to Nimbus Shoals, and as is the case now, State Parks has the option to close the gate and prevent public vehicle access to the Shoals for public safety purposes. State Parks has closed this gate during periods of planned high releases at Nimbus Dam in order to protect public safety, including during the recent storms which have resulted in higher releases from Nimbus. The ability to close the gate during periods of high releases should mitigate most of the concerns regarding public safety and vehicles on the Nimbus Shoals due to high flows. Similarly, if there were concerns about the impact of public use at this location on fish during key portions of the salmon or steelhead spawning season, the gate could be closed and public vehicle access could be restricted during these periods.</p> <p>On page 3-30 the Draft EIR/EIS notes a launching point for car-top drift boats on the northern shore of the river northwest of the Hatchery. State Parks presumes this refers to the Sailor Bar river access, managed by Sacramento County Regional Parks, which is approximately one half mile downstream of the Hazel Avenue Bridge.</p>	S-2-7: While closing the gate can help address public safety concerns, it is uncertain if restricting vehicle access alone would be enough to alleviate sportfishing pressure on fisheries under Alternative 1A.
S-2-8	<p>The Sacramento State Aquatic Center, which operates an array of water and boating safety and instruction courses on Lake Natoma, has expressed interest in using Nimbus Shoals as a launch site for river boating classes in the future if the weir is removed.</p>	S-2-8: Comment noted. The Proposed Action would not create additional access for watercraft as it is not within Reclamation's authority to change the State Parks Superintendent's order against launching boats between Hazel Avenue and Nimbus Dam. However, Reclamation will consider boating interest in making a decision on visitor management of Nimbus Shoals.
S-2-9	<p>As stated in the Draft EIR/EIS, during the public involvement and meetings for the fish diversion project in 2003, whitewater boating interests were promoting creating an artificial whitewater course between Nimbus Shoals and the South Canal. Part of the impetus for such a concept was the unsuccessful San Francisco Bay Area bid for the 2012 Olympics. State Parks was not and is not supportive of the concept of an artificial whitewater course from the river to the top of Nimbus Dam (or the South Canal) or a multi-purpose fish passage channel that would accommodate both fish and boats. However, State Parks and Reclamation did meet with whitewater boating interests during this time period as part of the Folsom Lake SRA GP/RMP process. Through these meetings the idea of allowing boat launching at Nimbus Shoals in the future (if the weir were removed) and the concept of providing some type of water feature attractive to whitewater boating as part of the weir removal were discussed and explored. In the long term, presuming Alternative 1A or 1C is adopted, State Parks believes these are reasonable concepts to consider in order to accommodate boating interests, which would not interfere with the fish passage channel or create any unusual public safety issues. As noted above, these two concepts are articulated in guidelines in the Folsom Lake SRA GP/RMP, which are referenced on page 3-33 of the Draft EIR/EIS.</p>	S-2-9: Comment noted. The Proposed Action would not create additional access for watercraft as it is not within Reclamation's authority to change the State Parks Superintendent's order against launching boats between Hazel Avenue and Nimbus Dam. However, Reclamation will consider boating interest in making a decision on visitor management of Nimbus Shoals.
S-2-10	<p>Perhaps the Nimbus Hatchery Fish Passage Project, the purpose of which is to identify the best option to replace the existing weir and fish ladder, is not the best project or document to make long term public use decisions about the Nimbus Shoals. A Resource Management Plan or Visitor Management Plan which analyzed the public use</p>	S-2-10: As stated in the EIS/EIR, visitor management is being evaluated at a programmatic level because the project, Alternative 1 in particular, could change the visitor dynamic at Nimbus Shoals. Section 2.5 of the EIS/EIR states that under any of the visitor management options, a Visitor Use Management Team would be designated to coordinate on long-term management. The team may include the CDFG, Reclamation, the CDPR, and other agencies.

Letter S-2, Continued

Comments

Responses

S-2-10 (Cont.) and visitation of the entire Nimbus Hatchery and Shoals area, including: the public parking lot at the hatchery, hatchery visitation, various interpretive opportunities, and the use of the Shoals, might be a more appropriate vehicle to evaluate and make these decisions. If the existing weir is removed, future natural spawning by salmon and steelhead in Nimbus Shoals reach might be an important interpretive opportunity. Clarifying management responsibility for the Nimbus Shoals could be part of this project and process.


S-2-11 Lastly, as noted in our May 2009 letter regarding this project, State Parks would like to see a fence constructed along the north side of the river, below the paved bike trail between the Hazel Avenue Bridge and the Dam, to help prevent fishing on this side of the river. This area is an enforcement problem for State Park Rangers. State Parks believes that a barrier fence along with the new fishing regulations would help prevent illegal fishing in this location in the future. This steep embankment on the north side of the river is not suitable for recreation activities such as swimming or boat launching.

S-2-12 Environmental Consequences
Page 4-5 of the Environmental Consequences section of the Draft EIR/EIS discusses impacts to fisheries related to visitor use of the area. The document characterizes the Nimbus Shoals as a "highly visited area". Nimbus Shoals gets regularly use from fisherman, but compared to other portions of the park unit, such as Nimbus Flat, the nearby paved bike path or the Aquatic Center, Nimbus Shoals wouldn't be characterized as a high use area. State Parks is uncertain whether or not the fish passageway would increase use to the area, obviously this is also dependent on the visitor management option selected and the fishing restrictions adopted.

S-2-13 Page 4-20 of the Environmental Consequences in the Draft EIR/EIS discusses the effects of Alternative 1A on boating. As noted above in this letter, the document incorrectly indicates that County ordinance prohibits boating within 1,000 feet of Nimbus Dam; the ordinance prohibits boating within 150 feet of the Dam. The document states that launching boats from Nimbus Shoals could result in user conflicts between boaters and anglers. This seems like a somewhat speculative and unsupported statement and the same statement could be made about any of the river access/boat launching points along the entire length of the Lower American River.

S-2-14 Page 4-21 of the Environmental Consequences section of the Draft EIR/EIS discusses the effects of the visitor management options on recreation. The document indicates that the Walk-in Only management option would have the same beneficial effects as the public vehicle access option. Walk-in option will not provide the same level of access and range of potential activities as the public vehicle access with defined parking option, particularly if the nearest parking option is the Hatchery parking lot.

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

Sincerely,

Scott Nakaji
Gold Fields District Superintendent

S-2-11: There is a fence at this location, but it is subject to frequent vandalism. Reclamation would replace this fence under Alternative 1C or under the no public access visitor management option. The EIS/EIR has been updated accordingly.

S-2-12: Comment noted.

S-2-13: The concern with user conflicts between boaters and anglers at Nimbus Shoals under Alternative 1A, as compared to other river access/launching points along the lower American River, is the potential concentration of these activities in a limited area, especially in consideration of an increase in fishing in the area under Alternative 1A.

S-2-14: The referenced beneficial impacts on recreation pertain to reduced user conflicts and other amenities, such as picnic tables and sanitation facilities, that may be provided. The impact discussion text under the walk-in only option acknowledges that the absence of parking spaces may be an inconvenience for visitors.

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ORGANIZATIONAL COMMENTS

Letter O-1

Comments

Responses



**Nimbus Hatchery Fish Passage Project
Comment Form for Draft EIS/EIR**

Please provide written comments on the draft EIS/EIR using this form (attach additional sheets if necessary). This form may be left at the meeting registration table or mailed, e-mailed, or faxed using the contact information provided below.

Including your contact information is optional. Before including your name, address, phone number, e-mail address, or other personal identifying information in your comment, you should be aware that your entire comment—including your personal identifying information—may be made publicly available at any time. While you can ask us in your comment to withhold your personal identifying information from public review, we cannot guarantee that we will be able to do so.

Comment forms will be accepted until close of business on Tuesday, November 30, 2010.

Contact Information (Optional)

Name: Roberta Lerig
 Organization/Affiliation: MOUNTAIN DEMOCRAT
 Address: 226 ATWOOD CIR.
FOLSOM CA 95630

O-1-1

FISH ARE LOCAL FOOD
 HATCHERY
 ALTERNATIVE IC -
 LOWER MAINTENANCE
 FISH FRIENDLY?

O-1-2

VISITOR MANAGEMENT
 WALK-IN ONLY
 LIGHT USE SHOULD
 BE COMPATIBLE.

O-1-3

TOO MUCH VEHICLE
 USE IS NOT COMPATIBLE

David Robinson
 Bureau of Reclamation
 Central California Area Office
 7794 Folsom Dam Road
 Folsom, CA 95630-1799
 Phone: (916) 989-7179 | Fax: (916) 989-7208
 HatchPass@usbr.gov

O-1-1: Comment noted.

O-1-2: Comment noted. Reclamation will evaluate appropriate lighting in future planning for management of Nimbus Shoals.

O-1-3: Comment noted.

Letter O-2

Comments

Responses



www.americanwhitewater.org

Dave Steindorf
California Stewardship Director
4 Baroni Drive
Chico, CA 95928
530-343-1871
dave@americanwhitewater.org

November 17, 2010

Mr. David Robinson
US Department of the Interior
Bureau of Reclamation
Mid-Pacific Regional Office
7794 Folsom Dam Road
Folsom, CA 95630

Mr. Joe Johnson
California Department of Fish and Game
1416 9th Street, 13th Floor
Sacramento, CA 95814

RE: DEIS Nimbus Hatchery Fish Passage Project

Dear Mr. Robinson and Mr. Johnson,

American Whitewater is a national non-profit 501(c)(3) river conservation organization founded in 1954. We have over 5,000 members and 100 local-based affiliate clubs, representing whitewater paddlers across the nation. American Whitewater's mission is to conserve and restore America's whitewater resources and to enhance opportunities to enjoy them safely. A significant percentage of American Whitewater members reside in Central California—a short driving distance from the lower American River and the Nimbus Fish Hatchery in Gold River, CA.

American Whitewater is writing in support of Alternative 1 for the Nimbus Hatchery Fish Passage Project due to the improved recreational access. We have no comment on the two alternatives (1A and 1C) proposed for study and comment by the California Department of Fish and Game. We understand that the decision to select Alternative 1 does not by itself create any additional access for paddle watercraft, but is an important first step to opening this section of the river.

Sincerely,

Dave Steindorf
California Stewardship Director

O-2-1: Comment noted. The Proposed Action would not create additional access for watercraft as it is not within Reclamation's authority to change the State Parks Superintendent's order against launching boats between Hazel Avenue and Nimbus Dam. However, Reclamation will consider boating interest in making a decision on visitor management of Nimbus Shoals.

O-2-1

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INDIVIDUAL COMMENTS

Letter I-1

Comments

Responses

From: Peter Gandesbery [mailto:pgando99@jeffnet.org]
Sent: Friday, October 29, 2010 5:11 PM
To: BOR FOO Hatch Pass
Subject: weir removal options

Greetings,

I-1-1

As a kayaker who lives about 5 hours north of Sacramento it is seldom that I visit the area. However, I sometimes visit friends since I used to live in the area and once in the area I would go out of my way to paddle a feature such as a "play" wave below Nimbus Dam.

Peter Gandesbery

I-1-1: The Proposed Action does not create additional access for paddle watercraft. Boating within 150 feet of Nimbus Dam is prohibited by a Sacramento County ordinance. In addition, a State Parks order prohibits boat launching between the Hazel Avenue bridge and Nimbus Dam.

Letter I-2

Comments

Responses



Nimbus Hatchery Fish Passage Project
Comment Form for Draft EIS/EIR

Please provide written comments on the draft EIS/EIR using this form (attach additional sheets if necessary). This form may be left at the meeting registration table or mailed, e-mailed, or faxed using the contact information provided below.

Including your contact information is optional. Before including your name, address, phone number, e-mail address, or other personal identifying information in your comment, you should be aware that your entire comment—including your personal identifying information—may be made publicly available at any time. While you can ask us in your comment to withhold your personal identifying information from public review, we cannot guarantee that we will be able to do so.

Comment forms will be accepted until close of business on Tuesday, November 30, 2010.

Contact Information (Optional)

Name: John B. Hervey
 Organization/Affiliation: Self
 Address: 11355 New England Place, Sancho Cordova, CA 95620

I-2-1

Alternative 1C -
 Instead of a permanent fishing closure from the USGS cable to the Nimbus Dam have just a seasonal fishing closure. The dates could be different than the existing closure season downstream from the hatchery

I-2-2

Alternative 1A -
 Have closure 250' across the river downstream from Nimbus dam. String a cable across the river to mark boundary. Leave the rest of the ~~open~~ area upstream from Hazel open to public use and fishing and/or boat launching.

David Robinson
 Bureau of Reclamation
 Central California Area Office
 7794 Folsom Dam Road
 Folsom, CA 95630-1799
 Phone: (916) 989-7179 | Fax: (916) 989-7208
 HatchPass@usbr.gov

I-2-1: The Nimbus Shoals provides some of the highest quality habitat in the American River downstream of Nimbus Dam. For salmonids, the comparatively cool water temperatures, ample food supply, and high dissolved oxygen help create a low stress environment and consequently a relatively low potential for disease. Salmonids at various life stages are present in the area all year and the shoals have a variety of habitats, including deep pools and riffle complexes. Removing the weir structure and restoring the streambed will alter the shoals environment in a number of ways. Most notably this will increase the ability of fish to make use of this environment and to potentially increase the amount of available spawning habitat in the area. Year-round, fish will be able to use the shoals for rearing, holding, and spawning and as a migratory passageway to the hatchery. The shoals is a unique area to access and to fish; the CDFG recognizes this but is also aware of the great potential to impact fish populations and habitat due to high visibility, accessibility, and intense fishing pressure in a concentrated urban area. There are no other places in the state where fishing is allowed in next to a dam with an associated fish passage structure. Similar environments, such as the river near the fish barrier dam and the fish ladder for the Feather River Hatchery, are all closed to fishing year-round. Increased fishing and poaching pressure, along with the potential to introduce aquatic invasive species into the shoals and into Nimbus and American River Trout Hatcheries (Section 2.2 of the EIS/EIR), necessitate a year-round fishing closure to protect the shoals habitat. This is consistent with the CDFG's mission.

I-2-2: The 250-foot fishing closure area illustrated in the EIS/EIR for Alternative 1A is in accordance with current Fish and Game Code.

Letter I-3

Comments

Responses



**Nimbus Hatchery Fish Passage Project
Comment Form for Draft EIS/EIR**

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Comment forms will be accepted until close of business on Tuesday, November 30, 2010.

Contact Information (Optional)

Name: Darrick Hilbert

Organization/Affiliation: Person / Kayaker

Address: 5061 Cocoa Palm Way, Fair Oaks CA

I-3-1

| My for IC Alternative

I-3-1: Comment noted.

David Robinson
Bureau of Reclamation
Central California Area Office
7794 Folsom Dam Road
Folsom, CA 95630-1799
Phone: (916) 989-7179 | Fax: (916) 989-7208
HatchPass@usbr.gov

Letter I-4

Comments

Responses



Nimbus Hatchery Fish Passage Project
Comment Form for Draft EIS/EIR

Please provide written comments on the draft EIS/EIR using this form (attach additional sheets if necessary). This form may be left at the meeting registration table or mailed, e-mailed, or faxed using the contact information provided below.

Including your contact information is optional. Before including your name, address, phone number, e-mail address, or other personal identifying information in your comment, you should be aware that your entire comment—including your personal identifying information—may be made publicly available at any time. While you can ask us in your comment to withhold your personal identifying information from public review, we cannot guarantee that we will be able to do so.

Comment forms will be accepted until close of business on Tuesday, November 30, 2010.

Contact Information (Optional)

Name: DAVID LONG / pvechona@comcast.net

Organization/Affiliation: _____

Address: FOLSOM 226 MOON CIRCLE 95630

I-4-1 | DAVID ROBINSON PROVIDED EXCELLENT DETAILED INTERPRETATION OF ALTERNATIVES. I KNOW THE AREA WELL AS WELL AS ITS USE. ALTERNATIVE 1C SEEMS THE BEST, GIVEN ALL THE STAKEHOLDERS (INCLUDING THE FISH) AND THEIR NEEDS.

I-4-1: Comment noted.

David Robinson
Bureau of Reclamation
Central California Area Office
7794 Folsom Dam Road
Folsom, CA 95630-1799
Phone: (916) 989-7179 | Fax: (916) 989-7208
HatchPass@usbr.gov

Letter I-5

Comments

Responses

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

From: Joanne Vinton [<mailto:jmvinton@cmc.net>]

Sent: Thursday, November 11, 2010 10:28 AM

To: BOR F00 Hatch Pass

Subject: Comments on Nimbus Hatchery Fish Passage Project Draft EIS/EIR

Dear Mr. Robinson,

I-5-1 | My concern is for the native fish, so I'd like to see the dams removed. The hatchery can never make up for the loss of spawning habitat. On page 3 of Appendix A:

"Consider options for allowing the salmon to go around the dam and further upstream to access more of their original habitat. This would address the original purpose of the hatchery, which was to mitigate for the loss of salmon and steelhead habitat."

I-5-2 | I prefer an alternative that most benefits the fish. In the Draft EIS/EIR, I believe that's 1C with no public access.

It's heartbreaking to see salmon throwing themselves against the weir, so I'll be happy to see it go.

Sincerely,

Joanne Vinton
1206 48th Street
Sacramento, CA 95819
916-254-0131
jmvinton@cmc.net

I-5-1: Upstream fish passage is beyond the scope of the Nimbus Hatchery Fish Passage Project; however, removing the weir under Alternative 1A or 1C would remove a barrier to upstream fish passage. In separate efforts, Reclamation and other agencies are beginning to evaluate facilitating upstream fish passage beyond the dams.

I-5-2: Comment noted.

Letter I-6

Comments

Responses

11/26/10

To David Robinson

From Bill Back

RE Nimbus Hatchery Passage Project

David

First I wanted to thank you for putting on the open house earlier this month at the CSUS Aquatic Center. I enjoyed the time I spent there discussing this project with you and the DFG representatives. First I would like to give you a little background on myself. I have been an active angler in the project area since the early 70s. During that time I have become knowledgeable with many of the points brought forth in the EIR.

I-6-1

I am definitely opposed to options 1A and 1C. First of all, I am opposed to these plans because I am not convinced they will attract as many fish as the current weir system. I know that you assured me that tests were done by opening the gates at the end of the dam to about 50cfs and the salmon were attracted to that flow. 50cfs is nowhere near the amount flowing out of the generators which will be the major attractor of fish in the area. Currently with the gates all closed, fish will sit in a pretty large school at the north end of the dam. The majority of these fish will try to find their way upstream by heading into the current created by the powerhouse. A smaller number of fish will cruise back and forth across the face of the dam. Once some of the gates are opened on the dam, most of the fish leave the powerhouse area and try to move upstream in the current created by the open gates. I don't believe that enough fish will be attracted to go up this new proposed ladder especially with any type of increased flow from the dam itself. The addition of some sort of water jet being sprayed in front of the opening supports my thoughts. Secondly, I feel that the need for maintenance on this new ladder system is being discounted by the planners. I have seen a lot of water flow through this basin a number of times with the entire parking area being covered. I have also seen the changes created to the landscape by these flows. Moving water is and always has been a powerful force. I am sure you are well aware of this fact. This new proposed ladder system will not be immune to the forces of moving water.

I-6-1

Lastly the implementation of plans 1A or 1C will result in the significant loss of angling opportunities in the project area. A large number of anglers use this area and have for many years. It is a unique opportunity to be able to fish so close to a dam. I know the DFG would like to see this area closed due to the historical enforcement problems they have had in this area. The EIR indicates that this area has one of the highest rates of citations in the area. I don't believe this statement to be accurate. I do

I-6-2

believe it may have the highest number of citations but not the highest rate. Enforcement has always been an issue in this area. It is certainly hard to believe such a small area can't be patrolled more frequently with the region 2 offices so close by. There have been wardens in the past that have kept this

I-6-1: In addition to the test performed to assess fish attraction, an interagency team of qualified fish passage biologists and engineers participated in the design formulation and review (Reclamation 2006a). The attraction pipe at the entrance to the fishway was included and will be operated to provide a significant hydraulic signal in the tailrace of Nimbus Dam and to create noise to ensure attraction. The interagency team of experts was confident that this feature would provide the attraction necessary to collect the fish needed to meet hatchery production goals. Reclamation (2010) conducted a hydraulic study and considered this data and the need for the fish ladder to be able to withstand flood releases from Nimbus Dam in the fish ladder design. Comment noted regarding concern over loss of fishing opportunities.

I-6-2: The Nimbus Basin is patrolled frequently. It would be beyond agency resources to have a warden patrol the area 24 hours a day. Game wardens are tasked with far more than proactive angling patrol in the Nimbus Basin. Besides angling patrol, game wardens are tasked with required monthly training and qualifications, administrative duties, Peace Officer Standards and Training continuing education requirements, hunting and fishing seasons, habitat protection, and other duties. The Nimbus Basin is a small area in Sacramento County that encompasses numerous lakes, rivers, streams, and other areas of responsibility. The Basin is patrolled by more than the squad that covers Sacramento County. The area is frequented by Delta Bay Enhanced Enforcement Project wardens and many field training officers who work the area due to the high level of activity and the history of violations. The Basin gets more attention from CDFG Law Enforcement than most areas of the county, but the work force is limited. There is no readily available statistical data on the rate or volume of citations issued specifically in the Nimbus Basin. However, it is clear from the anecdotal evidence from seasoned game wardens, Delta Bay Enhancement Enforcement Project wardens, and field training officers that CDFG patrol of this area is frequent, and numerous citations are issued for Nimbus Shoals each year.

Letter I-6, Continued

Comments

Responses

I-6-2 | area in control with their frequent presence. The Wardens simply are not spending enough time in this area when you look at the number of users. There are a large number of law abiding and resource protecting users of this area. It would be wrong to take another area away from them.

I-6-3 | I am conditionally supporting option 2. While I don't think a new weir system is really needed, option 2 would place a weir that would work as well as the existing unit.

I-6-4 | I am a supporter of the no action alternative. The current weir has done a fine job for a lot of years. A lot of talk has taken place over the maintenance requirements of the existing weir. Approximately every 10 years historically there have been flows high enough to require maintenance to the weir. The last I saw was the dumping of some pretty large rocks immediately upstream from the weir. I think this was a good move and will hold up much longer than previous attempts. Once again, the power of moving water will require future maintenance just like options 1A and 1C. There are comments in the EIR indicating the existing weir impacts the ability of the hatchery to meet its mitigation goal. This is simply not true. In the last few years any difficulties reaching hatchery goals can't be blamed on this weir that has worked so well for decades. Salmon stock levels are impacted throughout the Sacramento River system by obvious ocean conditions. I feel that any money spent should be aimed at better controlling river temperatures to a level that enhance spawning of Salmon and Steelhead.

I have been told that the price tag for options 1A and 1C are about 7 million dollars while the price for option 2 is about 13 million dollars. With the current economic crisis we are facing in this state as well as the nation, I feel we should not spend any money on a "nice to have-not needed" project.

William Back
williamback@att.net

I-6-3: Comment noted.

I-6-4: While ocean conditions are impacting fisheries, there are also several ways in which the weir can affect the ability of the hatchery to meet its mitigation goals and requirements, which extend beyond the number of fish collected and include requirements to preserve genetic diversity in the American River. The Nimbus Hatchery Operation Goals and Constraints require the CDFG to collect salmon throughout the entire run, which typically begins late summer and continues through early winter, in order to represent the genetic diversity through the entire run. The new ladder design is intended to eliminate unnecessary environmental conditions that prevent or curtail the Nimbus Hatchery Goals and Constraints and to further ensure that the mitigation goals are reached. Installation of the weir requires that flows from Folsom Reservoir be lowered around mid-September to around 1,500 cfs for several hours during the installation process. Flows greater than 5,000 cfs require that the weir be removed to prevent damage to the support structure. Since the weir is put in place before adult Chinook salmon reach spawning age, early arriving salmon can get trapped upstream of the weir after its installation in September, which eliminates them from contributing to the hatchery spawning population. If there is damage done to the weir structure due to high flows, then the weir will not be able to function as intended and direct fish to the hatchery for collection. Alternatively, weir removal to prevent damage from high flows would not allow fish to be directed into the hatchery and could also result in non-representation of the genetics of the latter portion of the run. In addition to addressing operational constraints, the new design is intended to eliminate safety and maintenance issues associated with the current weir.

Letter I-7

Comments

Responses

From: John B. Hervey [mailto:jbhervey@yahoo.com]
Sent: Friday, December 03, 2010 2:45 PM
To: BOR FOO Hatch Pass; CDFG Region 2
Subject: Nimbus Hatchery Fish Passage Project

US Bureau of Reclamation
CA Department of Fish and Game

RE: Nimbus Hatchery Fish Passage Project

I have an additional comment since the project Open House in November.

Fish Ladder -

I recall the drawings at the open house showing the ladder portion of the fishway being in the Nimbus Shoals area. Part of the experience of visiting the hatchery during the fall spawning season is watching the fish jump the ladder going to the hatchery.

I-7-1

I would suggest the project design put the ladder portion of the fishway by the hatchery instead of on the east side of Hazel Avenue. Or if site constraints don't allow that then at least as much of the ladder as feasible. This will improve the entire visitor experience by putting everything in one easily accessible area.

John B. Hervey

I-7-1: Functional design constraints do not allow for the ladder to be placed closer to the hatchery. In recognition that the visitor experience at the hatchery would change, a new viewing plaza was included in the Proposed Action during the planning phase.