

FINAL

# INITIAL STUDY/ MITIGATED NEGATIVE DECLARATION

*for the*

YUBA COUNTY WATER AGENCY

PROPOSED EXTENSION PETITION FOR THE INTERIM INSTREAM  
FLOW REQUIREMENTS UNDER

STATE WATER RESOURCES CONTROL BOARD

REVISED WATER RIGHT DECISION 1644

## Introduction and Overview

*Prepared for*

*Yuba County  
Water Agency* 

*Prepared by*

**SWRI** SURFACE WATER  
RESOURCES, INC.

*January 2006*

(STATE CLEARINGHOUSE NUMBER: 2005122008)

## Introduction and Overview

The Final Initial Study/Mitigated Negative Declaration (IS/MND) for the Proposed Extension Petition for the Interim Instream Flow Requirements Under State Water Resources Control Board Revised Water Right Decision 1644 (Proposed Project) has been prepared, and includes the following items:

- Introduction and Overview
- Mitigated Negative Declaration
- Mitigation Monitoring and Reporting Program
- Responses to Comments Received on the Public Draft IS/MND
- Revisions to the Public Draft IS/Proposed MND (Errata)

The IS/MND was prepared to assess the environmental impacts associated with Yuba County Water Agency's (YCWA) submittal of a petition to modify the terms of YCWA's water right permits to change the effective date of RD-1644 long-term instream flow requirements from April 21, 2006 to March 1, 2007. Additionally, pursuant to Water Code §1725, YCWA and the California Department of Water Resources (DWR) propose to conduct a one-year water transfer for 2006 (April 2006 through February 2007). The proposed project would enable a one-year water transfer of up to 125,000 acre-feet of water from YCWA to DWR, which would provide YCWA a source of revenue and assist DWR in meeting a substantial portion of the Environmental Water Account Program asset acquisition goal for 2006. The proposed project involves YCWA transferring water from New Bullards Bar Reservoir via the Yuba River Development Project (Yuba Project) facilities to DWR via the lower Yuba River, lower Feather River, Sacramento River, and the Delta.

All of the five items listed above, including: (1) this introduction and overview; (2) the mitigated negative declaration; (3) the mitigation monitoring and reporting program; (4) the comment letters identifying specific comments and responses to these comments; and (5) the errata sheet describing revisions to the Draft IS/Proposed MND, together with the Draft IS/Proposed MND, constitute the Final Initial Study/Mitigated Negative Declaration for the Proposed Project.

In compliance with Section 15074 of the California Environmental Quality Act, the complete package of information comprising the Final IS/MND has been provided to the YCWA decision-making body for review and consideration as part of the decision-making process used to determine whether to adopt the MND and implement the Proposed Project.

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**Mitigated Negative Declaration**

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**SWRI** SURFACE WATER  
RESOURCES, INC.

*January 2006*

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**MITIGATED NEGATIVE DECLARATION**

**PROJECT TITLE:** PROPOSED EXTENSION PETITION FOR THE INTERIM INSTREAM FLOW REQUIREMENTS UNDER STATE WATER RESOURCES CONTROL BOARD REVISED WATER RIGHT DECISION 1644

**DATE:** January 9, 2006

**PROJECT APPLICANT:** Yuba County Water Agency

**LEAD AGENCY:** Yuba County Water Agency

**CONTACT PERSON:** Curt Aikens, General Manager (530/741-6278)

**PROJECT DESCRIPTION**

Yuba County Water Agency (YCWA) is submitting a petition to modify the terms of YCWA's water right permits to change the effective date of RD-1644 long-term instream flow requirements from April 21, 2006 to March 1, 2007. Additionally, pursuant to Water Code §1725, YCWA and the California Department of Water Resources (DWR) propose to conduct a one-year water transfer for 2006 (April 2006 through February 2007). The proposed project would enable a one-year water transfer of up to 125,000 acre-feet of water from YCWA to DWR, which would provide YCWA a source of revenue and assist DWR in meeting a substantial portion of the Environmental Water Account Program asset acquisition goal for 2006. The proposed project involves YCWA transferring water from New Bullards Bar Reservoir via the Yuba River Development Project (Yuba Project) facilities to DWR via the lower Yuba River, lower Feather River, Sacramento River, and the Delta.

**DECLARATION**

Yuba County Water Agency has determined that, although the above project could have a significant impact on the environment, mitigation measures described in the Initial Study and Mitigation Monitoring and Reporting Program have been incorporated into the project that avoid the potential of significant impacts or mitigate the impacts to a point where clearly no significant impacts would occur. The determination is based on the attached Initial Study (SCH # 2005122008), the whole record before the Agency, and the following findings:

1. The project will not degrade environmental quality, substantially reduce habitat, cause a wildlife population to drop below self-sustaining levels, reduce the number or restrict the range of special-status species, or eliminate important examples of California history or prehistory.
2. The project does not have the potential to achieve short-term environmental goals to the disadvantage of long-term environmental goals.
3. The project will not have impacts that are individually limited but cumulatively considerable.

4. The project will not have environmental effects that will cause substantial adverse effects on human beings, either directly or indirectly.
5. No substantial evidence exists that the project will have a negative or adverse effect on the environment.
6. The project incorporates all applicable mitigation measures or environmental commitments identified in the Initial Study (attached).
7. This Mitigated Negative Declaration reflects the independent judgment of the lead agency.

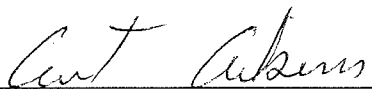
The following environmental commitments (mitigation measures) will be implemented by the agency as part of the proposed project. Implementation of these measures would reduce any potential impacts to a less-than-significant level.

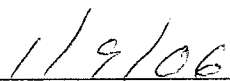
- Air Quality - YCWA and Member Units No Net Increase Air Quality Mitigation Plan
- Fisheries Resources - River Management Team/YCWA coordination and consultation regarding 2006 Pilot Program Fisheries Agreement
- Terrestrial Resources- EWA EIS/EIR Mitigation Plan (SCH # 2001072046) for Reservoir Drawdown
- Cultural Resources- EWA EIS/EIR Mitigation Plan (SCH # 2001072046) for Reservoir Drawdown
- Groundwater Resources- YCWA Groundwater Monitoring and Reporting Plan

The mitigation measures are described in more detail in the Mitigation Monitoring and Reporting Program, which is adopted concurrent with this Mitigated Negative Declaration.

The public review period for the Draft Initial Study/Proposed Mitigated Negative Declaration expired on December 22, 2005. YCWA is not required to respond to any comments received after this date.

The Initial Study, documents referenced in the Initial Study, Proposal to Adopt Mitigated Negative Declaration, comments on the Proposal, and other documents concerning the Project are on file and available for public review at the Yuba County Water Agency office, 1402 D Street Marysville, CA 95091, (530) 741-6278. Curt Aikens, Agency General Manager (same address and phone), is the custodian of the documents that constitute the record of proceedings upon which the decision in this matter is based.

  
\_\_\_\_\_  
Curt Aikens  
General Manager  
Yuba County Water Agency

  
\_\_\_\_\_  
Date\*

(\*To be signed upon adoption of the Mitigated Negative Declaration by the decision-making body of the Yuba County Water Agency.)

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MITIGATED NEGATIVE  
DECLARATION**

*for the*

**YUBA COUNTY WATER AGENCY**

**PROPOSED EXTENSION PETITION FOR THE INTERIM INSTREAM  
FLOW REQUIREMENTS UNDER**

**STATE WATER RESOURCES CONTROL BOARD**

**REVISED WATER RIGHT DECISION 1644**

**Mitigation Monitoring and  
Reporting Program**

*Prepared for*

*Yuba County  
Water Agency* 

*Prepared by*

**SWRI**  SURFACE WATER  
RESOURCES, INC.

*January 2006*

(STATE CLEARINGHOUSE NUMBER: 2005122008)

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## 1.1 Introduction

The California Environmental Quality Act (CEQA) requires that a public agency adopt a mitigation monitoring and reporting program for any project approved based on an Environmental Impact Report or a mitigated negative declaration (PRC § 21081.6). This program must ensure compliance with mitigation measures during project implementation. Agencies must adopt a program if they adopt findings, including mitigation measures, as a part of the project approval. The approving agency then has the discretion to decide whether it implements a reporting program, monitoring program, or some combination of both. A reporting program consists of written compliance review and guarantees that the approving agency is informed of compliance. A monitoring program consists of a project oversight process and guarantees that compliance is checked regularly.

Yuba County Water Agency (YCWA) is the lead agency and project proponent for CEQA compliance purposes. The California Department of Water Resources (DWR) is a CEQA responsible agency as a party to the "*Amendment No. 1 to Agreement for the Temporary Transfer of Water from Yuba County Water Agency to the Department of Water Resources*" (one-year water transfer agreement). For the proposed project, YCWA and DWR will be responsible for implementation of this Mitigation Monitoring and Reporting Program (MMRP).

### 1.1.1 Purpose and Objectives of the Mitigation Monitoring and Reporting Program

YCWA, as the lead agency, has developed this document to guide mitigation compliance prior to, during and after implementation of the proposed project, as required by CEQA. Project approvals include environmental protection and mitigation measures to minimize or eliminate potentially adverse impacts to the project area. These measures have been described in the Draft Initial Study/Mitigated Negative Declaration (IS/MND).

Compliance monitoring and evaluation will be performed by either YCWA or DWR, as indicated in the description of each measure. The objectives of this MMRP are to provide the following:

- Compliance requirements for the environmental protection and mitigation measures on which the proposed project was approved;
- A reference document containing the environmental protection and mitigation measures involving operation of the proposed project;
- A list of lead agency and responsible agency contacts; and
- The timing of mitigation measure implementation.

### 1.1.2 Project Location

YCWA will release water from New Bullards Bar Reservoir and through Englebright Reservoir into the lower Yuba River in Yuba County to implement the 2006 Pilot Program Fisheries Agreement instream flow schedules and the 2006 water transfer to DWR. DWR will receive and convey YCWA transfer water in the Sacramento River and the Delta, and potentially may store a portion of the transfer water in San Luis Reservoir or groundwater banks south of the Delta (Figure 1-1).



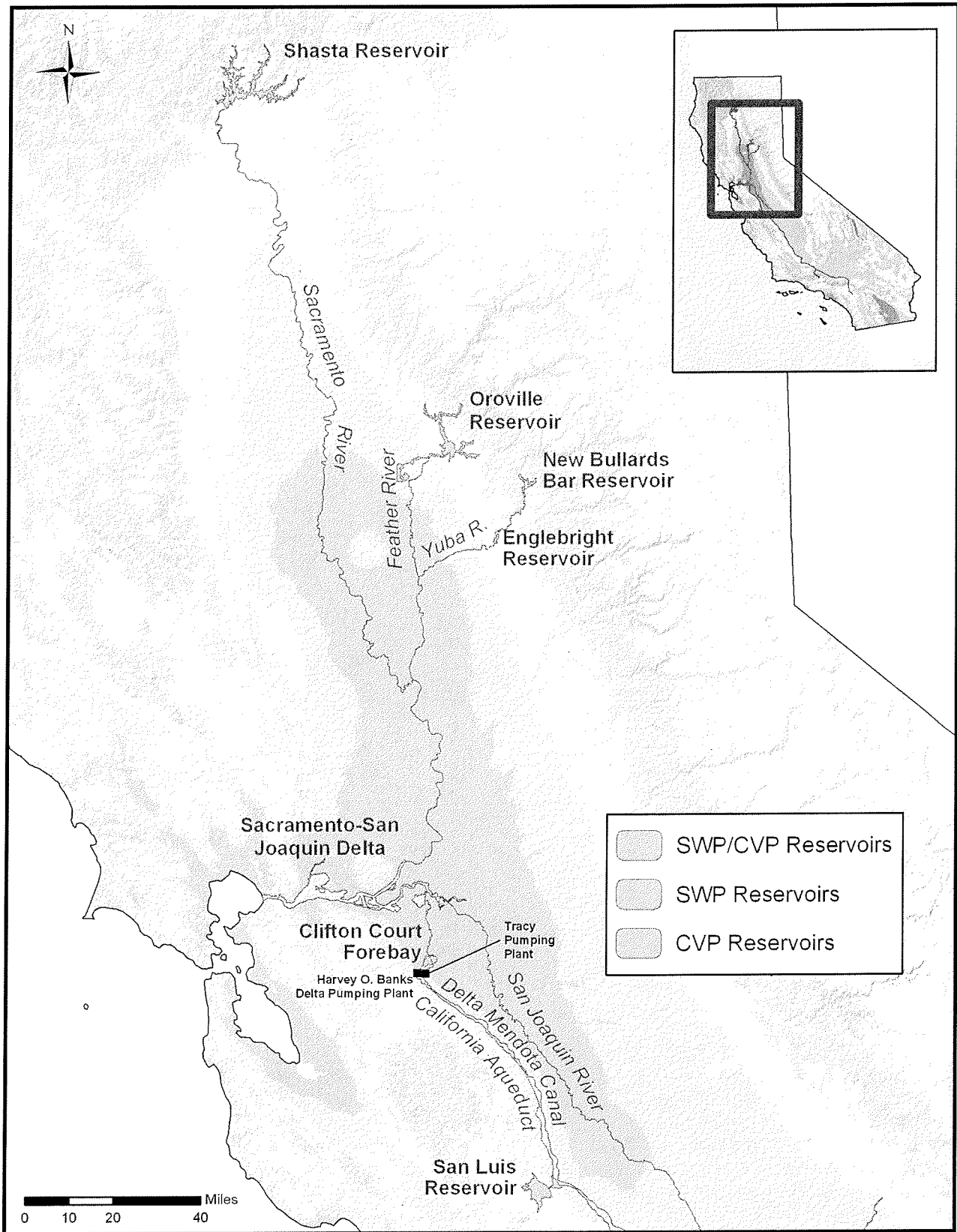


Figure 1-1. Project Area

### 1.1.3 Project Description

YCWA and DWR propose to conduct a one-year water transfer for 2006 in a manner that would serve as a “pilot program” for the Proposed Yuba Accord. The 2006 Pilot Program Fisheries Agreement specifies instream flows in the lower Yuba River for the period of April 1, 2006 through February 28, 2007. Implementation of the proposed project would result in YCWA’s operation of the Yuba Project to meet the 2006 Pilot Program Fisheries Agreement instream flow schedules, resulting in the potential for DWR to acquire a minimum of 62,000 acre-feet and a maximum of 125,000 acre-feet of transfer water. Water released by YCWA would pass from New Bullards Bar Reservoir through Englebright Reservoir and over Daguerre Point Dam. New Bullards Bar Reservoir storage levels during the proposed project would remain within normal operating limits for the Yuba Project. YCWA would not change its historical practices of providing irrigation water to its Member Units, potentially including implementation of a groundwater substitution program. YCWA releases would flow from the lower Yuba River into the Feather River, and the Sacramento River, and downstream to the Delta. DWR would use the transfer water for environmental purposes in the Delta or would convey the water via the pumping plants at Clifton Court Forebay into conveyance channels. The acquired transfer water would then either be stored in San Luis Reservoir or transported through the California Aqueduct directly to groundwater storage banks or to state or federal water contractors pursuant to the provisions of the EWA or Dry Year Water Purchase programs.

### 1.1.4 Summary of Project Purpose, Need, and Objectives

The proposed project involves YCWA’s submittal of a petition to modify the terms of YCWA’s water right permits to change the effective date of RD-1644 long-term instream flow requirements from April 21, 2006 to March 1, 2007. Additionally, pursuant to Water Code §1725, YCWA and DWR propose to conduct a one-year water transfer for 2006 (April 2006 through February 2007). The proposed project includes the requested Extension Petition as well as the Transfer Petition that would enable implementation of the 2006 Pilot Program involving a one-year water transfer of up to 125,000 acre-feet of water from YCWA to DWR and changes in YCWA operations of the Yuba Project to meet the instream flow schedules of the 2006 Pilot Program Fisheries Agreement. The 2006 Pilot Program would provide YCWA revenue, assist DWR in meeting a substantial portion of the Environmental Water Account (EWA) Program asset acquisition goal for 2006, and provide both agencies with a forum to test key elements of the Proposed Yuba Accord.

DWR is a CALFED Project Agency responsible for administering the EWA Program, including banking, borrowing, transferring, selling, and arranging for the conveyance of EWA water supply and EWA assets. DWR and the Bureau of Reclamation (Reclamation) are responsible for seeking to acquire approximately 200,000 acre-feet of water on behalf of the EWA Program annually. DWR also acquires water for its annual Dry Year Water Purchase Program for use in the State Water Project (SWP) and Central Valley Project (CVP) service areas. If a portion of the YCWA transfer water is not needed for the EWA, then DWR may elect to use the water for the 2006 Dry Year Water Purchase Program. Implementation of the 2006 water transfer by YCWA to DWR is subject to State Water Resources Control Board approval of the Extension Petition.

### 1.1.5 Responsible Parties

YCWA and DWR are responsible for implementation of the environmental commitments and mitigation measures identified in this MMRP. YCWA, as the CEQA lead agency, would be primarily responsible for MMRP elements that apply to the proposed one-year water transfer and that would occur in the Yuba River Basin. DWR, as a CEQA responsible agency for the proposed project, would be responsible for the MMRP elements that relate to the EWA Program.

Representatives of each agency are listed below:

#### Yuba County Water Agency

Mr. Curt Aikens  
General Manager  
Yuba County Water Agency  
1402 D Street  
Marysville, CA 95091  
(530) 741-6278

#### California Department of Water Resources

Ms. Delores Brown  
DWR Environmental Specialist  
Department of Water Resources  
3251 S Street  
Sacramento, CA 95816  
(916) 227-2407

## 1.2 Environmental Protection and Mitigation Measures

Environmental commitments are measures or practices adopted by a project proponent to reduce or avoid adverse effects that could result from project operations. The following sections describe the environmental commitments, including impact avoidance or mitigation measures that will be implemented by either YCWA or DWR to ensure no significant impacts result from the proposed 2006 Pilot Program, including the Extension Petition.

The identification of environmental commitments below includes those that are included as part of the EWA Program and would apply to the proposed one-year transfer from YCWA to DWR. The lead and responsible agencies have adopted these measures and incorporated them as part of the proposed project in compliance with applicable federal, state, and local policies or regulations that apply to the project activities. These measures will ensure that the proposed project will minimize or avoid potentially significant environmental impacts, to the extent feasible. These measures include YCWA monitoring commitments that were developed during the preliminary planning and design phases of the proposed project, mitigation and monitoring commitments identified by DWR in the Final EWA Environmental Impact Statement/ Environmental Impact Report (EIS/EIR) (Reclamation *et al.* 2004), as well as measures considered in response to public comments received on the Draft IS/MND.

YCWA proposes to transfer water to DWR, through implementation of the 2006 Pilot Program Fisheries Agreement instream flow schedules and changes in project operations and possibly through supplemental surface water or groundwater transfers. As discussed in the Draft IS/MND, the CEQA Environmental Checklist identifies the conditions under which a proposed project evaluation may rely upon an earlier analysis of potential impacts. Reliance upon an earlier analysis of a proposed project must indicate that the potential impacts were within the scope of the previous analysis and that the impacts were adequately addressed.

Reclamation, DWR, U.S. Fish and Wildlife Service (USFWS), National Marine Fisheries Service (NMFS) and California Department of Fish and Game (CDFG) (Reclamation *et al.* 2003) completed an environmental analysis of the EWA Program, including characterization of probable water transfer volumes from YCWA. EWA agencies acquire and manage assets to

maximize benefits to at-risk native fish species, but asset management can change river flows, Delta outflows and the amount of seasonal wetlands within agricultural areas. The manner in which EWA agencies apply, acquire, and manage assets will be monitored to ensure that EWA fisheries benefit objectives are met while adverse effects to other species and their habitats because of EWA actions are being minimized or avoided. To address these considerations, compliance and effectiveness monitoring components (Mitigation Plan) were identified in the Final EWA EIS/EIR (Reclamation *et al.* 2004). Data associated with EWA monitoring efforts are used to support adaptive management decisions that could change how some assets are managed should the overall goals of the EWA program related to fish species, habitats, and terrestrial species not be met. Because the EWA Mitigation Plan (2004) identified several environmental protection and mitigation measures related to the YCWA component of EWA acquisitions (e.g., proposed project), these EWA measures also have been incorporated into this MMRP, and are discussed below.

A summary of the environmental protection and mitigation measures described in this MMRP is provided in **Table 1-1**.

**Table 1-1. Summary of Environmental Protection and Mitigation Measures Incorporated into the Proposed Project**

Mitigation Measure	Implementing Agency	Timing <sup>1</sup>
<b>AIR QUALITY</b>		
1.2.1-1 Implement a no net increase air quality mitigation plan	YCWA/ Member Units	Monthly, if groundwater substitution operations occur
<b>BIOLOGICAL RESOURCES – FISHERIES AND AQUATIC RESOURCES</b>		
1.2.2-1 Install and operate automated water temperature recorders in the lower Yuba River	YCWA	Continuous, year-round
1.2.2-2 Conduct redd dewatering and fry stranding studies in the lower Yuba River	YCWA	As appropriate, during the Chinook salmon and steelhead adult spawning, embryo incubation, and juvenile rearing periods
1.2.2-3 Consult with River Management Team to establish a flow schedule to provide maximum fisheries benefits associated with a Supplemental Surface Water Transfer (if implemented)	YCWA	Prior to transfer
<b>BIOLOGICAL RESOURCES – TERRESTRIAL RESOURCES (WILDLIFE AND VEGETATION)</b>		
1.2.3-1 Monitor EWA-related water releases	DWR	Prior to, and during transfer
1.2.3-2 Coordinate EWA actions with federal, state, other CALFED agencies and regional programs	DWR	Ongoing, and prior to transfer

Mitigation Measure	Implementing Agency	Timing <sup>1</sup>
1.2.3-3 Comply with EWA-related reservoir drawdown provisions identified for San Luis Reservoir	DWR	Late summer and fall
<b>CULTURAL RESOURCES</b>		
1.2.4-1 Comply with EWA-related drawdown provisions for New Bullards Bar Reservoir	YCWA/ Reclamation/ DWR	Prior to and after transfer
<b>HYDROLOGY AND WATER QUALITY - GROUNDWATER RESOURCES</b>		
1.2.5-1 Comply with EWA-related groundwater substitution provisions	YCWA/ DWR/ Member Units	Prior to, during and after transfer
1.2.5-2 Prepare a Groundwater Monitoring and Reporting Plan	YCWA/ DWR/ Member Units	Prior to, during and after transfer
<sup>1</sup> The proposed project would be implemented from April 1, 2006 through February 28, 2007.		

### 1.2.1 Air Quality

*Mitigation Measure 1.2.1-1: Implement a no net increase air quality mitigation plan (page 4-15 of the IS/MND).*

**Commitment:** YCWA and the Member Units would implement a no net increase air quality mitigation plan to ensure no significant or adverse impacts associated with groundwater substitution pumping would result during the 2006 Pilot Program.

**Responsible Parties:** YCWA and the Member Units

**Location:** Project Area (Sacramento Valley Air Basin - Feather River Air Quality Management District)

**Timing:** Monthly, if groundwater substitution operations occur

**Monitoring:** Verify that water pumped for the 2006 Pilot Program either would be obtained: (1) from electric-powered motors; or (2) from diesel-powered motors operating according to an emission offset. YCWA would obtain readings from the groundwater pump flow meters through monthly site visits to the participating Member Unit wells during groundwater substitution operations of the 2006 Pilot Program.

**Reporting Requirements:** YCWA would note the type of power used for the groundwater substitution operations pumping during the monthly site visits. Member Units utilizing a diesel-powered motor for the 2006 Pilot Program would be required to show that a diesel engine (likely a

diesel-powered ditch pump) that normally would have been in use, instead is not being used, thereby providing an emission offset.

**Description of Activities:** YCWA and the Member Units propose to undertake several activities described in the no net increase air quality mitigation plan, including well inventories, estimating pumping capacity, and assessing the adequacy of mitigated pumping capacity.

**Effectiveness Criteria:** Concentration levels of any state or federal criteria pollutants do not increase due to implementation of the 2006 Pilot Program.

## 1.2.2 Biological Resources – Fisheries and Aquatic Resources

*Mitigation Measure 1.2.2-1: Install and operate automated water temperature recorders in the lower Yuba River (page 13 of the 2006 Pilot Program Fisheries Agreement [Appendix A of Appendix 2 to the IS/MND]).*

**Commitment:** YCWA will implement a water temperature monitoring and reporting program that will consist of monitoring sites at a minimum of three locations in the lower Yuba River: (1) Smartville; (2) immediately upstream from Daguerre Point Dam; and (3) Marysville.

**Responsible Parties:** YCWA

**Location:** Project area (lower Yuba River)

**Timing:** Continuous, year-round

**Monitoring:** Record lower Yuba River water temperatures

**Reporting Requirements:** Annual report to the Chief of the Division of Water Rights

**Description of Activities:** Site visits will be conducted on a regular basis to offload data, inspect recorders and perform maintenance, as required. YCWA will prepare an annual report that summarizes the results of water temperature monitoring for the previous water year at the specified locations. The monitoring report covering the previous water year will be submitted to the Chief of the Division of Water Rights by December 31 of each year.

**Effectiveness Criteria:** Through communication with the Division of Water Rights and other regulatory and management agencies (e.g., USFWS, NMFS, CDFG), use reporting mechanism to determine whether current water temperature regimes provide adequate protection to Chinook salmon and steelhead in the lower Yuba River.

*Mitigation Measure 1.2.2-2: Conduct redd dewatering and fry stranding studies in the lower Yuba River (page 13 of the 2006 Pilot Program Fisheries Agreement [Appendix A of Appendix 2 to the IS/MND]).*

**Commitment:** YCWA will implement the "Lower Yuba River Redd Dewatering and Fry Stranding Monitoring and Evaluation Plan (November 2003)," which has been revised and updated based on resource agency input, following SWRCB approval of the March 2002 plan. The

primary objective of the plan is to determine whether current flow fluctuation and reduction criteria adequately protect Chinook salmon and steelhead redds from dewatering and fry from stranding or isolation.

- Responsible Parties:** YCWA
- Location:** Project area (lower Yuba River)
- Timing:** During the Chinook salmon and steelhead adult spawning, embryo incubation, and juvenile rearing periods (see Section 4.3.2.3 of the Draft IS/MND).
- Monitoring:** YCWA will monitor specific locations in the lower Yuba River, which have been identified through an evaluation of specific criteria, during flow fluctuation and ramping events to evaluate potential redd dewatering and fry stranding associated with implementation of flow fluctuation and reduction criteria.
- Reporting Requirements:** Annual reports will be submitted to the SWRCB, DFG, NMFS, and USFWS at the end of each year, and a final report will be submitted following the completion of the plan.
- Description of Activities:** Annual reports will be prepared to summarize the results of each year's monitoring and evaluation tasks, agency coordination efforts, and any modifications to the plan that may be proposed in response to new information. A final report will be prepared and will include detailed descriptions of the methods and final results of each task, discussions and conclusions regarding the effectiveness of the flow fluctuation and ramping criteria, and recommended additional measures to protect redds and fry from fluctuations, if warranted.
- Effectiveness Criteria:** Through communication with regulatory and management agencies, use reporting mechanisms to determine whether current flow fluctuation and reduction criteria adequately protect Chinook salmon and steelhead redds from dewatering and fry from stranding or isolation.

*Mitigation Measure 1.2.2-3: Consult with River Management Team to establish a flow schedule to provide maximum fisheries benefits associated with a Supplemental Surface Water Transfer (if implemented) (page 11 of the 2006 Pilot Program Fisheries Agreement [Appendix A of Appendix 2 to the IS/MND]).*

**Commitment:** In the event that a Supplemental Surface Water Transfer should occur during the term of the proposed project, then the flow schedule for the water involved in the Supplemental Surface Water Transfer would be set to achieve maximum fisheries benefit during the transfer period, as determined by YCWA in consultation with the River Management Team (RMT).

- Responsible Parties:** YCWA
- Location:** Project area (lower Yuba River)
- Timing:** Prior to transfer; specific timing patterns (e.g., duration, frequency) would be determined by the RMT

<b>Monitoring:</b>	Specific monitoring parameters and procedures would be determined by the RMT
<b>Reporting Requirements:</b>	Reporting procedures would be determined by the RMT
<b>Description of Activities:</b>	Through communication with RMT, develop a focused and prioritized approach, including implementation protocols, and final study plan describing supplemental actions designed to maximize benefits to fisheries resources in the lower Yuba River.
<b>Effectiveness Criteria:</b>	Effectiveness criteria would be developed in coordination with the RMT.

### 1.2.3 Biological Resources – Terrestrial Resources (Wildlife and Vegetation)

*Mitigation Measure 1.2.3-1: Monitor EWA-related water releases (page 4-59 of the IS/MND).*

<b>Commitment:</b>	Monitor EWA-related water releases to ensure that EWA actions minimize or avoid potentially significantly impacts to the California red-legged frog and the foothill yellow-legged frog, as described in the EWA EIS/EIR Mitigation Plan (2004).
<b>Responsible Parties:</b>	DWR
<b>Location:</b>	Project area
<b>Timing:</b>	Prior to and during transfer
<b>Monitoring:</b>	Monitor releases into the lower Yuba River
<b>Reporting Requirements:</b>	No reporting requirements required
<b>Description of Activities:</b>	Releases will be monitored to ensure that that significantly higher flows associated with EWA actions do not occur for long periods of time. If significant adverse effects could occur, EWA agencies have committed to institute changes to quantities of water released through adaptive management processes to avoid or minimize any adverse effects (Reclamation <i>et al.</i> 2003).
<b>Effectiveness Criteria:</b>	Avoid or reduce significant impacts to the California red-legged frog and the foothill yellow-legged frog

*Mitigation Measure 1.2.3-2: Coordinate EWA actions with federal, state, other CALFED agencies and regional programs (page 4-59 of the IS/MND).*

<b>Commitment:</b>	Coordinate EWA actions with federal, state, other CALFED agencies and regional programs to avoid conflicts among management objectives for evaluated species, as described in the EWA EIS/EIR Mitigation Plan (2004).
<b>Responsible Parties:</b>	DWR
<b>Location:</b>	Project area
<b>Timing:</b>	Ongoing, and prior to transfer
<b>Monitoring:</b>	No specific monitoring requirements



**Reporting Requirements:** No specific reporting requirements

**Description of Activities:** EWA agencies coordinate with federal, state, other CALFED agencies and regional programs regarding EWA actions

**Effectiveness Criteria:** Avoid or reduce significant impacts to evaluated species

*Mitigation Measure 1.2.3-3: Comply with EWA-related reservoir drawdown provisions for San Luis Reservoir (page 4-62 of the IS/MND).*

**Commitment:** Comply with San Luis Reservoir drawdown provisions identified to minimize or avoid low point problems, as described in the EWA EIS/EIR Mitigation Plan (2004).

**Responsible Parties:** DWR

**Location:** Project area (San Luis Reservoir)

**Timing:** Late summer and fall

**Monitoring:** No specific monitoring requirements

**Reporting Requirements:** No specific reporting requirements

**Description of Activities:** Manage EWA actions to prevent contributing to or aggravating the low point problem

**Effectiveness Criteria:** Minimal impacts to reservoir drawdown levels affecting the low point problem in San Luis Reservoir

**1.2.4 Cultural Resources**

*Mitigation Measure 1.2.4-1: Comply with EWA-related drawdown provisions for New Bullards Bar Reservoir (page 4-66 of the IS/MND).*

**Commitment:** Monthly mean water surface elevations in New Bullards Bar Reservoir would not fall below the historic lower bound of 1,711 feet (ft) mean sea level (msl), as described in the EWA EIS/EIR Mitigation Plan (2004).

**Responsible Parties:** YCWA, Reclamation and DWR

**Location:** Project area (New Bullards Bar Reservoir)

**Timing:** Prior to and after transfer

**Monitoring:** Monitoring of New Bullards Bar Reservoir water surface elevations after the 2006 Pilot Program water transfer

**Reporting Requirements:** Inventory and evaluation of previously unsurveyed areas should the 2006 Pilot Program cause New Bullards Bar Reservoir water surface elevations to decrease below the historic lower bound.

**Description of Activities:** YCWA would monitor New Bullards Bar Reservoir water surface elevations to ensure that they remain above the historic minimum water surface elevation (i.e., 1,711 ft msl). Water transfers that draw down surface elevations beyond historically low levels could result in a potentially significant effect, and in such cases, Reclamation would require inventory and evaluation of unsurveyed areas.

**Effectiveness Criteria:** Maintain water surface elevations at or above 1,711 ft in New Bullards Bar Reservoir

## 1.2.5 Hydrology and Water Quality – Groundwater Resources

*Mitigation Measure 1.2.5-1: Comply with EWA-related groundwater substitution provisions (page 4-82 of the IS/MND).*

**Commitment:** Adhere to the groundwater substitution provisions, including well review, pre-purchase groundwater evaluation and monitoring program development, identified in the EWA EIS/EIR Mitigation Plan (2004).

**Responsible Parties:** YCWA, DWR, and the Member Units

**Location:** Project Area (North and South Yuba groundwater subbasins)

**Timing:** Prior to, and after transfer, with an intermediate measurement two months into the proposed project

**Monitoring:** Conduct well reviews to ensure that proposed production wells meet well depth and water quality criteria.

**Reporting Requirements:** Record the water levels and water quality of the subbasins.

**Description of Activities:** YCWA, as the willing seller, would be required to establish monitoring programs for EWA-related transfers, which would include groundwater well assessments and reviews. YCWA also would coordinate with Reclamation and DWR hydrologists during program development, pursuant to EWA requirements.

**Effectiveness Criteria:** No decline in groundwater levels, which could prevent: (1) increased groundwater pumping cost due to increased pumping depth, (2) decreased yield from groundwater wells due to reduction in the saturated thickness of the aquifer, (3) reduced groundwater in storage, and (4) decrease of the groundwater table to a level below the vegetative root zone.

*Mitigation Measure 1.2.5-2 Prepare a Groundwater Monitoring and Reporting Plan (page 4-84 of the IS/MND).*

**Commitment:** Adhere to the provisions of the YCWA/DWR Groundwater Monitoring and Reporting Program described in Appendix 3 of the Draft IS/MND. As part of this program, YCWA will prepare a Groundwater Monitoring Report.

**Responsible Parties:** YCWA, DWR, and Member Units

**Location:** Project Area (North and South Yuba groundwater subbasins)

**Timing:** Prior to, and after transfer, with an intermediate measurement two months into the proposed project

**Monitoring:** Record groundwater level measurements in the North and South Yuba subbasins before and after groundwater pumping associated with the proposed project would begin. Measure electrical

conductivity before and after pumping begins, and intermediately two months into the proposed project.

In the event that groundwater levels fall below those that would have occurred in the absence of the water transfer, monthly monitoring would be implemented until the groundwater level returns to the pre-pumping level.

**Reporting Requirements:** YCWA and DWR would report monitoring data every other month and prepare a final summary report that evaluates the impacts of the water transfer.

**Description of Activities:** YCWA and DWR would continue implementation of a Groundwater Monitoring and Reporting Program to monitor groundwater level fluctuations within the local pumping area.

**Effectiveness Criteria:** Groundwater transfers should not result in unmitigated third party impacts or cause overdraft.

### 1.3 Conservation Measures

YCWA and DWR both participate in other activities and programs that serve to protect or enhance the natural environment within their respective project and service areas. These activities include YCWA and DWR involvement in lower Yuba River flow monitoring activities and annual adult salmonid escapement surveys. These activities do not serve as mitigation for the proposed project, but do assist in supporting fisheries management activities in the Yuba River Basin.

#### *Conservation Measure 1.3-1: Annual Adult Chinook Salmon Escapement Surveys*

YCWA committed funds for CDFG to develop the "Lower Yuba River Chinook Salmon Escapement Survey Plan," and YCWA will continue to annually fund implementation of this plan. The primary objective of this plan is to collect the appropriate data to estimate monthly, seasonal, and annual Chinook salmon escapement. Field data collection activities for the escapement survey will be conducted annually, approximately October through December. A data summary report that details methods and results will be prepared each year following the conclusion of the field survey.

#### *Conservation Measure 1.3-2: Yuba River Flow Monitoring*

YCWA will continue to monitor lower Yuba River flows at the Smartville and Marysville gages. In accordance with the 2006 Pilot Program Fisheries Agreement, YCWA will continue to update the RMT regarding current Yuba River Index water year conditions, as appropriate.

### 1.4 References

Reclamation, DWR, USFWS, NMFS, and CDFG. 2004. Environmental Water Account Final Environmental Impact Statement/Environmental Impact Report. Prepared by Camp Dresser & McKee and Surface Water Resources, Inc. State Clearinghouse No.1996032083.

Reclamation, DWR, USFWS, NMFS, and CDFG. 2003. Environmental Water Account Draft Environmental Impact Statement/Environmental Impact Report. State Clearinghouse No. 1996032083.

FINAL  
**INITIAL STUDY/  
MITIGATED NEGATIVE  
DECLARATION**

*for the*

YUBA COUNTY WATER AGENCY

PROPOSED EXTENSION PETITION FOR THE INTERIM INSTREAM  
FLOW REQUIREMENTS UNDER

STATE WATER RESOURCES CONTROL BOARD

REVISED WATER RIGHT DECISION 1644

**Responses to Comments Received  
on the Public Draft**

*Prepared for*

*Yuba County  
Water Agency* 

*Prepared by*

**SWRI** SURFACE WATER  
RESOURCES, INC.

*January 2006*

(STATE CLEARINGHOUSE NUMBER: 2005122008)

**FINAL**  
**INITIAL STUDY AND MITIGATED NEGATIVE DECLARATION**

**PROPOSED EXTENSION PETITION FOR THE INTERIM INSTREAM FLOW REQUIREMENTS  
UNDER STATE WATER RESOURCES CONTROL BOARD  
REVISED WATER RIGHT DECISION 1644**

**DATE:** January 6, 2006

**RE:** A Mitigated Negative Declaration for the Proposed Extension Petition for the Interim Instream Flow Requirements Under State Water Resources Control Board Revised Water Right Decision 1644.

**SUMMARY**

Yuba County Water Agency (YCWA) is submitting a petition to modify the terms of YCWA's water right permits to change the effective date of RD-1644 long-term instream flow requirements from April 21, 2006 to March 1, 2007. Additionally, pursuant to Water Code §1725, YCWA and the California Department of Water Resources (DWR) propose to conduct a one-year water transfer for 2006 (April 2006 through February 2007). The proposed project would enable a one-year water transfer of up to 125,000 acre-feet of water from YCWA to DWR, which would provide YCWA a source of revenue and assist DWR in meeting a substantial portion of the Environmental Water Account (EWA) Program asset acquisition goal for 2006. The proposed project involves YCWA transferring water from New Bullards Bar Reservoir via the Yuba River Development Project (Yuba Project) facilities to DWR via the lower Yuba River, lower Feather River, Sacramento River, and the Delta.

**DOCUMENT REVIEW AND AVAILABILITY**

The public comment period extended from **December 2, 2005 through December 22, 2005**. The Draft Initial Study/Proposed Mitigated Negative Declaration was available for public review at the following locations:

- Yuba County Library, 303 2nd St., Marysville, CA 95901
- Yuba County Water Agency, 1402 D Street Marysville, CA 95091
- Sacramento Public Library, 828 I Street, Sacramento, CA 95814

In addition, the Draft Initial Study/Proposed Mitigated Negative Declaration was distributed to parties listed in Attachment 1.

The Notice of Intent to Adopt the Initial Study/Proposed Mitigated Negative Declaration dated December 2, 2005 stated that questions could be directed to:

Curt Aikens  
Yuba County Water Agency  
1402 D Street  
Marysville, CA 95091 (530/741-6278).

The Notice of Intent to Adopt the Initial Study/Proposed Mitigated Negative Declaration dated December 2, 2005 stated that comments could be directed to:

Debra Hoek  
Surface Water Resources, Inc.  
2031 Howe Avenue, Suite 110  
Sacramento, CA 95825 (916/563-6360)

COMMENTS RECEIVED

A total of two comment letters were received on the Initial Study/Proposed Mitigated Negative Declaration. The California Farm Bureau federation submitted comments on December 23, 2005 via facsimile. The California Sportfishing Protection Alliance submitted comments on December 22, 2005 via U.S. mail. The comment letters are attached.

**Attachment 1**  
**Proposed Yuba Initial Study and Proposed Mitigated Negative Declaration**  
**Distribution List**

First Name	Last Name	Company
		Brophy Water District
		Browns Valley Irrigation District
Christopher	Reeves	Bureau of Indian Affairs
L. Ryan	Broddrick	California Department of Fish and Game
Nancee	Murray	California Department of Fish and Game
Syd	Brown	California Department of Parks
Robert	Aldridge	California Department of Water Resources
Delores	Brown	California Department of Water Resources
Cathy	Crothers	California Department of Water Resources
Teresa	Geimer	California Department of Water Resources
Lester	Snow	California Department of Water Resources
Richard	Keene	California State Assembly Chico District Office
Sam	Aanestad	California State Senate Nevada City District Office
		Central Valley Regional Water Quality Control Board
Charles	Mathews	Cordua Irrigation District
		Department of Environmental Review and Assessment
Jerry	Johns	Department of Water Resources
Curtis	Spencer	Department of Water Resources
		Dry Creek Mutual Water Company
		Feather River Air Quality Management District
Ronald	Stork	Friends of the River
		Hallwood Irrigation Company
Wally	Herger	House of Representatives
		Marysville Planning Department
Carissa	Dunn	Metropolitan Water District
Dave	Fullerton	Metropolitan Water District
Tim	Quinn	Metropolitan Water District
Mike	Tucker	National Marine Fisheries Service
Michael	Aceituno	National Marine Fisheries Service (NOAA Fisheries)
Robert	Leggett	Nevada County Planning Department
Alan	Zepp	Northern California Power Agency
David	Guy	Northern California Water Association
		Office of Environmental Policy and Compliance
		Office of Historic Preservation
		Pacific Gas & Electric Company
		Ramirez Water District
		Sacramento Metropolitan Air Quality Management District
Don	Burns	Sacramento Public Library
Janet	Cohan	South Yuba River Citizens League
John	Belza	South Yuba Water District
Michael	Rue	South Yuba Water District
Isabel	Baer	State Water Resources Control Board
Celeste	Cantu	State Water Resources Control Board
Jane	Farwell	State Water Resources Control Board

**Attachment 1**  
**Proposed Yuba Initial Study and Proposed Mitigated Negative Declaration**  
**Distribution List (continued)**

First Name	Last Name	Company
Dan	Frink	State Water Resources Control Board
Gita	Kapahi	State Water Resources Control Board
Michael	Lauffer	State Water Resources Control Board
Lewis	Moeller	State Water Resources Control Board
Ernie	Mona	State Water Resources Control Board
Victoria	Whitney	State Water Resources Control Board
Greg	Wilson	State Water Resources Control Board
Gary	Bobker	The Bay Institute of San Francisco
Chuck	Bonham	Trout Unlimited
Matt	Davis	U. S. Army Corps of Engineers
John	Davis	U.S. Bureau of Reclamation
Mary	Grim	U.S. Bureau of Reclamation
Mike	Heaton	U.S. Bureau of Reclamation
Sue	Ramos	U.S. Bureau of Reclamation
Cay	Goude	U.S. Fish and Wildlife Service
David	Harlow	U.S. Fish and Wildlife Service
Jennifer	Hobbs	U.S. Fish and Wildlife Service
John	Doolittle	US House of Representatives
Earl	Nelson	Western Area Power Administrat
Thomas	Birmingham	Westlands Water District
Marilyn	Waltz	Wheatland Water District
James	Manning	Yuba County Community Development Department Yuba County Library
Patricia	Beecham	Yuba County Office of Emergency Services
Curt	Aikens	Yuba County Water Agency
Page	Hensley	Yuba County Water Agency
Kevin	Mallen	Yuba County Water Agency
Eric	Miller	Yuba County Water Agency
Steve	Onken	Yuba County Water Agency
Jeanene	Upton	Yuba County Water Agency
Tib	Belza	Yuba County Water Agency, Board of Directors
Mary Jane	Griego	Yuba County Water Agency, Board of Directors
Don	Schrader	Yuba County Water Agency, Board of Directors
Hal	Stocker	Yuba County Water Agency, Board of Directors
Dennis	Parker	Yuba County Water District





**CALIFORNIA FARM BUREAU FEDERATION**  
**NATURAL RESOURCES AND ENVIRONMENTAL DIVISION**  
2300 River Plaza Drive, Sacramento, CA 95833-3293

**SENT VIA FACSIMILE**

December 23, 2005

Ms. Debra Hoek  
Surface Water Resources, Inc.  
2031 Howe Avenue, Suite 110  
Sacramento, CA 95825

**Re: Request for Comments on the Mitigated Negative Declaration for the Proposed Extension Petition for the Interim Instream Flow Requirements Under SWRCB Revised Water Right Decision 1644**

Dear Ms. Hoek:

The California Farm Bureau Federation ("Farm Bureau") appreciates this opportunity to provide comments and suggestions pertaining to the above-referenced mitigated negative declaration. Farm Bureau is a non-governmental, non-profit, voluntary membership California corporation based in Sacramento and represents more than 88,000 members throughout California, including more than 34,000 farm families. The Farm Bureau's purpose is to protect and improve the ability of farmers and ranchers engaged in production agriculture to provide a reliable food and fiber supply through responsible stewardship of California's resources. Our members are very concerned about the loss of agricultural resources, in particular land and water, because agricultural resources are finite resources whose loss creates a significant environmental impact which must be avoided, reduced or mitigated to a level of insignificance.

Based on our review of the Draft Initial Study, Mitigation Negative Declaration, Environmental Analysis, and other publicly available documents relating to Yuba County Water Agency's ("YCWA") proposed 2006 Pilot Program, the Farm Bureau concurs that the proposed one-year pilot program will not likely result in any significant unmitigated adverse impacts on the environment. Furthermore, the Farm Bureau concurs in principle that an interest-based negotiated arrangement, similar to long-term Accord whose feasibility the pilot program is intended to test, is preferable in this case to the rigid and one-sided regulatory approach and the protracted litigation that would take its place. To the extent, however, the 2006 pilot program appears to be a 'dress rehearsal' for a significant multi-year water transfer potentially extending through 2025 (YCWA's June 20, 2005 Lower Yuba Accord NOP at 5 and 13), Farm Bureau has certain unallayed concerns. It is in this forward-looking sense that we offer the following comments.

CFBF - 1

Mr. Debra Lee  
 December 23, 2005  
 Page 1 of 2

### Tiering of the Environmental Document

According to the Mitigated Negative Declaration, the environmental analysis tiers from the Environmental Water Account EIS/EIR and Record of Decision for the Short-Term Environmental Water Account. However, the Short-Term EWA EIS/EIR and ROD tiered from the CALFED Bay-Delta Program Final Programmatic EIS/EIR and Record of Decision dated August 28, 2000 ("CALFED Final EIS/EIR"). (See EWA Draft EIS/EIR at Chapters 1.6.1 and 3.7.)

Please be advised that in *Lath, et. al. v. Davis, et. al.*, California Court of Appeal for the Third Appellate District, Docket No. C044267/C044577 (consolidated as *In Re: Bay Delta Programmatic Environmental Impact Report Coordinated Proceedings*), the Court of Appeal reversed the trial court's decision (upholding the CALFED Final EIS/EIR) and ordered the trial court to decertify the CALFED Final EIS/EIR. The new document must, in part, provide an adequate discussion of the environmental impacts of diverting water from various potential sources to meet the CALFED Program's goals, and must include a more detailed description of the Environmental Water Account. The Court denied the State's and other parties' petitions for a re-hearing. The State and other parties have further appealed to the California Supreme Court. If the Supreme Court refuses to hear the appeal, the Court of Appeal's opinion will remain final.

CFBF - 2

Given the Court of Appeal decision, and the pending petitions before the California Supreme Court, any actions taken in reliance on the CALFED Final EIS/EIR, and the EWA Final EIS/EIR and Record of Decision for the Short-Term Environmental Water Account that tiered from that document, should be evaluated and analyzed on that basis.

### Proposed Groundwater Pumping

According to the Mitigated Negative Declaration, a portion of the Pilot Program's transfer of the 125,000 acre feet of water may be from substitution of up to 85,000 acre feet of groundwater for surface water deliveries. Appendix 3 concludes, "The extraction of this amount of water will result in conditions that are within an acceptable range for the groundwater basin." While that may be the case for the one-year pilot transfer, it would be unreasonable to assume that there would be no impacts from up to twenty additional years of similar groundwater extractions.

CFBF - 3

Both YCWA's initial studies and the 2003 EWA EIS/R it purports to tier from note that, prior to the onset of surface water deliveries from a completed South Yuba Canal in 1983, historic reliance on groundwater for irrigation had pushed the South Yuba sub-basin into overdraft. (See Draft Initial Study at 4-81, A3-8; see also DWR's 2003 EWA EIS/R at 6-80.) Thanks net recharge from surface water irrigation since that time, the Initial Study reports that the groundwater levels in the South Yuba subbasin have risen to near "pre-development era" levels. (See *id.*) Furthermore, it appears that this overall upward trend has not so far been disturbed by past transfers involving significant groundwater substitution - including, most notably, YCWA's 2001 and 2002 transfers to

Ms. Doree Hack  
December 23, 2005  
Page 7 of 11

the EWA involving roughly 55 TAF of groundwater in either case, and its 1991 transfer to DWR's Drought Year Program involving 85 TAF. (See DWR's 2003 EWA EIS/R at 6-80 through 6-81.) The maximum amount of groundwater substitution required to support YCWA's proposed 2006 Pilot Program is equal to the 85 TAF transferred within tolerable parameters in 1991 and is, as in years past, a temporary transfer limited to a single water year. Thus, reasonably, the initial study concludes that any groundwater impact associated with the 2006 transfer would have no environmental impact that could not be mitigated to a less-than-significant level. (See Draft Initial Study at 4-80, A3-1; EWA EIS/R at 6-80 through 6-83.) This conclusion, however, obscures somewhat the fact that the Pilot Program is, very probably, the first in a series of similar annual transfers that would repeat for as long as twenty years.

As the documents show, adverse third-party or basin-wide impacts from past transfers, though localized or alleviated by recharge in the ensuing non-transfer (or 'non-substitution') years, were observed immediately in each of the aforementioned transfer years of reference (1991, 2000 and 2002). (See Draft Initial Study at EWA EIS/R at 6-81 or 6-82.) In particular, the DWR's 2003 EWA EIS/R notes that, while groundwater levels in the North Yuba subbasin did recover "subsequently" after YCWA's 1991 substitution of 85 TAF in support of its 1991 Dry Year Program transfer, they *had not* recovered fully to pre-transfer levels by the following spring. In fact, such impacts seem quite foreseeable given the apparent discrepancy between the volumes of groundwater that, under a long-term transfer, might potentially be extracted in consecutive years, and the physical limitations of a basin whose rate of recharge in the South Yuba zone the Initial Study acknowledges to be just 15 to 21 TAF per year. (See Initial Study at 4-81, A3-8.)

CFBF - 3

Nor is this conclusion drastically altered by the fact that the burden of future transfers would be shared 40/60 between the North and South subbasins, since historical fluctuations show both subbasins are susceptible (in varying degrees) to aggressive groundwater pumping without adequate surface water recharge, as well as dry and drought conditions. (See Initial Draft at 4-81, 4-82 and A3-7 through A3-8; EWA EIS/R at 6-80, 6-81 and 6-86.) Indeed, the EWA EIS/R from which YCWA's Initial Study purports to derive concludes *unequivocally* that the cumulative impact on the North and South Yuba groundwater subbasins of repeating transfers over a number of years is *potentially significant*. (See EWA EIS/R at 6-86, 6-133; see also Draft Initial Study at 4-81.)

As mitigation for this potentially significant impact, the EWA EIS/R relies primarily on the discretion of a potential seller, following consultation with a "Review Team" and a "Pre-Purchase Groundwater Evaluation," as to whether conditions in a given year would allow a proposed transfer in that year to proceed. (See EWA EIS/R at 6-141 through 6-147.) In addition, there is a significant monitoring component to the EWA EIS/R which seems to figure prominently in YCWA's Pilot Program as well, whereas short-term impacts from the 2006 transfer (essentially, pumping impacts on individual wells) would be addressed as YCWA has addressed such impacts in the context of other one-year transfers - that is, by deepening affected wells or lowering the

MS-1069-1-03  
December 21, 2005  
page 4 of 5

pumps. (EWA EIS/R at 6-147 through 6-150; Draft Initial Study at 4-81, 4-82, 4-84.) In coming years, however, as the 2006 Pilot Program transitions into a potential twenty year program under the binding terms of the proposed Water Acquisition Agreement, a potential problem we perceive is that YCWA and its member units will not have any "pre-purchase" option as to whether it transfers specified amounts of water as proposed in EWA EIS/R [FOOTNOTE?], while merely monitoring and retrofitting individual wells will be insufficient to address potential basin-wide effects over a period of years.

While under certain hydrological conditions, the proposed long-term Accord, like the proposed 2006 Pilot Program, could require as little 60 TAF, in dry and critically years particularly YCWA would be constrained to rely on extensive groundwater substitution to produce at least double this amount. (See Draft Initial Study at 2-5; June 20, 2005 Lower Yuba Accord NOP at 10 through 13.) Beyond this, in so-called "Schedule 6" years under the proposed long-term Accord, YCWA's member units would be asked to offset foregone surface water deliveries by pumping an additional 30 TAF. (See Lower Yuba Accord NOP at 9.) From here it does not take a large leap of imagination to envision a scenario, such as the multi-year drought of the early 1990s, in which heavy reliance on groundwater pumping might severely impact the basin. As groundwater levels dropped, various "secondary effects" might occur as described in the EWA EIS/R - from increased pumping costs and decreased yields, to root zone impacts and possible overdraft, to a possible upward migration of saline water in the South Yuba subbasin. (See Draft Initial Study at 4-81, 4-83; EWA EIS/R .) The EWA EIS/R notes that, as with YCWA 1991 Dry Year transfer involving substitution of roughly 80 TAF, "EWA groundwater substitution transfers could result in groundwater declines in excess of seasonal variation and these effects on groundwater levels could be potentially significant" (See EWA EIS/R at 6-81; see also Draft Initial Study at 4-81.)

In particular, DWR's Short-term EWA analysis notes that "[g]roundwater transfers over several consecutive years may increase the potential for adverse effects by causing net groundwater level[] declines." [See *id.* at 6-86; see also *id.* at 6-153 ("Multi-year groundwater acquisition in areas that have repeatedly transferred groundwater may [] be more susceptible to adverse [cumulative] effects [from various transfer programs]. In these areas groundwater levels may not fully recover following a transfer and may experience a substantial net decline in groundwater levels over several years."].] As intensified competition from existing and proposed, on-going and drought-year programs pushed the upper limits of system (EWA EIS/R at 6-152, 6-153, 22-9, 22-16.), member districts and landowners would resort to crop idling in lieu of groundwater, leading in turn to land use and socio-economic and impacts. Additionally, rapid growth in Yuba County and along the Highway 65 corridor over the twenty-year lifetime of the program would compound the situation, placing further demand on the basin.

While such considerations may exceed the scope of the presently proposed action, our point with respect to groundwater in particular is that YCWA's eventual long-term mitigation strategy for 2007 and beyond must go well beyond what is being currently proposed for the 2006 Pilot Program (or, for that matter, what has already been made a part of the "Short-term EWA"). If these observations seem over-reaching, we hope

CFBF - 3

Mr. [Name Redacted]  
 December 23, 2005  
 Page 6 of 8

YCWA will take them under submission, nonetheless, as a commentary not only on the 2006 Pilot Program, but as a supplemental scoping suggestion for the long-term Lower Yuba Accord EIS/EIR in preparation. In an even broader sense, our comments in this forum may be of potential interest to the responsible and cooperating agencies on the proposed Accord as they formulate alternatives and prepare an eventual Draft EIS/EIR on the proposed long-term EWA.

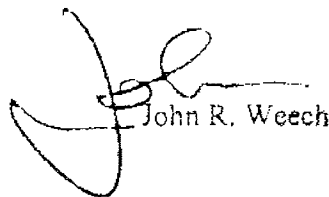
In its initial study for the 2006 Pilot Program (and in past transfers), YCWA has relied on a combination of what appears to be a responsible and well-coordinated level of local groundwater management and rapid-response remediation of localized third-party impacts as they are detected. Under a long-term Accord, however, the complex interplay of the proposed Water Purchase, Fisheries and Conjunctive Use Agreements may require much more aggressive action to mitigate potential widespread impacts on the basin—for example, the potential need for dedicated recharge and conjunctive use facilities and improvements or other necessary infrastructure (including a possible Feather River diversion, if appropriate and environmentally acceptable); groundwater conservation; landowner compensation or other mitigation to offset increased pumping costs, decreased yields and water quality impacts, as well as funding for expensive on-farm efficiencies, where necessary, including tail water collection and recovery systems. Such measures to mitigate potential groundwater impacts should be expressly identified in the eventual Lower Yuba Accord EIS/EIR and adequate funding provisions included in any underlying legal agreements.

CFBF - 3

Whereas the 2006 Pilot Program sets the stage for the proposed long-term program, that long-term program must in turn set an adequate standard as both the first long-term transfer of water to a presumptive long-term EWA, and the first multi-year transfer of agricultural water from the Sacramento Valley that would rely so heavily on groundwater substitution and conjunctive use.

Once again we would like to express our thanks to Surface Water Resources, Inc. for considering these comments. If we can provide any further information or clarification, please do not hesitate to call John R. Weech at 916-561-5665.

Sincerely,



John R. Weech

JRW:

cc: Doug Mosebar  
 George Gomes  
 Yuba-Sutter County Farm Bureau

## RESPONSES TO CALIFORNIA FARM BUREAU COMMENTS

**Comment CFBF-1:** Comments noted

**Comment CFBF-2:** YCWA will consider these comments when it prepares the draft environmental impact report/environmental impact statement (EIR/EIS) for the Proposed Lower Yuba River Accord (Proposed Yuba Accord). YCWA notes that the Short Term EWA EIS/EIR and Record of Decision (ROD) were not challenged in the referenced litigation and therefore still are legally valid documents.

**Comment CFBF-3:** As this comment correctly states, YCWA will carefully monitor groundwater conditions during the 2006 Pilot Program to determine the effects of any groundwater pumping associated with the 2006 Pilot Program. YCWA will consider the results of this monitoring program when it prepares the draft EIR/EIS for the Proposed Yuba Accord. The Agency does not intend to allow groundwater substitution transfers under the Proposed Yuba Accord to include groundwater pumping at levels that would lead to groundwater overdrafts. Instead, such groundwater pumping will be limited to levels that do not exceed the safe yields of the groundwater basins. The proposed levels of groundwater pumping and their estimated effects on groundwater levels will be analyzed in detail in the draft EIR/EIS for the Proposed Yuba Accord.

Ms. Debra Hoek  
Surface Water Resources, Inc  
2031 Howe Avenue, Suite 110  
Sacramento, CA 95825

December 18, 2005

Subject: Comments on Initial Study/Mitigated Negative Declaration for the Proposed Extension Petition for the Interim Instream Flow Requirements Under RD 1644

The California Sportfishing Protection Alliance has the following comments on the subject document.

The proposed project will have unreasonable and significant adverse impacts to aquatic resources of the Yuba River including but not limited to Steelhead rainbow trout, Spring and Fall run Chinook Salmon. The project will continue RD 1644 interim flows in place of RD 1644 Long Term flows which are recognized as providing significantly greater habitat conditions. Such action will have significant adverse impacts through habitat reduction, increased predation, increased loss at diversions and increased water temperature.

CSPA - 1

The proposed project will have unreasonable and significantly adverse impacts on benthic macroinvertebrates upon which juvenile salmon and steelhead are dependent for food. These impacts will occur through ecologically undesirable changes in flow timing, fluctuation and quantity which are greatly different than the naturally occurring conditions which these species evolved. The project will result in a reverse flow regime where summer flows are higher than spring and fall flows. Such a condition is contrary to the ecological conditions under which these species evolved and can result in significant changes in population structure, species composition and species diversity.

CSPA - 2

The proposed project will cause unreasonable and significant adverse impacts to Steelhead spawning and rearing habitat through undesirable flow levels and changes and unsuitable water velocities.

CSPA - 3

The Project will cause unreasonable and significant adverse impacts to aquatic life and State and Federally listed species in the Sacramento-San Joaquin Delta as a result of increased diversions.

CSPA - 4

The proposed project will cause unreasonable and significant adverse impacts to fisheries and recreational use of New Bullards Bar Reservoir. These impacts will occur due to reductions in storage and changes to minimum pool levels as the result of added releases for transfer.

CSPA - 5

The Proposed Project is a part of a larger project which will have significant and adverse cumulative impacts and is dependent on separate actions and decisions which have not received the legally required environmental documentation or public review. The Yuba Accord project is identified as having several components including groundwater transfers, conjunctive groundwater use programs, additional points of diversion, added areas of use and long term water sales and transfers. The proposed project is a critical element and future actions are dependent on the proposed project (Pilot Project Transfer) for funding. The IS/ND states that funding from the Pilot Project is necessary to pay for future elements of the Accord and that it cannot occur without funding from water sales and changes in flow requirements.

CSPA - 6

The Proposed Project incorrectly uses RD 1644 Interim flows as the baseline. As the Project is dependent upon and proposes changes to RD 1644 Long Term flows RD 1644 Long Term flows should serve as the baseline for comparison and analysis. The repeated use of RD 1644 Interim as a basis for comparison is incorrect, misleading and misrepresents the actual river conditions which are scheduled to occur in early 2006. The time frame for this Project is encompassed nearly in its entirety by flows required under RD 1644 Long term and not the Interim flows.

CSPA - 7

Actual flows which may occur under the project are unknown and subject to arbitrary and undefined change without specified criteria or basis and subject to the arbitrary decision of an undefined group without legal basis or standing. Such a decision process may cause unreasonable and significant adverse impacts to fish and wildlife resources.

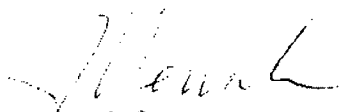
CSPA - 8

Numerous elements of the Proposed Project are long term and the entire project is dependent on such multi year and long term actions. The impacts of these actions may be significant and adverse.

CSPA - 9

The IS/ND repeatedly refers to Appendix 2 Section 4.4. No such appendix occurs within the document or material provided. This results in an incomplete document and prevents a complete review of impacts. CSPA requests that a full and complete document be provided and that the "Review Period" be extended to allow for review of the entire document and supporting information.

CSPA - 10



Jerry Mensch for  
California Sportfishing Protection Alliance  
1673 Kendall Street  
Roseburg, OR 97470



## RESPONSES TO CALIFORNIA SPORTFISHING PROTECTION ALLIANCE COMMENTS ON THE INITIAL STUDY/MITIGATED NEGATIVE DECLARATION

**Comment CSPA-1:** The commenter does not accurately describe the 2006 Pilot Program. Specifically, the petition submitted to the SWRCB is to modify the terms of YCWA's water right permits to change the effective date of RD-1644 long-term instream flow requirements from April 21, 2006 to March 1, 2007. Additionally, pursuant to Water Code §1725, YCWA and DWR propose to conduct a one-year water transfer for 2006 (April 1, 2006 through February 28, 2007). Moreover, YCWA proposes to release water (including water transferred) according to the instream flow schedules that are specified in the "Fisheries Agreement for the 2006 Lower Yuba River Pilot Program (2006 Pilot Program Fisheries Agreement)," which is included in the Initial Study/Mitigated Negative Declaration Appendix 2. Thus, the commenter incorrectly implies that YCWA would operate to RD-1644 interim minimum flow requirements during the approximate 1-year duration of the proposed project.

Besides neglecting to address the entirety of the proposed project (i.e., 2006 Pilot Program instream flow schedules and resultant flows), the conclusionary statements alleging adverse impacts also are not supported by scientific evaluation, documentation, or rationale.

**Comment CSPA-2:** The commenter suggests that the proposed project will adversely affect the lower Yuba River macroinvertebrate population because resultant flows will be different than "*naturally occurring*" (presumably unimpaired) flows under which these species evolved.

First, although the Initial Study/Mitigated Negative Declaration did not directly evaluate seasonal macroinvertebrate abundance or prey availability in relationship to instream flows, the impacts of the proposed project on all salmonid life stages occurring in the lower Yuba River (Initial Study/Mitigated Negative Declaration Section 4.3.2.3) were evaluated using a habitat-based approach. This approach included evaluations of potential flow and water temperature changes that could occur from April 1, 2006 through February 28, 2007. The resultant changes in flows and water temperatures are expected to be within recent historical ranges, it therefore is unlikely that there would be any significant changes to lower Yuba River macroinvertebrate community structure, composition, or diversity given the nature and duration of the proposed project. The Initial Study/Mitigated Negative Declaration determined that the effect of the proposed project, relative to the basis of comparison, would not result in adverse or unreasonable impacts to lower Yuba River salmonid populations (including the juvenile rearing life stage).

Second, the conclusionary statements alleging adverse impacts are not supported by scientific evaluation, documentation, or rationale.

Third, the commenter mistakenly assumes that "*...naturally occurring conditions*" are the basis of comparison for the proposed project. The appropriate basis of comparison under CEQA guidelines is existing conditions. Furthermore, "*naturally occurring conditions*" under which these species evolved have not occurred in the lower Yuba River since the mid-1800's with the

advent of hydraulic mining and resultant sedimentation, the construction of Daguerre Point Dam in 1910, Englebright Dam in 1941, and completion of the Yuba Project in 1970. The lower Yuba River macroinvertebrate species population structure, composition and diversity reflect recent historical activities leading up to the present day. These present day/existing conditions are the appropriate basis of comparison under CEQA guidelines.

Fourth, the commenter states that flows during summer (June, July and August) will be higher than flows in spring (April and May) and fall (September, October, November). However, examination of the exceedance plots of simulated actual flows for each month clearly show (Initial Study/Mitigated Negative Declaration, Appendix 4) that flows under the proposed project at the Smartville and Marysville gages are not expected to be higher in summer than they would be during spring months. Exceptions could occur under the proposed project during the approximately 5 percent lowest portion of the cumulative flow distribution. If the lowest 5 percent of possible flows were to occur, flows in June could be higher (up to 300 cfs) than flows that could potentially occur in April. Simulated flows during late July and August are generally (depending on hydrologic conditions) expected to be higher than flows during September and October with the proposed project, as well as with RD-1644 interim and long-term.

**Comment CSPA-3:** The comment is a conclusionary statement alleging adverse impacts that are not supported by scientific evaluation, documentation, or rationale.

Also, in the absence of a reliable spawning habitat-discharge relationship for steelhead in the lower Yuba River (Initial Study/Mitigated Negative Declaration, Appendix 6), the best available information from the California Department of Fish and Game (1991) "Lower Yuba River Fisheries Management Plan," suggests that during peak adult steelhead spawning months (February through April), flows under the proposed project, relative to the basis of comparison (Initial Study/Mitigated Negative Declaration, Appendix 6), are closer to the optimum flow reported (800 cfs).

**Comment CSPA-4:** Provision of the YCWA transfer water through either the EWA Program or a Dry Year Water Purchase Program, if implemented in 2006, would be within permitted and authorized operational and regulatory requirements (or constraints). Consequently, the proposed project would become part of the overall SWP and/or CVP water supply with attendant environmental limitations for exporting water from the Delta. The impacts on the Delta aquatic resources from SWP/CVP utilizing (within prescribed constraints) its pumping capacities and any necessary mitigation have been documented. Potential Delta impacts associated with EWA Program asset acquisitions were addressed through separate environmental compliance processes (i.e., NEPA, CEQA, and ESA), which included preparation of an EIS/EIR and corresponding Action Specific Implementation Plan (ASIP) for the Interim EWA Program. Based on the analyses, conclusions and mitigation measures presented in the EWA EIS/EIR and ASIP, an ROD was issued by the Bureau of Reclamation (Reclamation) and DWR certified the EIR, which concluded that its implementation would result in less-than-significant impacts on fisheries and aquatic resources within the Sacramento-San Joaquin Delta Region. These conclusions apply to the Delta effects of the proposed project and refute the unsupported conclusionary statements in this comment.

**Comment CSPA-5:** Throughout the period of operations of New Bullards Bar Reservoir (1969 through present), which encompasses the most extreme critically dry year on record, the coldwater pool in New Bullards Bar Reservoir has not been depleted. Therefore, potential reductions in coldwater pool storage would not be expected to adversely affect New Bullards Bar Reservoir's coldwater fisheries because: (1) coldwater habitat would remain available in the reservoir during all months of the proposed project; (2) physical habitat availability is not believed to be among the primary factors limiting coldwater reservoir fish populations; and (3) anticipated seasonal reductions in storage would not be expected to adversely affect the primary prey species utilized by coldwater fish.

Decreases in water surface elevation of New Bullards Bar Reservoir of more than 6 feet per month from March through June are 10 percent more likely to occur under the proposed project, relative to the basis of comparison. These reductions in water surface elevation would not be anticipated to result in substantial reductions in warmwater fish spawning success because results presented in the Initial Study/Mitigated Negative Declaration (Section 4.3.2.3) suggest that these potential decreases in water surface elevation would not be expected to occur during more than two months in any given spawning season. In addition, a 60 percent nest success rate would be achieved during some months of any annual spawning season, which would be expected to provide sufficient recruitment of individuals into the population over the 83-year simulation period evaluated.

Recreational resources for New Bullards Bar Reservoir were evaluated in the Initial Study/Mitigated Negative Declaration (Section 4.10.3.2). Results of an 83-year simulation of water surface elevations of New Bullards Bar Reservoir indicate that there is less than a 3 percent increased probability with the proposed project that, relative to the basis of comparison, the Dark Day and Cottage Creek boat ramps would become unusable during the recreation season (May through mid-October). Shoreline recreational opportunities would not be expected to be affected by the proposed project.

**Comment CSPA-6:** While the proposed project and the Proposed Yuba Accord contain similar provisions, they are separate projects, with non-overlapping timeframes. The impacts, including the cumulative impacts, of the Proposed Yuba Accord will be analyzed in the Draft EIR/EIS. Although some of the revenues that YCWA receives from the 2006 Pilot Program will be used to help pay the costs of preparing the Draft EIR/EIS for the Proposed Yuba Accord, these revenues will not be used to fund future activities under the Proposed Yuba Accord. If the Proposed Yuba Accord proceeds, then funding of future Proposed Yuba Accord activities will occur from revenues YCWA receives under the Proposed Yuba Accord.

**Comment CSPA-7:** YCWA operates its facilities, including the Yuba Project, to meet, at a minimum, the SWRCB RD-1644 interim instream flow requirements until April 21, 2006, at which time the RD-1644 long-term flow requirements are scheduled to go into effect. For the purposes of the Initial Study/Mitigated Negative Declaration, as required by CEQA, implementation of the proposed project is evaluated with respect to existing conditions. Therefore, the proposed project is evaluated compared to the RD-1644 interim instream flow requirements.

However, a summary of the potential for impacts upon resources identified in the CEQA Environmental Checklist associated with implementation of the proposed project, relative to RD-1644 long-term instream flow requirements is provided in Section 4.12 of the Initial Study/Mitigated Negative Declaration. Although not required by CEQA, this information nevertheless is provided so that decision makers will have another comparison of potential conditions that could exist in the proposed project area associated with implementation of the 2006 Pilot Program. This section is intended to supplement the evaluation of potential impacts relative to RD-1644 interim. Thus, potential impacts of the proposed project, relative to either RD-1644 interim or long-term, are fully evaluated in the Initial Study/Mitigated Negative Declaration.

**Comment CSPA-8:** This comment is unclear. However, it is acknowledged that actual flows in the Yuba River that may occur during the proposed project are uncertain. The simulated flow analysis presented in the Initial Study/Mitigated Negative Declaration is intended for use in the evaluation and comparison of potential impacts under the proposed project relative to the basis of comparison. Changes in actual lower Yuba River instream flows during the proposed project would be made based on the calculation of the North Yuba Index (Initial Study/Mitigated Negative Declaration, Section 2.4.2.1) and the rules and guidelines presented in the "2006 Pilot Program Fisheries Agreement" (Initial Study/Mitigated Negative Declaration, Appendix A of Appendix 2). In addition, YCWA will continue to operate Yuba Project facilities according to the legal terms described in its water rights permits issued by the SWRCB.

**Comment CSPA-9:** The proposed project will implement 2006 Pilot Program Fisheries Agreement Flow Schedules and transfer water to DWR from April 1, 2006 through February 28, 2007 (Initial Study/Mitigated Negative Declaration, Section 2.4).

**Comment CSPA-10:** The Initial Study/Mitigated Negative Declaration includes Appendix 2, which is titled "Environmental Analysis for the Proposed Yuba County Water Agency One-Year Water Transfer to the California Department of Water Resources and 2006 Pilot Program Fisheries Agreement". Section 4.4 begins on page 4-16 of Appendix 2.

FINAL

**INITIAL STUDY/  
MITIGATED NEGATIVE  
DECLARATION**

*for the*

**YUBA COUNTY WATER AGENCY**

**PROPOSED EXTENSION PETITION FOR THE INTERIM INSTREAM  
FLOW REQUIREMENTS UNDER**

**STATE WATER RESOURCES CONTROL BOARD**

**REVISED WATER RIGHT DECISION 1644**

**Revisions to the Public Draft  
(Errata Sheet)**

*Prepared for*

*Yuba County  
Water Agency* 

*Prepared by*



*January 2006*

(STATE CLEARINGHOUSE NUMBER: 2005122008)

## REVISIONS TO THE PUBLIC DRAFT 2006 PILOT PROGRAM INITIAL STUDY/MITIGATED NEGATIVE DECLARATION

The purpose of public review of the Draft 2006 Pilot Program Initial Study/Mitigated Negative Declaration (IS/MND) was to receive comments from interested parties on its completeness and adequacy in disclosing the environmental impacts of the proposed project. ~~Following the close of the Draft IS/MND public review period in December 2005, this Final IS/MND has been~~ The information regarding revisions to the Draft IS/MND contained herein this document comprises one component of the materials that comprise the Final IS/MND, which has been prepared following the close of the Draft IS/MND public review period in December 2005. The Final IS/MND prepared containing, among other items, -the comments received on the Draft IS/MND and responses to those comments, and clarifications or further explanations of information provided in the Draft IS/MND. Yuba County Water Agency (YCWA), as the lead agency for California Environmental Quality Act (CEQA) compliance purposes, is responsible for certifying the IS as adequate in compliance with CEQA. After making this determination and certification, YCWA will use the IS in making its decision on whether to approve the 2006 Pilot Program (proposed project).

This errata sheet identifies certain ~~the~~ modifications and corrections to the Draft IS/MND ~~(December 2005), which that~~ have been identified in response to public and agency comments received during the public review and comment period. A compilation of the revisions to the Draft IS/MND is presented in **Table 1**. The changes to the Draft IS/MND presented below are intended to acknowledge/identify items inadvertently omitted from a particular section of the document, provide additional clarification regarding proposed project elements and/or analyses, incorporate additional detail regarding proposed project features or mitigation measures and correct other minor errors found during the public review and preparation of the final document. The changes to the document do not alter the impact conclusions that were presented in the Draft IS/MND.

Table 11. Table 1. Public Draft Initial Study/Mitigated Negative Declaration Errata.

Page No.	Error/Issue	Correction	Justification
2	Environmental commitment (mitigation measures) for terrestrial resources not included.	Terrestrial resources added to list of environmental commitments (mitigation measures).	Inadvertently omitted from <u>the</u> list.

Page No.	Error/Issue	Correction	Justification
<b>Chapter 4</b>			
*Global Edit*	Steelhead populations delineated by ESU (eEvolutionarily Ssignificant uUnit).	Steelhead populations delineated by DPS (dDistinct pPopulation Ssegments).	As of December 23, 2005, NOAA Fisheries Service National Marine Fisheries Service changed its application of the ESU policy to delineate steelhead populations by the DPS (distinct population segment) policy.
*Global Edit*	Years in which Yuba County Water Agency conducted water transfer monitoring studies.	Yuba County Water Agency conducted water transfer monitoring studies in 2001, 2002, and 2004.	<p><del>Some years (i.e., 2000, 2001 and 2003) were inadvertently included or omitted from certain sections of the text. Certain sections of the text incorrectly identified the years in which YCWA conducted monitoring during water transfers.</del></p> <p>The year 2000 was inadvertently included, and the year 2003 was inadvertently omitted</p>



<u>Page No.</u>	<u>Issue</u>	<u>Correction</u>	<u>Justification</u>
4-7	Typographical error found in Table 4-1.	Replaced Table 4-1 with updated Table 4-1 presented below. Reference to values presented in Table 4-1 updated throughout document (e.g., pages 4-75 and 4-89).	Revised Table 4-1 to correct typographical error and updated calculations to reflect corrected numerical values.
4-35	American Shad immigration and spawning life stage not included in list of Species, Runs and Life Stages Occurring during the month of April.	American Shad immigration and spawning life stage included in list of Species, Runs and Life Stages Occurring during the month of April.	Inadvertently omitted from the list, but included in impacts considerations.
4-40	Steelhead smolt outmigration life stage not included in list of Species, Runs and Life Stages Occurring during the month of October.	Steelhead smolt outmigration life stage not included on list of Species, Runs and Life Stages Occurring during the month of October.	<del>Inadvertently omitted from the list, but included in impacts considerations.</del> Inadvertently omitted from the list.
4-40	Spring-run Chinook salmon immigration and holding life stage was included in list of Species, Runs and Life Stages Occurring during the month of October.	Spring-run Chinook salmon immigration and holding life stage omitted from list of Species, Runs and Life Stages Occurring during the month of October.	<del>Inadvertently omitted from the list, but included in impacts considerations.</del> Inadvertently included on the list.
4-41	Steelhead spawning and embryo incubation life stage was included on list of Species, Runs and Life Stages Occurring during the month of December.	Steelhead spawning and embryo incubation life stage omitted from list of Species, Runs and Life Stages Occurring during the month of December.	<del>Inadvertently omitted from the list, but included in impacts considerations.</del> Inadvertently included on the list.
4-41	Steelhead spawning and embryo incubation life stage not included on list of Species, Runs and Life Stages Occurring during the month of January.	Steelhead spawning and embryo incubation life stage included on list of Species, Runs and Life Stages Occurring during the month of January.	<del>Inadvertently omitted from the list, but included in impacts considerations.</del> Inadvertently omitted from the list.
4-41	Steelhead smolt emigration life stage not included on list of Species, Runs and Life Stages Occurring during the month of January.	Steelhead smolt emigration life stage included on list of Species, Runs and Life Stages Occurring during the month of January.	<del>Inadvertently omitted from the list, but included in impacts considerations.</del> Inadvertently omitted from the list.
4-41	Steelhead spawning and embryo incubation life stage not included on list of Species, Runs and Life Stages Occurring during the month of January.	Steelhead spawning and embryo incubation life stage included on list of Species, Runs and Life Stages Occurring during the month of January.	<del>Inadvertently omitted from the list, but included in impacts considerations.</del> Inadvertently omitted from the list.

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<u>Page No.</u>	<u>Issue</u>	<u>Correction</u>	<u>Justification</u>
4-46	Also, lower water temperatures could increase the quality of available adult holding habitat and, thus, potentially decrease overall adult steelhead holding habitat densities.	Also, lower water temperatures could increase the quality of available adult holding habitat.	Sentence clarification.
4-54	Page number citation 9-284 does not refer to correct section of the EWA EIS/EIR.	Replace page 9-284 with pages 9-250 through 9-261 and pages 9-261 through 9-271.	Typographical error corrected by removing italics from first sentence in last paragraph; updated page number citations to the EWA EIS/EIR.
<b>Appendix 2</b>			
2-10	End of <b>September</b> water surface elevation of NBBR is <b>1866 ft-msl</b>	End of <b>September</b> water surface elevation is <b>1868 ft-msl</b>	<del>Error</del> Updated in equation used to calculate NBBR surface water elevations
2-10	End of <b>February</b> water surface elevation of NBBR is <b>1902 ft-msl</b>	End of <b>February</b> water surface elevation is <b>1883 ft-msl</b>	Updated equation <del>Error in equation</del> used to calculate NBBR surface water elevations
2-10	End of <b>February</b> 2007 storage volume for NBBR is <b>684,344 TAF</b> under the proposed project.	End of <b>February</b> 2007 storage volume for NBBR is <b>663,130 TAF</b> under the proposed project.	February 2006 end of month storage volume was used
4-3	Typographical error found in Table 4-1.	Replaced Table 4-1 with updated table presented below. References to values presented in Table 4-1 updated throughout appendix 2.	Revised Table 4-1 to correct typographical error and updated calculations to reflect corrected numerical values.
4-36	End of <b>September</b> water surface elevation of NBBR is <b>1866 ft-msl</b> under the proposed project	End of <b>September</b> water surface elevation is <b>1868 ft-msl</b> under the proposed project	Updated equation <del>Error in equation</del> used to calculate NBBR surface water elevations
4-36	End of <b>September</b> water surface elevation of NBBR is <b>1890 ft-msl</b> under RD-1644 long-term	End of <b>September</b> water surface elevation is <b>1882 ft-msl</b> under RD-1644 long-term	Updated equation <del>Error in equation</del> used to calculate NBBR surface water elevations
4-37	<b>March through June</b> decreases in NBBR water surface elevations are <b>7 percent more likely</b> to occur under the proposed project.	<b>March through June</b> decreases in NBBR water surface elevations are <b>8 percent more likely</b> to occur under the proposed project.	Updated equation <del>Error in equation</del> used to calculate NBBR surface water elevations
4-77	NBBR end of <b>April</b> water surface elevation would be approximately <b>11 ft lower</b> under the proposed project	NBBR end of <b>April</b> water surface elevation would be approximately <b>4 ft lower</b> under the proposed project	Updated equation <del>Error in equation</del> used to calculate NBBR surface water elevations

<u>Page No.</u>	<u>Issue</u>	<u>Correction</u>	<u>Justification</u>
4-46	<u>Also, lower water temperatures could increase the quality of available adult holding habitat and, thus, potentially decrease overall adult steelhead holding habitat densities.</u>	<u>Also, lower water temperatures could increase the quality of available adult holding habitat.</u>	<u>Sentence clarification.</u>
4-54	<u>Page number citation 9-284 does not refer to correct section of the EWA EIS/EIR.</u>	<u>Replace page 9-284 with pages 9-250 through 9-261 and pages 9-261 through 9-271.</u>	<u>Typographical error corrected by removing italics from first sentence in last paragraph; updated page number citations to the EWA EIS/EIR.</u>
	relative to the basis of comparison.	relative to the basis of comparison.	
4-77	NBBR end of <b>September</b> water surface elevation would be approximately <b>24 ft lower</b> under the proposed project relative to the basis of comparison.	NBBR end of <b>September</b> water surface elevation would be approximately <b>14 ft lower</b> under the proposed project relative to the basis of comparison.	<u>Updated equation Error in equation-used to calculate NBBR surface water elevations</u>
4-83	NBBR water surface elevations during the recreation season would be <b>1.5 percent more likely to drop below 1798 ft-msl</b> under the proposed project relative to the basis of comparison.	NBBR water surface elevations during the recreation season would be <b>0.2 percent more likely to drop below 1798 ft-msl</b> under the proposed project relative to the basis of comparison.	<u>Updated equation Error in equation-used to calculate NBBR surface water elevations</u>
4-83	<u>NBBR water surface elevations during the recreation season would be <b>2 percent more likely to drop below 1822 ft-msl</b> under the proposed project relative to the basis of comparison.</u>	<u>NBBR water surface elevations during the recreation season would be <b>1 percent more likely to drop below 1822 ft-msl</b> under the proposed project relative to the basis of comparison.</u>	<u>Updated equation used to calculate NBBR surface water elevations</u>
* <u>Correction appears throughout chapter.</u>			

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Replacement Table for Chapter 4 of the IS/MND**Table 4-21. Average Difference in Simulated Monthly Mean Flows for the Lower Yuba River (Marysville) Between the Proposed Project and RD-1644 Interim, Compared to the Total Volume of Average Feather River Flows at Gridley During the April through February Period (cfs)**

	<u>Apr</u>	<u>May</u>	<u>Jun</u>	<u>Jul</u>	<u>Aug</u>	<u>Sep</u>	<u>Oct</u>	<u>Nov</u>	<u>Dec</u>	<u>Jan</u>	<u>Feb</u>
Average Difference in Monthly Mean Flows <sup>1</sup>	<u>365</u>	<u>-27*</u>	<u>356</u>	<u>54</u>	<u>274</u>	<u>159</u>	<u>99</u>	<u>-90*</u>	<u>-347*</u>	<u>-368*</u>	<u>-22*</u>
**Feather River Average Monthly Flow	<u>4,418</u>	<u>4,069</u>	<u>4,003</u>	<u>5,302</u>	<u>4,293</u>	<u>3,060</u>	<u>2,366</u>	<u>1,979</u>	<u>4,937</u>	<u>5,713</u>	<u>6,931</u>
Percent Difference in Proportional Flow (Proposed Project vs. RD-1644 Long-term) to Feather River Flows (cfs)	<u>8</u>	<u>-1</u>	<u>9</u>	<u>1</u>	<u>6</u>	<u>5</u>	<u>4</u>	<u>-5</u>	<u>-7</u>	<u>-6</u>	<u>0</u>

<sup>1</sup> Differences in simulated mean monthly flows between the proposed project and RD-1644 interim include both uncontrolled flow releases during flood control operations during wetter water years, and controlled flow releases during drier water years to meet minimum flow requirements on the lower Yuba River. Therefore, reductions in the average difference in monthly mean flows presented in the table above represent simulated changes that are expected to occur between the proposed project and RD-1644 interim flows only; these modeled reductions would not result in flow reductions under the proposed project that would cause actual flows to fall below RD-1644 interim minimum instream flow requirements.

\*Average monthly flow volume less than under RD-1644 interim

\*\* Source: CDEC, period of record 1993 through 2005

Replacement Table for Chapter 4 of Appendix 2**Table 4-1. Difference in Average Simulated Monthly Mean Flows for the Lower Yuba River (Marysville) Between the Proposed Project and RD-1644 Long-term, and the Percentage of These Flows to Average Feather River Flows at Gridley During the April through February Period.**

	<u>Apr</u>	<u>May</u>	<u>Jun</u>	<u>Jul</u>	<u>Aug</u>	<u>Sep</u>	<u>Oct</u>	<u>Nov</u>	<u>Dec</u>	<u>Jan</u>	<u>Feb</u>
<u>Average Difference in Monthly Mean Flows (cfs)</u>	<u>328</u>	<u>-205*</u>	<u>256</u>	<u>33</u>	<u>279</u>	<u>163</u>	<u>99</u>	<u>-88*</u>	<u>-296*</u>	<u>-282*</u>	<u>9</u>
<u>**Feather River Average Monthly Flow (cfs)</u>	<u>4,418</u>	<u>4,069</u>	<u>4,003</u>	<u>5,302</u>	<u>4,293</u>	<u>3,060</u>	<u>2,366</u>	<u>1,979</u>	<u>4,937</u>	<u>5,713</u>	<u>6,931</u>
<u>Percent Difference in Proportional Flow (Proposed Project vs. RD-1644 Long-term) to Feather River Flows (cfs)</u>	<u>7</u>	<u>-5</u>	<u>6</u>	<u>1</u>	<u>6</u>	<u>5</u>	<u>4</u>	<u>-4</u>	<u>-6</u>	<u>-5</u>	<u>0</u>
<u>*Average monthly flow volume less than RD-1644 long-term</u>											
<u>** Source: CDEC, period of record 1993 through 2005</u>											