

DEPARTMENT OF FISH AND GAME

REGION 2

1701 NIMBUS ROAD, SUITE A
RANCHO CORDOVA, CA 95670

(916) 358-2900



WATER PLANNING

MAR 01 1996

DEPARTMENT

February 27, 1996

Mr. John Lampe
Director of Water Planning
East Bay Municipal Utility District
375 Eleventh Street
Oakland, California 94607-4240

Dear Mr. Lampe:

The Department of Fish and Game (DFG) has reviewed the Notice of Preparation (NOP) for a Draft Environmental Impact Report (EIR) for the Folsom South Canal Connection Project. The project proposes to construct a canal to divert water (500 cfs) from the Folsom South Canal (Sacramento County) to the Mokelumne Aqueducts (San Joaquin County). The pipeline will be a maximum of 120 inches in diameter and will be buried at a depth of approximately 5 feet. The right-of-way will be 100 feet wide and be approximately 32 miles long, travelling mostly along the Central California Traction Railroad right-of-way.

The DFG is providing these comments as a Trustee Agency having jurisdiction by law over natural resources affected by a project which are held in trust for the people of the State of California (California Environmental Quality Act Guidelines Sec. 15386 et seq.).

The DFG recommends the following concerns regarding impacts to fish and wildlife resources in the project area be addressed in the Draft EIR:

1. The project's impact on State- or Federally-listed rare, threatened, or endangered species. The list of potentially impacted special status species provided in the initial study is adequate for this project.

The DFG recommends that surveys be conducted at the time of year when endangered or threatened species are both evident and identifiable. Field surveys should be scheduled to coincide with the appropriate breeding or other life history stage of animals, when they are likely to be evident, or with peak flowering periods and/or during periods of phenological development that are necessary to identify a plant species of concern. Full biotic lists should be included in the Appendices of the Draft EIR.

Any activity resulting in loss of habitat, decreased reproductive success, or other negative effects on population levels of State-listed endangered or threatened species should be addressed. If it is not possible to avoid impacts to sensitive species, then mitigation should be provided which reduces project impacts to levels of insignificance.

2. The project's impact upon wetlands, with special attention paid to vernal pool habitat. The subject lands should be surveyed for wetlands. All streams, ponds, intermittent drainages, vernal pools, and wetlands should be identified and protected. If the proposed project unavoidably impacts wetlands, mitigation should be provided that is based on the concept of no net loss of wetland habitat values or acreage. Permanent wetlands should be protected by no less than 100-foot setback buffer areas. Intermittent streams and swales should be protected by no less than a 50-foot non-building setback buffer established on each side of the stream.
3. The DFG recommends that the project be designed so that the loss of oak trees is avoided. If the loss of oak trees is unavoidable, then a mitigation plan should be developed which results in the retention of the maximum number of oak trees of various size classes. The mitigation should include the following:
 - a. Individual trees or groups of trees that are retained as a function of project design should be fully protected both during and after construction. During the construction of the project, a temporary protective fence should be established a minimum of 10 feet beyond the drip line of the retained oaks. Within this protective buffer, no grading, trenching, filling, or vegetation alteration should be allowed.
 - b. After project construction, a fact sheet describing the value and care of native oaks should be prepared and distributed to all residents. At a minimum, this fact sheet should encourage homeowners to avoid unnecessary pruning and encourage, except where a safety hazard occurs, the retention of snags. This fact sheet should be prepared by a qualified biologist.

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- c. Individual trees that are unavoidably lost due to project implementation should be fully mitigated through the planting of oak seedlings that are obtained from local genetic stock. We recommend a replacement rate of 5:1 for trees that are two inches or greater in diameter measured at breast height (dbh). We recommend a replacement rate of 1:1 for all trees less than two inches dbh. Every effort should be made to retain "heritage" oaks; that is, oaks in excess of 24 inches dbh.
 - d. A five-year monitoring plan should be completed for all oak mitigation plantings. The monitoring plan should include appropriate irrigation schedules, as well as criteria for success and reestablishment during the five year period. A success rate of no less than 80 percent at the end of the five-year monitoring period is recommended.
4. In order to comply with Public Resources Code Section 21081.6, a detailed monitoring program must be developed for all mitigation conditions. The monitoring program should include the following:
 - a. Specific criteria to measure the effectiveness of mitigation.
 - b. Annual monitoring for a minimum of five years. Annual written reports submitted to the lead agency and the DFG.
 - c. Annual monitoring reports, each of which include corrective recommendations that shall be implemented in order to ensure that mitigation efforts are successful.
5. We believe that adherence to the Hodge flow requirements for the lower American River (LAR), namely 2,000 cfs from mid-October through February, 3,000 cfs from March through June and 1,750 cfs from July through October 15, may reduce some of the harmful impacts of the project upon the aquatic resources of the lower American River. However, the effects of the Hodge flows are still under study. These ongoing studies may yet point to the need for greater flows in the American River for anadromous and/or resident aquatic species. The EIR should acknowledge the Hodge flow requirement and address the possibility of required river flow increases that could reduce the availability of water for this project.

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6. The draft EIR should evaluate alternative means for meeting the district's water supply needs, such as diverting from the Sacramento River downstream of the American River confluence, as discussed in previous correspondence from the Department to EBMUD regarding the Water Supply Management Program Action Plan Final EIR (Attachment 1).
7. The draft EIR should evaluate the cumulative environmental effects of the proposed project, particularly with regard to potential effects of the proposed diversion on lower American River fisheries, in relation to past, present and reasonably anticipated future projects. Included among activities in these categories that are likely to have related environmental effects are the Department of the Interior implementation of the Central Valley Improvement Act, the American River Watershed Investigation, the City of Sacramento Water Supply Expansion Project, Folsom Dam and Reservoir interim re-operation, the American River Water Resources Investigation, the Sacramento Area Water Plan, and the State Water Resources Control Board's process for development of a water right decision for implementation of the Bay-Delta Water Quality Control Plan. Consideration should also be given to those concerns expressed within the context of the Sacramento Area Water Forum (Attachment 2).
8. Folsom and Natoma reservoirs contain valuable and popular sport fisheries which may be significantly and harmfully impacted by additional diversion of water from the American River drainage. Folsom Lake provides a coldwater and warmwater fishery. Anglers have regarded salmonid angling (mostly trout at present; king and silver salmon in the past) in Folsom Lake as among the best in the State. Lake Natoma supports a seasonal trophy trout fishery. Harmful impacts upon these fisheries from the project should be considered and evaluated in the EIR. Appropriate mitigation must be provided to mitigate these impacts to levels of insignificance.

The applicant should be advised that work consisting of but not limited to diversion or obstruction of the natural flow or changes in the channel, bed, or bank of any river, stream, or lake, will require notification to the DFG as required by Fish and Game Code Section 1600 et seq. The notification (with fee), and subsequent agreement, must be completed prior to initiating any such work. Notification to the DFG should be made after the project is approved by the lead agency. The agreement process should not be used in lieu of specific mitigation measures to be included as conditions of project approval by the lead agency.

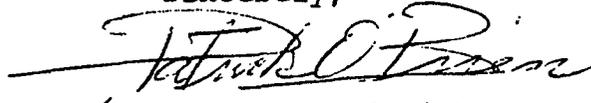
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Pursuant to Public Resources Code Sections 21092 and 21092.2, the DFG requests written notification of proposed actions and pending decisions regarding this project. Written notification should be sent to this office.

This project will have an impact to fish and/or wildlife habitat. Assessment of fees under Public Resources Code Section 21089 and as defined by Fish and Game Code Section 711.4 is necessary. Fees are payable by the project applicant upon filing of the Notice of Determination by the lead agency.

If we can be of further assistance, please contact Ms. Terry Roscoe, telephone (916) 358-2876 or Mr. David Zezulak, Acting Environmental Services Supervisor, telephone (916) 358-2919.

Sincerely,



for L. Ryan Broddrick
Regional Manager

Attachments (Two)

cc: Ms. Terry Roscoe
Mr. David Zezulak
Department of Fish and Game
Rancho Cordova, California 95670

Mr. Joel Medlin
U. W. Fish and Wildlife Service
2800 Cottage Way Room E-1803
Sacramento, California 95825