Nancy Summers <summers@directcon.net>

<Jwatts@waterboards.ca.gov>

From:

To:

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10/23/2011 8:00 PM
Date:
Subject:
                    Fwd: Water Quality Certification Letter
> REFERENCE: STATE WATER RESOURCES CONTROL BOARD'S DRAFT 401 PERMIT
> FOR SACRAMENTO MUNICIPAL UTILITY DISTRICT'S PROPOSED RELICENSING OF
> THE UPPER AMERICAN RIVER PROJECT, FEDERAL ENERGY REGULATORY
> COMMISSION PROJECT NO. 2101.
> Ms Watts
> Listed below are my comments regarding the Draft 401 Permit for the
> above project. These comments concern only those portions of the
> Certification dealing with the proposed Iowa Hill project.
> PUBLIC ENVIRONMENTAL REVIEW
> Your letter to SMUD of June 30, 2008 calls attention to the fact
> that the Iowa Hill portion of the FERC application is so lacking in
> project-specific details that the Board will have to condition the
> 401 Certification to ensure that "sufficient information is gathered
> before construction and operation of the proposed Iowa Hill facility
> can begin." The draft Certification speaks to that lack of
> information in Paragraph 17, page 6 where it states "Additional
> environmental review pursuant to the California Environmental
> Quality Act (CEQA) WILL be required prior to
> construction." (Emphasis mine) However, in many other sections of
> the draft Certification it is clear that the Deputy Director will
> have authority to determine if further environmental review is
> required. As an example, in Paragraph 76, Page 22, it states that
> SMUD will consult with the State Water Board and "other state and
> federal agencies to assure that appropriate measures are implemented
> that will minimize or avoid potential adverse environmental
> impacts." That Paragraph goes on to say that the Deputy Director
> will determine if an amended Certification that speaks to water
> quality and the environment is required. That seems to say that the
> Deputy Director could determine that public review of some
> environmental impacts, other than those affecting water quality, is
> not required.
> As you know, in the Policy And Case Law section of the CEQA
> Guidelines (Paragraph 15003) it states, in part, "The EIR is the
> heart of CEQA/" It goes on to say, "The EIR is to demonstrate to
> an apprehensive citizenry that the agency (In this case, SMUD) has,
> in fact, analyzed and considered the ecological implication of its
> actions." Let me assure you, by not being forthcoming regarding
> project-specific plans, SMUD has not created any EIS, EIR or any
> other CEQA-required document that has demonstrated to our
> "apprehensive citizenry" that SMUD has adequately considered the
> ecological damage that will be created by this massive project.
> Therefore, I respectfully request in the 401 Permit it is made
> explicitly clear that as project-specific documents are produced
> SMUD will be required to go through the public processes of a
> complete and comprehensive EIR. Further, I request that it be
> stated that any decisions, by your Board's staff or any other
> agency, that reduce or eliminate the need for public review of
> environmental impacts, be publicly divulged immediately.
> FIRE DANGER
> In Paragraph 31, Page 11, it is stated that the "debris pile"
> located below Slab Creek Reservoir dam is "entirely composed of wood
> debris." Having observed the debris trapped behind the dam close up
> and from the air, and living within view of the reservoir, I am very
> aware of the clean-up operation and I disagree with that statement.
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> Any threat to water quality from that pile would, of course, not be

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> visually evident. Only tests of water quality above and below the
> pile would reveal if toxins are released during periods of
> leaching. Be that as it may, the fact that when State Water Board
> staff visited the site they were accompanied by staff from USFS and
> California Department of Forestry and Fire Protection (Cal Fire),
> implies that there was some discussion regarding the pile as a
> potential fire threat. Any mention of fire threat of any kind in
> the Draft Certification is conspicuous in its absence.
> In September of 2007 the Unit Chief of Cal-Fire opined in writing
> that the pile does, indeed, "pose a significant threat to wildfire
> danger." In a memorandum by Doug Leisz it is stated: "The
> topography, vegetation, rugged multiple canyons and very poor access
> combine to present a serious fire threat to the surrounding area of
> homes AND IMPORTANT WATERSHED LANDS. (Emphasis mine) Construction
> projects that include clearing and disposal of hazardous fuels in
> such sites have a potential to cause a major conflagration. The
> risk is increased by the number of construction workers on
> site....." Mr. Leisz often refers to the subject debris pile as
> "that pile of matchsticks." It must be noted that Mr. Leisz is the
> retired Associate Chief of the United States Forest Service and a
> Registered Professional Forester.
> It is recognized that the SWRCB does not normally concern itself
> with Fire Plans. However, the Board surely must recognize, given
> SMUD's history of UARP fires and the widespread recognition that the
> Slab Creek Reservoir Canyon is in an area of extreme fire risk and
> hazard, that the potential of significant damage to watershed lands
> is at least worthy of discussion and yet there is not a single
> mention of potential damage to the watershed in the Draft
> Certification.
> SMUD has stated that a fire plan will be developed approximately
> three or four years after the SMUD Board authorizes staff to go
> ahead with detailed planning and design. That decision will not be
> made until some time after the License is granted yet SMUD has
> agreed to provide water flows for recreation purposes within 90 days
> after license issuance. In other words, a significant increase of
> public use of the river in this extremely hazardous area will be
> promoted long prior to the development of any fire plan. There have
> been two fires started in the canyon within the last year (at least
> one by rafters) and yet, when asked who might be responsible for
> monitoring the use and/or abuse of the lands due to these new water
> releases, SMUD officials are mute.
> The Draft Certification should include a statement regarding the
> extreme fire danger that exists on and in the vicinity of the lowa
> Hill project. Additionally, Staff should develop significant
> Certificate Conditions that result in an interim fire/monitoring
> plan being approved prior to any increased recreational use of Slab
> Creek Reservoir waters. An amended or new plan can be developed and
> reviewed later when planning and construction details are released.
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