



United States Department of the Interior

FISH AND WILDLIFE SERVICE

Ecological Services

Sacramento Field Office

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IN REPLY REFER TO:

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PPN 1980
1-1-96-TA-530

March 7, 1996

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WATER SUPPLY IMPROVEMENTS

Ms. Maria Morrison
Project Engineer
East Bay Municipal Utility District
375 Eleventh Street
Oakland, California 94607-4240

Subject: Notice of Preparation of a Draft Environmental Impact Report;
Folsom South Canal Connection Project, East Bay Municipal
Utilities District (EBMUD), Sacramento and San Joaquin
Counties, California

Dear Ms. Morrison:

The U.S. Fish and Wildlife Service (Service) has reviewed the Notice of Preparation of a Draft Environmental Impact Report (DEIR) for the Folsom South Canal Connection Project. These comments are intended to assist you in your review of the proposal, and will not take the place of any formal comments that may be required under the provisions of the Fish and Wildlife Coordination Act.

GENERAL COMMENTS

The Initial Study addresses potential environmental impacts and their level of significance. The level of significance for each impact ranges from Potentially Significant Impact to No Impact. The DEIR needs to clearly and specifically state the rationale used for determining that an impact is potentially significant or less than significant.

The DEIR fails to present alternative diversion points for the conveyance of 150,000 acre feet annually (AFA) of Bureau of Reclamation (Bureau) water. The DEIR should present and analyze the feasibility of obtaining the contracted water from downstream sources, such as along the Sacramento River rather than the American River. Studies should be conducted to compare the effects of a Folsom South Canal project versus a Sacramento River diversion project on fish and wildlife species and habitats. Additionally, studies to evaluate opportunities for multiple use benefits to fish and wildlife resources from a Sacramento River diversion, such as movement of gravels and the increased water for backwater sloughs, should be investigated.

Given the fact that EBMUD has a contract to obtain 150,000 AFA of water from the Bureau, studies need to be conducted to analyze the effect upon fish and wildlife resources that will occur at Folsom and Natoma Reservoirs, the lower American River, Sacramento River, and the San Francisco Bay Delta (Delta) as a result of the Bureau altering its flow releases from Folsom Reservoir in order to meet this contract. During low water years, when compliance with Judge Hodge's Physical Solutions is not possible, will the Bureau release extremely low amounts of water down the lower American River in order to increase carryover storage at Folsom Reservoir to ensure water for EBMUD in future months? How will the change in flow release affect carryover storage at Folsom Reservoir?

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The DEIR needs to discuss what additional water diversions are planned from the Folsom South Canal as a result of this project and assess the all potential changes to the Delta due to these water diversions. The proposed action has the potential to exacerbate present deficiencies of seasonal instream flows to Suisun Bay and Delta, thereby adversely affecting the distant aquatic habitats of sensitive fisheries and botanical species. On December 19, 1994, the Service published the final rule to list the Delta smelt (*Hypomesus transpacificus*), as a threatened species. This publication also identified critical habitat for the Delta smelt. On January 6, 1994, a proposed rule to list the Sacramento splittail (*Ponichthys macrolepidotus*) as threatened species was published in the Federal Register. Additionally, on June 12, 1995, the Service published a proposed rule to list two plants occurring within Suisun Marsh as endangered, the Suisun Marsh thistle (*Cirsium hydrophilum* var. *hydrophilum*) and soft bird's-beak (*Cordylanthus mollis* ssp. *mollis*). Changes in salinity in the Delta resulting from reduces inflows of freshwater could adversely affect these species.

The Initial Study superficially assesses effects, but does not incorporate cumulative, interrelated, or interdependent effects to federally listed, proposed, and candidate species. The Service views the action area of the project to include Alameda, Contra Costa, and Solano Counties because these counties will receive additional water or be potentially impacted by water diversions as a result of this project. The DEIR should address all direct and indirect impacts, including growth inducing impacts resulting from this project. These effects need to be analyzed for Alameda, Contra Costa, Sacramento, San Joaquin, and Solano Counties.

Suitable habitat exists for a number of endangered or threatened species within the action area of the project. The Service is concerned about the potential impacts of the proposed project to these species. Adequate surveys and analyses of impacts to any federally listed or proposed species should be made.

Enclosure A provides a list of sensitive species that may occur in the counties of the project area and general survey guidelines. Enclosure B recommends general guidelines for identifying and mitigating project impacts to fish, wildlife, and their habitats. We encourage you to use these guidelines to develop a comprehensive environmental document that addresses these needs.

SPECIFIC COMMENTS

Page 4. The Service disagrees that the project as described is not subject to the National Environmental Policy Act (NEPA). This project would initiate several Federal actions and effect existing Federal projects or land use designations, including: 1) a change in the point of diversion for Federal Central Valley Project water from the American River into the Folsom South Canal; 2) the diversion of 150,000 AFA away from the lower American River which was designated by the Secretary of the Interior as a recreational river in 1981 under the National Wild and Scenic Rivers Act; 3) review of an application for a Clean Water Act Section 404 permit by the U.S. Army Corps of Engineers to dredge or place fill material into wetlands or waters of the United States; and 4) terminus of the Folsom South Canal connection would be at a Federally licensed Federally Energy Regulatory Commission project.

Page 8. The Initial Study states that only two general areas will be analyzed during the EIR process: 1) The lower American River study area, which includes everything from the Folsom Reservoir down to the confluence with the Sacramento River; and 2) The Folsom South Canal Connection study area, which extends from the turn out on the existing canal to the Mokelumne Aqueducts. The Service feels that impacts to fish and wildlife resources should also be studied within the Sacramento River and the Delta. Studies need to be conducted to analyze the effects of increases or decreases of water temperature during different water years. Additionally, worst case scenarios, such as during years when the American River contributes an abnormally high

amount of water to the Sacramento River/Delta system, should be conducted to determine their effects on fish and wildlife resources.

Page 11. The Initial Study states that there would be a less-than-significant impact on public trust resources of the lower American River from this project because EBMUD will abide by the Physical Solution imposed in the Hodge Decision, which requires minimum instream flows. The Service feels that it is too early to determine that there would be a less-than-significant impact to public trust resources along the lower American River because the effect of Hodge flows on fisheries resources are still being studied. The DEIR should compare and analyze Hodge Flow simulations and their predicted effect to fish and wildlife resources with the table-based and trigger-based simulations developed and tested by the Sacramento Area Water Plan Forum in their Fish Biologist Working Session (Beak Consultants, Inc. 1995).

Page 17. The Service disagrees with the statement that the proposed project is not likely to cause population projections to be exceeded or substantial new growth to occur. If more water is available more developments will likely be planned.

Page 24. The Service disagrees that the effect of the District's water delivery on the river environment would be less-than-significant. A 2 to 3 percent reduction in flows may significantly affect: (1) transportation of larval Delta smelt; (2) the position of the x2, the zone of fresh and saltwater interface where the bottom salinities are 2 ppt, and (3) water temperature in the Sacramento River and Delta.

Page 30. The Initial Study states that changes in fish habitat in the Sacramento River and the Delta would be less-than significant as a result of this project since flow changes would be minimal. The DEIR needs have an analysis of impacts to fish habitat under worst case water year scenarios combined with up- and downstream water demands. There are several present and reasonably foreseeable future projects that were not taken into account, but need to be, under these simulations, including: 1) Central Valley Project Improvement Act implementation; 2) Revised Sacramento River Winter-Run Salmon Biological Opinion; 3) Revised Delta Smelt Biological Opinion; 4) Potential listing of the Sacramento splittail under the Endangered Species Act; 5) American River Watershed Investigation; 6) American River Water Resources Investigation; 7) and State Water Resource Control Board Water Quality Control Plan for the San Francisco Bay/Sacramento-San Joaquin Delta Estuary.

If you have any questions regarding these comments, please contact Jason Davis (Wetlands Branch) at (916) 979-2113, or Kirsten Tarp regarding botanical issues at (916) 979-2120.

Sincerely,


 L Joel A. Medlin
 Field Supervisor

Enclosures

cc: AES-Portland, OR
 FWS-ES, Section 7
 Reg. Mgr., CDFG, Reg. II, Rancho Cordova
 (w/o enclosures)
 California Sportfishing Protection Alliance, Quincy
 (with enclosures)

REFERENCES

Beak Consultants, Inc. 1995. Sacramento Area Water Plan Forum - Final Fish Biologists Working Session Summary.