New Slab Creek Powerhouse and Boating Flow Release Valve Project

Final Initial Study and Mitigated Negative Declaration • September 2015
New Slab Creek Powerhouse and Boating Flow Release Valve Project

Final Initial Study and Mitigated Negative Declaration • September 2015

Lead Agency:
Sacramento Municipal Utility District
6201 S Street, MS B203
Sacramento, CA 95817-1899

or
P.O. Box 15830 MS B203
Sacramento, CA 95852-1830
Attn: Jose Bodipo-Memba
(916) 732-6493 or Jose.Bodipo-Memba@smud.org

Prepared by:
AECOM
2020 L Street, Suite 400
Sacramento, CA 95811
Contact: Petra Unger
petra.unger@aecom.com
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Appendix

Appendix A New Slab Creek Powerhouse and Boating Flow Release Valve Project Final
Initial Study and Mitigated Negative Declaration (with Text Edits)
(on CD)
ACRONYMS AND OTHER ABBREVIATIONS

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Executive Summary

The Sacramento Municipal Utility District (SMUD) proposes to construct and operate the New Slab Creek Powerhouse and Boating Flows Release Valve Project (proposed project) as part of the existing Upper American River Project hydroelectric facilities in El Dorado County, California. The boating flow release structure would comply with Federal Energy Regulatory Commission license conditions related to minimum and boating releases. The proposed project would require site preparation, construction of a connection to White Rock Tunnel, a new powerhouse, an electrical connection, and a boating flow release valve on the southern banks of the South Fork American River (SFAR). During operations, boating flows would be released from the new valve, rather than from spilling water over Slab Creek Dam. The proposed project also would include reconfiguring the mouth of Iowa Canyon Creek and completing habitat improvements along the SFAR (i.e., moving boulders in the riverbed to create a low flow channel in a quarter-mile stretch of the SFAR immediately downstream from Slab Creek Dam and placing gravel into the SFAR to enhance habitat for fish).

This Final Initial Study/Mitigated Negative Declaration (IS/MND) provides an overview of the environmental review process, including public review of the Draft IS/MND, which was available for public and agency comment from July 9 through August 10, 2015. During this period, SMUD held two public workshops, and 7 comment documents were received.

SMUD conducted a detailed review of the comments and has prepared the responses presented in Section 2 of this document. In addition, SMUD determined that several changes to the IS/MND were warranted, and to incorporate minor edits and clarifications. The changes made in the Final IS/MND are summarized in Section 3 of this document, and the Final IS/MND with the changes incorporated is provided in Appendix A. Added text is underlined and deleted text is indicated with a strike mark. These minor edits and clarifications do not identify any new environmental effects or provide substantial project changes needed to reduce effects to below the level of significance, and therefore do not require recirculation per the California Environmental Quality Act Guidelines Section 15073.5.

After reviewing the comments and determining that no additional mitigation measures were warranted, SMUD has prepared a Mitigation Monitoring and Reporting Plan (MMRP) that includes the cultural resources and noise mitigation measures outlined in the Final IS/MND. The MMRP is presented in Section 4 of this document.

SMUD has determined that although the proposed project could have a significant effect on the environment, a significant effect would not occur because the proposed mitigation measures would reduce the effects of any impacts to below the established thresholds of significance. Therefore, SMUD published the Mitigated Negative Declaration on July 9, 2015, and SMUD’s Board of Directors will consider adopting the MND at a board meeting in October 2015.
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1.0 INTRODUCTION

1.1 Project Summary

The Sacramento Municipal Utility District (SMUD) proposes to construct and operate the New Slab Creek Powerhouse and Boating Flows Release Valve Project (proposed project) as part of the existing Upper American River Project (UARP) hydroelectric facilities in El Dorado County, California. The boating flow release structure would comply with Federal Energy Regulatory Commission (FERC) license conditions related to minimum and boating releases. The proposed project would require site preparation, construction of a connection to White Rock Tunnel, a new powerhouse, an electrical connection, and a boating flow release valve on the southern banks of the South Fork American River (SFAR). During operations, boating flows would be released from the new valve, rather than from spilling water over Slab Creek Dam. The proposed project also would include reconfiguring the mouth of Iowa Canyon Creek and completing habitat improvements along the SFAR (i.e., moving boulders in the riverbed to create a low flow channel in a quarter-mile stretch of the SFAR immediately downstream from Slab Creek Dam and placing gravel into the SFAR to enhance habitat for fish).

1.2 Environmental Process Summary

1.2.1 Review of the Draft IS/MND

Copies of the Draft IS/MND were distributed to the Governor’s Office of Planning and Research, State Clearinghouse; local libraries; El Dorado County; and relevant resource agencies. A notice of intent was distributed to property owners and occupants of record, identified by the El Dorado County Assessor’s office as being within 500 feet of the project boundaries. The 30-day public review period began on July 9, 2015, and ended on August 10, 2015. SMUD held a public meeting in Camino on July 21, and in Mosquito on July 22, 2015. A total of 7 written comments were received. These comments (i.e., 5 letters, 1 e-mail message, and 1 request for future correspondence) and SMUD’s responses are presented in Section 2.0 of this document. The comments did not change the conclusions presented in the Draft IS/MND.

1.2.2 Preparation of the Final IS/MND

The comment letters were reviewed and responses were prepared (see Section 2.0). Based on the comments and recommendations received, minor edits and clarifications were made to the Draft IS/MND. These changes provide more detail about the location of the USGS compliance gauge in the SFAR, pre-construction surveys for biological resources, and agency consultation regarding river flow rates. All text changes are shown in track changes mode in the Final IS/MND, provided in Appendix A (and in PDF format on CD in the envelope at the back of this printed document). These minor edits and clarifications do not identify any new environmental effects or provide substantial project changes needed to reduce effects to below the level of significance, and therefore do not require recirculation per the California Environmental Quality Act (CEQA) Guidelines Section 15073.5.
1.2.3 State CEQA Guidelines

State CEQA Guidelines Section 15073.5 provides for recirculation of a negative declaration before adoption. Section 15073.5(a) states:

A lead agency is required to recirculate a negative declaration when the document must be substantially revised after public notice of its availability has previously been given pursuant to §15072, but prior to adoption.

According to Section 15073.5(b), a substantial revision is defined as:

(1) A new, avoidable significant effect is identified and mitigation measures or project revisions must be added in order to reduce the effect to insignificance, or

(2) The lead agency determines that the proposed mitigation measures or project revisions will not reduce potential effects to less than significance and new measures or revisions must be required.

SMUD has determined that none of the aforementioned conditions requiring recirculation have been identified and added, and therefore, recirculation of the Draft IS/MND is not required. Therefore, SMUD as the lead agency may approve the Final IS/MND with the incorporated minor edits and clarifications.

Circumstances under which recirculation is not required include:

(1) Mitigation measures are replaced with equal or more effective measures pursuant to §15074.1.

(2) New project revisions are added in response to written or verbal comments on the project’s effects identified in the proposed negative declaration which are not new avoidable significant effects.

(3) Measures or conditions of project approval are added after circulation of the negative declaration which are not required by CEQA, which do not create new significant environmental effects and are not necessary to mitigate an avoidable significant effect.

(4) New information is added to the negative declaration which merely clarifies, amplifies, or makes insignificant modifications to the negative declaration.”

(Section 15073.5[c])

1.2.4 Analysis

The Final IS/MND does not incorporate any major changes to the proposed project description, but only contains minor edits and clarifications. The minor edits and clarifications to the text in the Final IS/MND do not include changes and/or additional details that warrant the recirculation of the Draft IS/MND because they do not result in any new impact not previously described and
analyzed. These changes do not meet the criteria for recirculation under State CEQA Guidelines Section 15073.5.

SMUD has made the determination that the minor edits and clarifications in the text of the Final IS/MND do not constitute a substantial revision as defined by State CEQA Guidelines Section 15073.5(b). None of the provisions of Section 15073.5 apply to the proposed changes; therefore, recirculation of the Draft IS/MND is not required.

1.3 Mitigation Measures

SMUD would implement mitigation measures, to address potential impacts on cultural resources and reduce noise levels from construction, as described next.

1.3.1 Cultural Resources

Although no historical, archaeological, or tribal cultural resources were identified on the proposed project site, the grading and material removal associated with project construction has the potential to expose previously unknown or unrecorded resources. These resources could be damaged or destroyed during construction activities. Implementation of Mitigation Measure CUL-1 would reduce the impact to a less-than-significant level.

Mitigation Measure CUL-1. Evaluate Cultural Resources Discovered during Project Construction.

If cultural resources (historic or archaeological) are discovered during the proposed project’s construction activities, they shall be evaluated for eligibility for inclusion in the CRHR. Resource evaluations shall be conducted by individuals who meet the United States Secretary of Interior’s professional standards in archaeology and architectural history. If any of the resources meet the eligibility criteria identified in Public Resources Code Section 5024.1, or CEQA Section 21083.2(g), SMUD will develop and implement an environmental safety training process before construction begins. At its discretion, SMUD may invite a Native American who is traditionally and culturally affiliated with the geographic area to observe the removal of native material.

The project area is located partially within undifferentiated Paleozoic rocks that do not contain fossils. However, the potential always exists that unique paleontological resources could be encountered during construction in areas where no surface indication of their presence is evident, and thus SMUD would implement Mitigation Measure CUL-2 to reduce the impact to a less-than-significant level.

Mitigation Measure CUL-2. Stop Work on Discovery of On-site Paleontological Resources and Retain a Professional Paleontologist to Evaluate the Deposits.

If paleontological resources are uncovered during any on-site construction activities, all work must stop immediately within 100 feet of the area and a Professional Paleontologist shall be retained to evaluate the deposits. Work in the area may only resume after authorization is granted by SMUD’s project manager in consultation with the Professional Paleontologist.
SMUD has determined that it is unlikely human remains would be encountered during project construction. However, buried human remains could be encountered where no surface indication is evident of their presence. Therefore, in addition to Mitigation Measure CUL-1, SMUD would implement CUL-3 to reduce the impact to a less-than-significant level.

**Mitigation Measure CUL-3. Halt Work on Discovery of Human Remains and Notify the Local County Coroner.**

*If human remains are discovered during the project’s construction activities, the requirements of California Health and Human Safety Code Section 7050.5 shall be followed. Potentially damaging excavation shall be halted in the area of the remains, with a minimum radius of 50 feet, and the local County Coroner shall be notified. The Coroner is required to examine all discoveries of human remains within 48 hours of receiving notice of a discovery on private or state lands (Health and Safety Code Section 7050.5[b]). If the Coroner determines that the remains are those of a Native American, he or she must contact NAHC by phone within 24 hours of making that determination (Health and Safety Code Section 7050[c]). Pursuant to the provisions of California Public Resources Code Section 5097.98, the NAHC shall identify a Most Likely Descendant (MLD). The MLD designated by the NAHC shall have at least 48 hours to inspect the site and propose treatment and disposition of the remains and any associated grave goods.*

1.3.2 Noise

The proposed project would generate construction noise from the transport of construction equipment, materials, and workers to and from the project area. Potential impacts on noise levels were addressed in the 2015 FERC Environmental Assessment (EA). According to the EA, SMUD would be required to prepare and implement a construction noise plan. The purpose of the plan would be to minimize the level of project-generated noise emanating from the construction worksite and local roads. The plan would include a number of measures including: (1) limiting the hours and days of noise-generating construction activities; (2) periodic construction noise monitoring; (3) proper maintenance of construction equipment to reduce noise; (4) establishing a community response program; (5) requiring all vehicles to undergo regular maintenance, in particular muffler maintenance; (6) limit speeds on Slab Creek Road to 20 miles per hour or less; (7) limiting equipment/materials transportation to between 9 a.m. and 2 p.m. on weekdays; and (8) limiting idling of vehicles.

Construction also may require infrequent use of a helicopter. SMUD would implement Mitigation Measure NOI-1 to minimize noise impacts from construction traffic and helicopter use to a less-than-significant level.

**Mitigation Measure NOI-1. Employ Noise-Reducing Construction Measures for Construction Traffic.**

*SMUD and its construction contractor(s) will implement the following measures to reduce potential impacts from construction-related increases in exterior ambient noise levels. Feasible noise controls that may be implemented to reduce equipment noise levels include the following:*
• Provide written notification to the potentially affected residents before construction, identifying the approximate duration and frequency of construction activities within 200 feet of construction haul routes. Notification materials will also identify a mechanism for residents to register complaints with the appropriate jurisdiction if construction noise levels are overly intrusive or construction occurs outside the permitted hours. Notification will include the planned dates and hours during which construction activities will occur and contact information, including a daytime telephone number, for the designated disturbance coordinator to be contacted in the event that noise levels are deemed excessive. Recommendations to assist noise-sensitive land uses in reducing interior noise levels (e.g., closing windows and doors) will be included in the notification.

• Restrict the use of bells, whistles, alarms, and horns to safety-warning purposes.

• Designate a noise complaint coordinator and conspicuously post this person’s contact information around the construction site, in adjacent public spaces, and in construction notifications. The disturbance coordinator will be responsible for responding to any complaints about construction activities. The disturbance coordinator will receive all public complaints about construction disturbances and will be responsible for determining the cause of the complaint and implementation of feasible measures to be taken to alleviate the problem.

• Post the name and phone number of the designated disturbance coordinator at the construction site boundary so that the public can contact this person if noise disturbance occurs. The designated disturbance coordinator will take steps immediately to resolve any complaints received, including modifying construction practices as necessary to address the noise complaint.

• Include hearing protection in site requirements and address potential helicopter use and daily safety meetings to minimize worker exposure to helicopter noise.

1.4 CEQA Determination

SMUD has determined that although the proposed project could have a significant effect on the environment, a significant effect would not occur because the proposed mitigation measures would reduce the effects of any impacts to below the established thresholds of significance. Therefore, SMUD published the Mitigated Negative Declaration on July 9, 2015, and SMUD’s Board of Directors will consider adopting the MND at a board meeting in September 2015.
## 2.0 COMMENTS AND RESPONSES

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3 August 2015

Jose Bodipo-Memba
Sacramento Municipal Utility District
6201 S Street
Sacramento, CA 95817

CERTIFIED MAIL
7014 2870 0000 7535 4838

COMMENTS TO REQUEST FOR REVIEW FOR THE DRAFT MITIGATED NEGATIVE DECLARATION, NEW SLAB CREEK PROJECT, SCH# 2015072021, EL DORADO COUNTY

Pursuant to the State Clearinghouse’s 10 July 2015 request, the Central Valley Regional Water Quality Control Board (Central Valley Water Board) has reviewed the Request for Review for the Draft Mitigated Negative Declaration for the New Slab Creek Project, located in El Dorado County.

Our agency is delegated with the responsibility of protecting the quality of surface and groundwaters of the state; therefore our comments will address concerns surrounding those issues.

Construction Storm Water General Permit
Dischargers whose project disturb one or more acres of soil or where projects disturb less than one acre but are part of a larger common plan of development that in total disturbs one or more acres, are required to obtain coverage under the General Permit for Storm Water Discharges Associated with Construction Activities (Construction General Permit). Construction General Permit Order No. 2009-009-DWQ. Construction activity subject to this permit includes clearing, grading, grubbing, disturbances to the ground, such as stockpiling, or excavation, but does not include regular maintenance activities performed to restore the original line, grade, or capacity of the facility. The Construction General Permit requires the development and implementation of a Storm Water Pollution Prevention Plan (SWPPP).

For more information on the Construction General Permit, visit the State Water Resources Control Board website at: http://www.waterboards.ca.gov/water_issues/programs/stormwater/constpermits.shtml.
Phase I and II Municipal Separate Storm Sewer System (MS4) Permits

The Phase I and II MS4 permits require the Permittees reduce pollutants and runoff flows from new development and redevelopment using Best Management Practices (BMPs) to the maximum extent practicable (MEP). MS4 Permittees have their own development standards, also known as Low Impact Development (LID)/post-construction standards that include a hydromodification component. The MS4 permits also require specific design concepts for LID/post-construction BMPs in the early stages of a project during the entitlement and CEQA process and the development plan review process.

For more information on which Phase I MS4 Permit this project applies to, visit the Central Valley Water Board website at:

For more information on the Phase II MS4 permit and who it applies to, visit the State Water Resources Control Board at:

Industrial Storm Water General Permit

Storm water discharges associated with industrial sites must comply with the regulations contained in the Industrial Storm Water General Permit Order No. 2014-0057-DWG.

For more information on the Industrial Storm Water General Permit, visit the Central Valley Water Board website at:

Clean Water Act Section 404 Permit

If the project will involve the discharge of dredged or fill material in navigable waters or wetlands, a permit pursuant to Section 404 of the Clean Water Act may be needed from the United States Army Corps of Engineers (USACOE). If a Section 404 permit is required by the USACOE, the Central Valley Water Board will review the permit application to ensure that discharge will not violate water quality standards. If the project requires surface water drainage realignment, the applicant is advised to contact the Department of Fish and Game for information on Streambed Alteration Permit requirements.

If you have any questions regarding the Clean Water Act Section 404 permits, please contact the Regulatory Division of the Sacramento District of USACOE at (916) 557-5250.

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1 Municipal Permits = The Phase I Municipal Separate Storm Water System (MS4) Permit covers medium sized Municipalities (serving between 100,000 and 250,000 people) and large sized municipalities (serving over 250,000 people). The Phase II MS4 provides coverage for small municipalities, including non-traditional Small MS4s, which include military bases, public campuses, prisons and hospitals.
Program, call the Central Valley Water Board phone line at (916) 464-4611 or e-mail board staff at IrrLands@waterboards.ca.gov.

**Low or Limited Threat General NPDES Permit**

If the proposed project includes construction dewatering and it is necessary to discharge the groundwater to waters of the United States, the proposed project will require coverage under a National Pollutant Discharge Elimination System (NPDES) permit. Dewatering discharges are typically considered a low or limited threat to water quality and may be covered under the General Order for Dewatering and Other Low Threat Discharges to Surface Waters (Low Threat General Order) or the General Order for Limited Threat Discharges of Treated/Untreated Groundwater from Cleanup Sites, Wastewater from Superchlorination Projects, and Other Limited Threat Wastewaters to Surface Waters (Limited Threat General Order). A complete application must be submitted to the Central Valley Water Board to obtain coverage under these General NPDES permits.

For more information regarding the Low Threat General Order and the application process, visit the Central Valley Water Board website at:


For more information regarding the Limited Threat General Order and the application process, visit the Central Valley Water Board website at:


If you have questions regarding these comments, please contact me at (916) 464-4684 or tcleak@waterboards.ca.gov.

Trevor Cleak  
Environmental Scientist

cc: State Clearinghouse unit, Governor’s Office of Planning and Research, Sacramento
Comment Letter 1, Trevor Cleak, Central Valley Regional Water Quality Control Board (Central Valley RWQCB), August 3, 2015

Comment 1-1—List of Permits Related to Water Quality

The comment lists the following permits, administered by the Central Valley Regional Water Quality Control Board (RWQCB) to protect surface and groundwater, and provides links to additional information related to each permit:

- Construction Stormwater General Permit
- Phase I and II Municipal Storm Sewer System (MS4) Permits
- Industrial Storm Water General Permit
- Clean Water Act Section 404 Permit
- Low or Limited Threat General Order

Response 1-1

SMUD thanks the Central Valley RWQCB for its review of the proposed project. SMUD will obtain all necessary permits related to water quality, as discussed in Section 3.9, “Hydrology and Water Quality,” of the Draft IS/MND. SMUD anticipates the need for a Construction Stormwater General Permit for storm water discharges and would also comply with Section 404 through obtaining coverage under Nationwide Permits 27 and 39. SMUD also will comply with the water quality requirements of SMUD’s FERC license for the UARP (Project No. P-2101). Based on the project description, SMUD does not anticipate industrial discharges or the need for a municipal storm water system permit.
State Water Resources Control Board

AUG 10 2015

Mr. Jose Bodipo-Memba
Sacramento Municipal Utility District
P.O. Box 15830 MS B203
Sacramento, CA 95852-1830

Dear Mr. Bodipo-Memba:

COMMENTS ON THE DRAFT INITIAL STUDY AND MITIGATED NEGATIVE DECLARATION SUBMITTED BY THE SACRAMENTO MUNICIPAL UTILITY DISTRICT FOR THE UPPER AMERICAN RIVER HYDROELECTRIC PROJECT, FEDERAL ENERGY REGULATORY COMMISSION (FERC) PROJECT NO. 2101; EL DORADO AND SACRAMENTO COUNTIES

Thank you for the opportunity to review and comment on the draft Initial Study and Mitigated Negative Declaration (IS/MND) issued by the Sacramento Municipal Utility District (SMUD) for the proposed New Slab Creek Powerhouse and Boating Flows Release Valve (Project). As lead agency for the proposed Project, SMUD released the IS/MND in July 2015 in compliance with the California Environmental Quality Act (CEQA). SMUD proposes to construct and operate the Project as part of the existing Upper American River Project (UARP) to ensure compliance with Federal Energy Regulatory Commission (FERC) license conditions related to minimum instream flow and recreation streamflow releases.

In addition to the IS/MND, the potential environmental impacts of the proposed project were also addressed under the National Environmental Policy Act (NEPA). On April 29, 2015, FERC published an Environmental Assessment that evaluated the environmental effects of the proposed project. When possible, state and local agencies are encouraged to use the environmental analysis performed under NEPA to describe the impacts of a project as a basis for CEQA analysis. The IS/MND incorporates FERC’s environmental analysis and provides additional information specific to the CEQA checklist questions. The IS/MND also incorporates information from environmental reviews performed during UARP relicensing efforts. These include the 2008 Environmental Impact Statement developed by FERC and the United States Forest Service as well as SMUD’s 2008 CEQA Supplemental Analysis.

State Water Board staff submits the following comments on the IS/MND:

- Page 22 – The location of the existing USGS gauge should be described in relation to the new powerhouse.
- Page 58 – The specific Army Corps of Engineers Nationwide Permit(s) that SMUD is seeking coverage under should be named in the document.
- Page 59 – SMUD must request a flow variance from the USFS and State Water Board in consultation with the California Department of Fish and Wildlife and United States Fish
and Wildlife Service to determine the minimum flow necessary to ensure that the river channel is wetted and that pools are of sufficient depth to prevent impacts to fish movement. The IS/MND should be modified to include a description of this requirement.

- It is the understanding of State Water Board staff that operation of the powerhouse and associated facilities has the potential to injure or kill ringtail. The powerhouse and all associated facilities should be designed and constructed in a wildlife-friendly manner to exclude entry by ringtail and other wildlife species in order to prevent incident of electrocution. Doors, windows and other openings should be properly latched. Protection devices such as covers, caps, and guards should be installed on all electrical structures, conductors, hardware, and other equipment.

If you have questions regarding this letter, please contact me by phone: (916) 341-5408, or email: Michael.Maher@waterboards.ca.gov. Written correspondence should be directed to:

State Water Resources Control Board  
Division of Water Rights  
Water Quality Certification Program  
Attention: Michael Maher  
P.O. Box 2000  
Sacramento, CA  95812-2000

Sincerely,

Michael Maher  
Environmental Scientist  
Project Manager, Water Quality Certification Program  
Division of Water Rights

cc: Ms. Kimberly D. Bose, Secretary  
Federal Energy Regulatory Commission  
888 First Street, NE  
Washington, D.C.  20426

Ms. Beth Livingston  
United States Forest Service  
100 Forni Road  
Placerville, CA  95667

Mr. Adam Laputz  
Central Valley  
Water Regional Quality Control Board  
11020 Sun Center Drive, Suite 200  
Rancho Cordova, CA  95670

Ms. Alison Willy  
U.S. Fish and Wildlife Service  
650 Capitol Mall, Room 8-300  
Sacramento, CA  95814

Ms. Anna Ewing  
California Department of Fish and Wildlife  
North Central Region  
1701 Nimbus Road, Suite A  
Rancho Cordova, CA  95670
Comment Letter 2, Michael Maher, State Water Resources Control Board, August 10, 2015

Comment 2-1—Location of Existing USGS Gauge

Page 22 – The location of the existing USGS gage should be described in relation to the new powerhouse.

Response 2-1

SMUD has added a narrative and graphical description of the location of the USGS gauge to the Final IS/MND. In Chapter 2 (page 22), SMUD has noted that the gage is located approximately 800 feet upstream from the proposed powerhouse location. SMUD also added the gage location to Figure 2-2.

Comment 2-2—Nationwide Permits

Page 58 – The specific U.S. Army Corps of Engineers (USACE) Nationwide Permit(s) that SMUD is seeking coverage under should be named.

Response 2-2

SMUD is seeking Clean Water Act coverage for the proposed new powerhouse and boating flow release valve under Section 404 Nationwide Permit Numbers 27 and 39 (33 Code of Federal Regulations Part 330).

Nationwide Permit No. 27, “Aquatic Habitat Restoration, Establishment, and Enhancement Activities” can be used to permit restoration, enhancement, and establishment of tidal and non-tidal wetlands and riparian areas, and restoration and enhancement of non-tidal streams. SMUD has applied to the USACE for coverage under this permit for the project’s environmental restoration components (e.g., gravel enhancement). If approved, no compensatory mitigation would be required because the project would provide net increases in aquatic resources.

Nationwide Permit No. 39, “Commercial and Institutional Developments” can be used to permit construction of commercial and institutional building foundations, and for building pads and related features including roads, parking lots, yards, utility lines, stormwater management facilities, and recreation facilities. SMUD has applied to USACE for coverage under this permit for the project’s public works, including the new powerhouse and boating flow release valve.

Comment 2-3—Flow Variance

Page 59 – SMUD must request a flow variance from the U.S. Forest Service (USFS) and the State Water Board in consultation with the California Department of Fish and Wildlife (CDFW) and U.S. Fish and Wildlife Service (USFWS) to determine the minimum flow necessary to ensure that the river channel is wetted and that pools are of sufficient depth to prevent impacts on fish movement. The IS/MND should be modified to include a description of this requirement. Since receipt of the comment letter, SMUD has had follow up a follow up discussion with
Michael Maher of the SWRCB to clarify the nature of this particular comment. Mr. Maher stated that the flow variance would only be needed if SMUD needed to modify the current approved flow regime during construction, or the amended operational flows once in operation.

Response 2-3

The powerhouse foundation and tailrace would be constructed on the south bank of the SFAR at an elevation below the existing bank and riverbed. Therefore, construction would require installation of a temporary cofferdam or other similar means to dewater the construction area. Accordingly, SMUD is planning to conduct the work at low-flow conditions (i.e., 63 to 70 cubic feet per second [cfs] in August). During final design and scheduling, SMUD will determine whether construction could be expedited and potential temporary water quality impacts could be reduced by reducing flows to below the minimum flows. If necessary, SMUD would request that FERC grant a short-term flow variance from the minimum release requirements and discuss the flow variance request with the SWRCB and the USFS. Any conditions necessary for a temporary flow variance request would be developed in consultation with USFS, CDFW, USFWS and the SWRCB.

Comment 2-4—Potential Impacts on Ringtail

It is the understanding of the State Water Board that the operation of the powerhouse and associated facilities has the potential to injure or kill ringtail. The powerhouse and all associated facilities should be designed and constructed in a wildlife-friendly manner to exclude entry by ringtail and other wildlife species in order to prevent electrocution. Doors, windows, and other openings should be properly latched. Protection devices such as covers, caps, and guards should be installed on all electrical structures, conductors, hardware, and other equipment.

Response 2-4

In this final IS/MND (see Section 3, “Changes to Draft CEQA Text”), SMUD has provided additional information to address potential impacts on ringtail. SMUD does not expect the project to result in “take” of ringtails as defined under the CESA, which defines “take” as to “hunt, pursue, catch, capture, or kill.” This is because ringtail likely would avoid the construction area and human activity associated with construction. SMUD plans to construct the proposed facilities during daylight hours. Ringtails typically are active at night, outside normal construction (daylight) hours. However, in response to CDFW concerns regarding potential effects on habitat, SMUD will conduct a pre-construction survey to identify any hollow trees, logs, snags, rock outcrops, or other suitable habitat elements for ringtail denning that may occur in the project site or accessible areas within 0.5 mile, as requested by CDFW. Any suitable habitat elements for ringtail denning will be marked in the field as environmentally sensitive areas for avoidance during construction. Because ringtails are not active during the day and any habitat areas would be avoided, SMUD does not expect that on-site biological monitoring would be required.

Nighttime construction would not include heavy construction equipment and would occur inside of, or in the immediate vicinity of, the new powerhouse and boating flow release valve. The work area would be closed to minimize wildlife access. Therefore, take of ringtails during nocturnal periods when ringtail are active would not be expected because construction would occur.
primarily during the day. For these reasons, SMUD does not anticipate the need for an on-site biological monitor during nighttime hours.

Furthermore, the new powerhouse would be designed to exclude wildlife from areas that contain electrical equipment. The new powerhouse will have sealed doors and windows that will exclude wildlife from entering areas containing electrical equipment. Protection devices will be installed on other electrical structures to prevent wildlife from contacting electrical equipment that may result in electrocution. Therefore, no take of ringtails associated with operation of the new powerhouse and associated electrical facilities would occur.
August 3, 2015

Sacramento Municipal Utility District
Environmental Management
ATTN: Jose Bodipa-Memba
6201 S Street
Sacramento, CA 95817-1899

Dear Mr. Bodipa-Memba:

The California Department of Fish and Wildlife (Department) has reviewed the Sacramento Municipal Utility District’s (SMUD) Initial Study/Mitigated Negative Declaration (MND) for the New Slab Creek Powerhouse and Boating Flow Release Valve Project (Project) (SCH # 2015072021), located along the South Fork of the American River (SFAR), approximately 50 miles east of Sacramento, and 3 miles north of the town of Camino. The Project would involve the construction of a new powerhouse and boating flow release valve on the south bank of the SFAR approximately 0.25 mile downstream of the Slab Creek Dam.

As trustee for the State's fish and wildlife resources, the Department has jurisdiction over the conservation, protection and management of fish, wildlife, native plants, and their habitat. As a responsible agency, the Department administers the California Endangered Species Act (CESA), the Native Plant Protection Act (NPPA), and other provisions of the California Fish and Game Code that conserve the State’s fish and wildlife public trust resources. These comments are submitted under the Department’s authority as Trustee Agency with regard to the fish and wildlife of the State of California, designated rare or endangered native plants, game refuges, ecological reserves, and other areas administered by the Department (CEQA Guidelines § 15386, subd. (a)). The Department appreciates the opportunity to provide comments.

The Biological Resources section of the Initial Study/Mitigated Negative Declaration provides an analysis of Project impacts on special-status mammal species. California ringtail (Bassariscus astutus), a State fully protected mammal species, is specifically discussed in this analysis. The analysis states that the proposed Project has the potential to result in habitat loss for ringtail and individual ringtails may be affected by construction related noise which may result in ringtails avoiding the Project area. The analysis concludes that since the Slab Creek Reservoir area adjacent to the Project site provides a large area of suitable habitat where ringtails could relocate during construction, Project impacts to ringtails would be less than significant.

Pursuant to California Fish and Game Code Section 4700 (a)(1), fully protected mammals and parts thereof may not be taken or possessed at any time, except for research and recovery purposes. “Take” is defined in the California Fish and Game Code under Section 86 as hunt, pursue, catch, capture, or kill, or attempt to hunt, pursue, catch, capture, or kill. Thus, appropriate avoidance measures should be implemented during Project construction to ensure no take of ringtail will occur. Appropriate measures to minimize impacts and avoid take may include, but not be limited to: having a biologist familiar with ringtail conduct pre-
construction surveys to determine suitable habitat and/or individual ringtail presence within 0.5 miles of the work area, maintaining a Department approved biologist onsite during Project construction to monitor ringtail activity within the work area, and conducting Project activities during daylight hours to avoid attracting ringtail, a nocturnal species, to the area with the use of nighttime lighting.

Operation of the powerhouse and associated facilities, after construction activities are complete, has the potential to injure or kill ringtail via electrocution. The powerhouse and all associated facilities should be designed and constructed to exclude entry by ringtail (i.e., have properly sealed doors, windows, and other openings). Additionally, electrical facilities should be designed and constructed in a wildlife-friendly manner to avoid electrocution of ringtail and other wildlife species. Protection devices such as covers, caps, and guards should be installed on all electrical structures, conductors, hardware, and other equipment that allow for ringtail and other wildlife to simultaneously touch (and complete the circuit between) two energized parts or an energized part and a grounded part.

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

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

Thank you for the opportunity to review this project. If the Department can be of further assistance, please contact Ms. Amy Kennedy, Senior Environmental Scientist, Specialist, at (916) 358-2842, or by e-mail at amy.kennedy@wildlife.ca.gov.

Sincerely,

Tina Bartlett
Regional Manager

ec: Jeff Drongesen, Jeff.Drongesen@wildlife.ca.gov
Jennifer Nguyen, Jennifer.Nguyen@wildlife.ca.gov
Amy Kennedy, Amy.Kennedy@wildlife.ca.gov
Anna Ewing, Anna.Ewing@wildlife.ca.gov
Department of Fish and Wildlife

State.Clearinghouse@opr.ca.gov
State Clearinghouse
Comment Letter 3, Tina Bartlett, California Department of Fish and Wildlife, August 3, 2015

Comment 3-1—Potential Impacts on Ringtail during Construction

CDFW notes that the proposed project would occur in potential ringtail habitat and asserts that appropriate avoidance measures should be implemented during construction to avoid take of ringtail. Appropriate measures to minimize impacts and avoid take may include having a biologist familiar with ringtail conduct pre-construction surveys to determine suitable habitat and/or individual ringtail presence within 0.5 miles of the work area, maintaining a CDFW-approved biologist on-site during construction to monitor ringtail activity in the work area, and conducting construction activities during daylight hours to avoid attracting ringtail, a nocturnal species, to the area from the use of nighttime lighting.

Response 3-1

SMUD appreciates the time CDFW has taken to review the Draft IS/MND for the Slab Creek Powerhouse and acknowledges CDFW's jurisdiction over potentially affected biological resources.

SMUD does not expect the project to result in “take” of ringtails, as defined under the CESA, because ringtails would be expected to avoid construction areas. SMUD plans to construct the proposed facilities during daylight hours. Ringtails typically are active at night, outside normal construction (daylight) hours. However, in response to CDFW concerns regarding potential effects on habitat, SMUD will conduct a pre-construction survey to identify any hollow trees, logs, snags, rock outcrops, or other suitable habitat elements for ringtail denning that may occur in the project site or accessible areas within 0.5 mile, as requested by CDFW. Any suitable habitat elements for ringtail denning will be marked in the field as environmentally sensitive areas for avoidance during construction. Because ringtails are not active during the day and any habitat areas would be avoided, SMUD does not expect that on-site biological monitoring would be required.

Nighttime construction would not include heavy construction equipment and would occur inside of, or in the immediate vicinity of, the new powerhouse and boating flow release valve. The work area would be closed to minimize wildlife access. Therefore, take of ringtails during nocturnal periods when ringtail are active would not be expected because construction would occur primarily during the day. For these reasons, SMUD does not anticipate the need for an on-site biological monitor during nighttime hours.

Comment 3-2—Potential Impacts on Ringtail during Operations

Operation of the new powerhouse and associated facilities, after construction activities are completed, would have the potential to injure or kill ringtail via electrocution. The new powerhouse and all associated facilities should be designed and constructed to exclude entry by ringtail (i.e., have properly sealed doors, windows, and other openings). In addition, the electrical facilities should be designed and constructed in a wildlife-friendly manner, to avoid electrocution of ringtail and other wildlife species.
Response 3-2

The new powerhouse will have sealed doors and windows that will exclude wildlife from entering areas containing electrical equipment. Protection devices will be installed on other electrical structures to prevent wildlife from contacting electrical equipment that may result in electrocution. Therefore, no take of ringtails associated with operation of the new powerhouse and associated electrical facilities would occur.

Comment 3-3—Fees and Notification

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

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

Response 3-3

SMUD will pay the appropriate fee to CDFW upon filing the NOD with the State Clearinghouse, following project approval.

SMUD will provide written notification to CDFW regarding the project status.
Comment 4, Thomas Tinsley, California Department of Forestry and Fire Protection (CAL FIRE), July 27, 2015

Comment 4-1—Compliance with Fire Regulations

CAL FIRE provided information on fire regulations via telephone on July 27, 2015, regarding Public Resources Code 12220 and Title 14 California Code of Regulations (CCR) Section 1104.1a.

Response 4-1

SMUD appreciates CAL FIRE’s review of the Draft IS/MND. In addition to preparing and implementing a Construction Fire Protection Plan, in compliance with FERC requirements, SMUD would comply with the UARP Fire Management and Response Plan and other applicable fire protection requirements as they relate to fire prevention, worker safety, hazardous materials, and wildfire management. Fire protection requirements were outlined in detail in FERC’s 2008 Relicensing Environmental Impact Statement and SMUD’s 2008 UARP CEQA Supplemental Analysis. Concerns specific to the new powerhouse, transmission line, and boating flow release valve, such as clearance around power lines, were discussed in the 2015 FERC EA and the Draft IS/MND. Timber regulations in Public Resources Code 12220 were addressed in Section 3.2, “Agriculture and Forestry Resources,” of the Draft IS/MND, which confirms that the proposed project would not convert timberland or forest land. Accordingly, SMUD would submit a Notice of Conversion Exemption under Title 14 CCR Section 1104.1a.
August 7, 2015

Jose Bodipo-Memba, CEQA Project Manager
Sacramento Municipal Utilities District
P.O Box 15830, MS H263
Sacramento, CA 95852-1830

Dear Mr. Bodipo-Memba,

El Dorado County (County) received a Notice of Intent to adopt a Mitigated Negative Declaration (MND) for the "New Slab Creek Powerhouse and Boating Flow Release Valve Project" (Project). The referenced notice requested any and all comments related to the Project’s MND be submitted to you during the 30-day review period that ends August 9. Please accept the below comments in relation to the proposed Project’s MND on behalf of the County.

The County has a building permit process that includes a Construction and Demolition (C&D) Debris Ordinance that would be applicable should a project encompass greater than 5,000 square feet in surface area (Chapter 8.43 of the El Dorado County Municipal Code). The C&D Ordinance aims to achieve reduction and/or recycling of debris generated by projects, thereby diverting the debris from disposal facilities, saving landfill space, and conserving natural resources consistent with the goals of Public Resources Code §40000 et seq. The C&D Ordinance requires that recycled, reduced, and/or reused on site debris shall be, at a minimum, 50% by weight of the total debris for the Project. More information on the County’s C&D Ordinance can be found through the link below:

https://www.municode.com/library/ca/el_dorado_county/codes/code_of_ordnances?nodeId=PTAGECOOR_TIT4P_UHESA_CH8_43C0D3ER3WICO

Once the Project is constructed, it will be subject to regulations under the County’s Certified Unified Program Agency (CUPA) program (storage of reportable quantities of hazardous materials, above or below ground fuel storage tanks, etc.). More information on the County’s CUPA program can be found through the link below:


If you have any questions or comments, please don’t hesitate to contact my office liaison, Craig Schmollinger, Principal Administrative Analyst, at 530-632-5518 or craig.schmollinger@edcgov.us.

Respectfully submitted,

Larry Combs, Chief Administrative Officer

CC: Michael Ciccozzi, Acting Assistant Chief Administrative Officer
Craig Schmollinger, Principal Administrative Analyst
Steve Pedretti, Community Development Agency Director
Comment Letter 5, Larry Combs, El Dorado County, August 7, 2015

Comment 5-1—Compliance with the Construction and Demolition Debris Ordinance

El Dorado County provided information on the County’s building permit process, which includes a Construction and Demolition (C&D) Debris Ordinance.

Response 5-1

SMUD would comply with applicable building regulations and applicable portions of the 2013 California Green Building Standards Code (24 CCR Part 11), including requirements related to diversion of construction waste and demolition debris, and the California Integrated Waste Management Act. However, per California Government Code 53090, SMUD is a local agency and El Dorado County’s C&D debris ordinance would not apply to SMUD. Section 53091(e) states, “Zoning ordinances of a county or city shall not apply to the location or construction of facilities for the production, generation, storage, treatment, or transmission of water, or for the production or generation of electrical energy, facilities that are subject to Section 12808.5 of the Public Utilities Code, or electrical substations in an electrical transmission system that receives electricity at less than 100,000 volts. Zoning ordinances of a county or city shall apply to the location or construction of facilities for the storage or transmission of electrical energy by a local agency, if the zoning ordinances make provision for those facilities.” Similarly, California Government Code 53090(d) states that the “building ordinances of a county or city shall not apply to the location or construction of facilities for the production, generation, storage, treatment, or transmission of water, wastewater, or electrical energy by a local agency. Section 3.17, “Utilities and Service Systems,” of the Draft IS/MND provides an overview of SMUD’s recycling requirements. The Draft IS/MND lists the El Dorado County General Plan’s recycling objectives and related policies and SMUD will comply with the substance of those objectives and policies. By complying with State of California regulations, SMUD would be consistent with the County’s recycling objectives.

Comment 5-2—Compliance with the Certified Unified Program Agency (CUPA) Program

El Dorado County provided information on the CUPA.

Response 5-2

As described in Section 3.8, “Hazards and Hazardous Materials,” of the Draft IS/MND, SMUD would work closely with the Hazardous Materials Division of the El Dorado County Environmental Management Department as applicable to hazardous materials release response plans and inventories, California Uniform Fire Code hazardous material management plans and inventories, and other requirements for the proposed project.
Jose Bodipo-Membo
SMUD
P.O. Box 15830, MS H203
Sacramento, California

August 5, 2015

Re: Notice of Intent To Adopt a Mitigated Negative Declaration
New Slab Creek Powerhouse and Boating Flow Release Valve Project

Dear Mr. Bodipo-Membo,

I strongly protest SMUD’s attempt to circumvent the environmental review process. SMUD has utterly failed to adequately review the environmental impact of this project and although the time constraints in the new UARP FERC license may be part of the problem, it cannot release SMUD from the responsibility of a complete environmental impact review of all the components of this project.

In a meeting of the Iowa Hill Joint Advisory Committee, SMUD’s legal counsel stated that the CEQA document required for FERC’s license renewal of the UARP was complete and that it covered future projects within UARP boundaries as well as those already in existence. Such a finding is remarkable, and I would appreciate a written explanation of such legal gymnastics.

Although the Forest Service has assisted SMUD with data on endangered species of frogs, etc., the rest of the species-specific biological studies were performed over ten years ago! The American River Canyon is a freeway for wildlife, and in the past decade the drought and the King Fire have drastically affected the environment. Suggesting that old scientific work is sufficient for the numerous species of mammals, birds, amphibians, fish, plant life, etc. flies in the face of accepted environmental procedure. New studies are needed, and not only at the site of the powerhouse and flow release, but for the entire river reach down to and including the White Rock Powerhouse, since the entire area will be impacted by the white water releases. How will these huge weekend and holiday water flows affect streambed erosion? How will the increased human presence affect the various wildlife species? It’s my understanding that this type of work is to be done BEFORE construction begins, not after.

In addition to biological studies, auditory research is needed. SMUD’s July 2015 document mentions construction noise, but fails to adequately quantify exactly how much noise the powerhouse and/or the flow release will produce. Keeping in mind that the river canyon acts like a giant megaphone, how many decibels will the six-foot Howell-Bunger with a baffle produce? How will that noise affect wildlife?

Also missing from SMUD’s document is any mention of another component of this project: The downstream take-out for kayakers and rafters at SMUD’s White Rock Powerhouse. Construction of the flow release valve, put-in parking and public amenities and beginning
the whitewater flows prior to resolving issues regarding public access at the take-out will create problems. SMUD needs to complete plans and environmental impact studies for the take-out at White Rock before consideration of the upper component of the project can advance. These studies should include the effect of increased vehicular traffic, restroom facilities, adequate parking, emergency vehicle access, and a review by the El Dorado County Transportation Commission.

Why is SMUD trying to cut CEQA corners and trim timelines? Why not complete the plans and reports before putting even more floaters on the river? (The American White Water group discusses the river's run online and suggests that those wishing that to avoid the Motherlode Falls take-out at the Mosquito Road Bridge. There is very little parking, no turn-around for cars or buses, and no public facilities at the Mosquito Bridge.) Before constructing the put-in for rafters upstream, SMUD needs to consider their ENTIRE project area.

The CEQA guidelines make it very clear that the EIR process is the heart of CEQA and that the EIR process must include ALL cumulative impacts. All components of a project must be identified and analyzed and if those components create impacts, mitigation measures must not be put off to a later date as SMUD is attempting to do with the proposed take-out location. Using outdated and insufficient scientific data is also not acceptable, but that is exactly what is happening with SMUD's "New Slab Creek Powerhouse and Boating Flow Release Valve Project" and their "Notice of Intent to Adopt a Mitigated Negative Declaration."

Sincerely, 
Lois Bailey-Hacker
2380 Apple Tree Lane
Camino, California

P.S. Please cite by number and text those sections of CEQA Guidelines that you feel authorize SMUD to make the decisions in the above letter. Thank you.
Comment Letter 6, Lois Bailey-Hacker, Camino Resident, August 5, 2015

Comment 6-1—Environmental Review Process

The comment asserts that SMUD has circumvented the environmental review process and has failed to adequately review the environmental impacts of all the components of the proposed project.

Response 6-1

SMUD appreciates the detailed review and comments. SMUD has been part of a multi-agency environmental review process for the proposed new powerhouse and boating flow release valve that includes FERC and USFS. The overall impacts of relicensing the UARP were addressed by FERC and USFS in 2008, in the UARP Environmental Impact Statement and SMUD's 2008 UARP CEQA Supplemental Analysis (collectively the Environmental Impact Report or EIR). The EIR addressed the potential impacts of changes in river flow rates as well as boating as planned in the relicensing of the UARP. The proposed project, i.e., the new powerhouse, boating flow release valve, and supporting equipment boating flow release structure, would provide compliance with FERC license conditions related to minimum flows and boating releases.

Pursuant to CEQA, the IS/MND is limited to the effects of the proposed project. FERC previously reviewed the proposed project under the National Environmental Policy Act (NEPA) in an Environmental Assessment (EA), published on April 29, 2015. SMUD reviewed the proposed project under CEQA, publishing the Draft IS/MND for a 30-day public review period (July 9 through August 10, 2015) to supplement the FERC EA in order to comply with CEQA. SMUD also held public review workshops in Camino and Mosquito on July 21 and 22, respectively.

The environmental review of the proposed project has been thorough and covers all its components, and as noted above the impacts on river flows and recreation were previously examined in the EIR. The FERC license, which incorporates mitigation measures from the NEPA process, requires that SMUD prepare and implement a number of operating plans to address environmental issues, such as stormwater, erosion, fire protection, noise, transportation, and recreation. Moreover, before the start of construction, SMUD would obtain a FERC license amendment specific to the proposed project, USACE Section 404 Nationwide Permits, a CDFW Section 1602 Lake and Streambed Alteration Agreement, State Water Resources Control Board Section 401 Certification and a storm water discharge permit, and a Central Valley RWQCB Waste Discharge Requirements/National Pollutant Discharge Elimination System Permit. As FERC’s delegate, SMUD also would consult with USFWS and the National Marine Fisheries Service under Section 7 of the Endangered Species Act, as well as with the State Historic Preservation Officer under Section 106 of the National Historic Preservation Act.

Comment 6-2—Upper American River Project Environmental Documents

The comment requests further information on how the UARP relicensing environmental documents cover future projects within UARP boundaries.
Response 6-2

The overall impacts of relicensing the UARP were addressed by FERC and USFS in the EIR. These documents cover the impacts of relicensing, including a variety of projects necessary to carry out the relicensing obligations, and describe the existing environment and the range of potential impacts. Later projects, if not described in sufficient detail in the previous UARP documents to allow a project-level impact analysis, require a separate environmental review. This is the case with the proposed project. The UARP relicensing documents addressed ongoing impacts of the overall UARP and imposed new license conditions and other measures to provide environmental protection and public access, such as minimum and boating flow requirements at Slab Creek Dam. The 2015 FERC EA and the Draft IS/MND focus on the environmental impacts of SMUD’s proposed method to achieve the required minimum and boating flows below the dam. This method is described in detail in Chapter 2, “Project Description,” of the Draft IS/MND and includes the proposed boating flow release valve and adjacent powerhouse, which will allow SMUD to comply with minimum-flow and boating-release requirements while increasing overall renewable energy production. CEQA contains flexibility that allows agencies to address changes or additions to projects through supplemental or subsequent CEQA documents (State CEQA Guidelines 15162 and 15163), program-level CEQA documents followed by later analysis of activities not addressed in detail in the programmatic document (State CEQA Guidelines 15168), and tiering, which allows analysis of general matters in a broader, higher tier document with more narrowly focused documents to cover later projects. Therefore, although the EIR examines some environmental impacts associated with the proposed boating flow release valve and powerhouse it does not examine them all, and SMUD thus determined that a separate CEQA document was necessary to examined the previously unanalyzed potential environmental impacts.

Comment 6-3—Biological and River Impact Studies

The comment asserts that the biological studies used in the Draft IS/MND were conducted over 10 years ago, thereby rendering the use of these studies an unacceptable environmental procedure. The comment further asserts that new studies are needed at the powerhouse and flow release site as well as the entire river reach down to the White Rock Powerhouse before the start of construction. The comment cites concerns regarding the effects of the current drought and the King Fire, and states that the river will be affected by whitewater releases, the flows may affect streambed erosion, and the increased human presence could affect wildlife.

Response 6-3

The FERC EA and the Draft IS/MND relied on information and data from a number of sources, including biological studies conducted to support the UARP relicensing process. However, more recent and project-specific data were the primary focus of the environmental review. Focused special-status plant and riparian vegetation surveys were conducted in the project area in 2010, and reptile and amphibian surveys were conducted in 2011. Studies of fish populations and benthic macroinvertebrates were also conducted in 2010. Wetland surveys were performed in 2011 and 2015. Modeling of fish habitat and fluvial geomorphology was also performed in 2010.
More recently, in consultation with the natural resource agencies, SMUD conducted bat surveys in 2015. Moreover, during preparation of the IS/MND SMUD accessed USFWS and CDFW databases for the most current status and locations of special-status plant and wildlife species known to occur in the vicinity of the project site and used this data in conjunction with site specific data in preparing the analysis. This approach is consistent with professional standards for conducting CEQA and NEPA analysis and the available information and data are sufficient to adequately address all CEQA checklist questions related to biological resources that could be affected by the New Slab Creek Powerhouse and Boating Flow Release Valve Project.

Regarding downstream areas, the Draft IS/MND addresses only the impacts of the new powerhouse, boating flow release valve, and supporting equipment at the project site and potentially affected surrounding area. Because the EIR addressed the potential impacts of river flow releases, including potential erosion and impacts from increased human presence, these subject matters are outside the scope of the proposed project.

**Comment 6-4—Noise Impacts**

The comment requests specific information on how much noise the powerhouse and flow release would produce and its potential effects on wildlife.

**Response 6-4**

SMUD currently is working on the project design, including methods to reduce the noise that would be generated. The generator would be located inside the new powerhouse, which would be a reinforced concrete structure. The structure would house a single turbine-generator, with the capacity to handle a maximum design flow of up to approximately 200 cfs. The turbine-generator would be rated at 2,680 kilowatts. The Draft IS/MND did not include a detailed quantitative analysis of operational noise and assumed no substantial effects on outside noise levels would occur. The following text explains how the turbine noise would be attenuated.

Although the power-generating equipment may generate noise levels of 80 to 90 decibels within the concrete enclosure, the concrete building would reduce the noise levels by approximately 25 A-weighted decibels (dBA), resulting in noise levels of approximately 55 to 65 dBA outside the new powerhouse. This noise level would be similar to the existing noise levels directly adjacent to the river, where the river flow is the dominant noise source. This also would add a second noise source, similar to the existing powerhouse at the base of Slab Creek Dam, where the noise of the river water—and not the powerhouse—is the dominant noise source. The surrounding topography and vegetation between the source and receptors would provide further noise attenuation. The river canyon does not amplify noise like a megaphone. Rather, the curved, intervening topography and vegetation would reduce the noise for noise-sensitive receptors outside the canyon that do not have “line of sight” to the noise source. In the Draft IS/MND, SMUD estimated that the topography and vegetation would reduce the noise coming out of the river canyon and into residential areas by approximately 15 dBA. Also, the noise level of 55 to 65 dBA outside the new powerhouse would be reduced further by distance; at 50 feet from the powerhouse, the noise levels would be 50 to 60 dBA, and per each doubling of the distance between the powerhouse and noise-sensitive receptors, the noise levels would be reduced by 6 decibels. At the nearest sensitive receptor, approximately 1,000 feet from the powerhouse, the noise level from the powerhouse would be approximately 25 to 35 dBA. These
combined attenuating effects would reduce the project's operational noise at the nearest residential receptors to below existing ambient noise levels.

**Comment 6-5—Downstream Kayaking Takeout**

The comment requests that the Draft IS/MND address the potential impacts of downstream boating take-out and greater human presence, including traffic, restroom facilities, parking, and emergency access.

**Response 6-5**

Boater access already has been addressed in the relicensing process and is not a component of the proposed project. SMUD maintains its commitment to work with the resource agencies and the boating community on the take-out facility and recreation management plan, as required in the new UARP license. The whitewater boating management plan will address a variety of issues such as carrying capacity, user conflicts, sanitation and garbage, search and rescue, and other emergency response needs. SMUD will also secure all permits necessary for construction of the take-out.

**Comment 6-6—CEQA Review Timeline and Take-out at Mosquito Road Bridge**

The comment expresses concern about boating take-out locations and the potential that boaters would take-out at Mosquito Bridge.

**Response 6-6**

Boater access already has been addressed in the relicensing process and is not a component of the proposed project. SMUD maintains its commitment to work with the resource agencies and the boating community on the take-out facility and recreation management plan, as required in the new UARP license. Furthermore, boating is a current condition whenever water spills over the top of Slab Creek Dam. Under present conditions, boaters take out at different locations along the 8-mile reach of river between the dam and powerhouse, including Mosquito Bridge and Rock Creek. While SMUD will develop a formal take-out location near the powerhouse, there will be no changes to the other take-out locations. SMUD will also secure all permits necessary for construction of the take-out.

**Comment 6-7—CEQA Review Process**

The comment expresses concern that the environmental review process needs to address all cumulative impacts, that all components of the project be analyzed, and that the Draft IS/MND relied on outdated and insufficient data.

**Response 6-7**

The potential cumulative impacts of the proposed project are addressed in Section 3.18, “Mandatory Findings of Significance” and were determined to be less than significant. The 2008 CEQA Supplemental Analysis, completed by SMUD for the UARP relicensing, addressed the environmental impacts of the UARP considered together with the Iowa Hill Development and the
Chili Bar Project immediately downstream. No further evaluation of cumulative impacts is required.

Boater access already has been addressed in the relicensing, and SMUD maintains its commitment to work with the resource agencies and the boating community on the take-out facility and recreation management plan, as required in the new UARP license. Comments regarding the data used in the Draft IS/MND are addressed in Response to Comment 6-3.

Comment 6-8—Authorizing CEQA Guidelines

The comment requests that SMUD cite the relevant sections of CEQA.

Response 6-8

SMUD is authorized by the California Legislature to provide utilities services, and to review related projects under CEQA (California Public Resources Code, Division 13, Environmental Quality, Section 21000 et seq.) and the State CEQA Guidelines (14 CCR Section 15000 et seq.). The following provides several of the applicable portions of the Public Resources Code and CEQA Guidelines:

Public Resources Code, California Environmental Quality Act

- 21002. Approval of Projects; Feasible Alternative or Mitigation Measures
- 21004. Mitigating or Avoiding a Significant Effect; Powers of Public Agency
- 21080. Division Application to Discretionary Projects; Nonapplication; Negative Declarations; Environmental Impact Report Preparation
- 21081.6. Findings or Negative Declarations; Reporting or Monitoring Project Changes; Effect on Environment; Conditions
- 21091. Draft Environmental Impact Reports and Negative Declarations; Review Periods
- 21094. Later Projects; Tiered Environmental Impact Reports; Initial Study; Use of Prior Reports

State CEQA Guidelines

- 15022. Public Agency Implementing Procedures
- 15040. Authority Provided by CEQA
- 15063. Initial Study
- 15072. Notice of Intent to Adopt a Negative Declaration or Mitigated Negative Declaration
• 15074. Consideration and Adoption of a Negative Declaration or Mitigated Negative Declaration

• 15097. Mitigation Monitoring or Reporting
Sacramento Municipal Utility District
New Slab Creek Powerhouse and Boating Flow Release Valve Project
Draft Initial Study/Mitigated Negative Declaration Public Meeting

To be added to or corrected on our mailing list, please provide us with the following information. Thank you.

Name: ________________
Address: ________________
Email Address: ________________
Organization: ________________

Please provide us with your ideas, comments, or views on this effort.

Please email me for neighborhood notifications.

Please hand this to a SMUD representative at the meeting or send it to:

Jose Rodipo-Membis, Environmental Project Manager
Sacramento Municipal Utility District
P.O. Box 15830 MS H201
Sacramento, CA 95852-1583
(916) 732-6463 or Jose.Rodipo-Membis@smud.org

Deadline for public comment is 5:00 p.m. on August 10, 2015.
Letter 7, Jeff Hand, El Dorado County, undated, 2015

Comment 7-1

The comment requests SMUD’s future e-mail notifications.

Response 7-1

SMUD appreciates the interest expressed in the project and will add the postal and e-mail addresses to the project mailing list.
August 11, 2015

Jose Bodipo-Membta
Sacramento Municipal Utility District
6201 S Street
Sacramento, CA 95817

Subject: New Slab Creek
SC# H: 2015072021

Dear Jose Bodipo-Membta:

The State Clearinghouse submitted the above named Mitigated Negative Declaration to selected state agencies for review. On the enclosed Document Details Report please note that the Clearinghouse has listed the state agencies that reviewed your document. The review period closed on August 10, 2015, and the comments from the responding agency (ies) is (are) enclosed. If this comment package is not in order, please notify the State Clearinghouse immediately. Please refer to the project’s ten-digit State Clearinghouse number in future correspondence so that we may respond promptly.

Please note that Section 21104(c) of the California Public Resources Code states that:

"A responsible or other public agency shall only make substantive comments regarding those activities involved in a project which are within an area of expertise of the agency or which are required to be carried out or approved by the agency. Those comments shall be supported by specific documentation."

These comments are forwarded for use in preparing your final environmental document. Should you need more information or clarification of the enclosed comments, we recommend that you contact the commenting agency directly.

This letter acknowledges that you have complied with the State Clearinghouse review requirements for draft environmental documents, pursuant to the California Environmental Quality Act. Please contact the State Clearinghouse at (916) 445-0613 if you have any questions regarding the environmental review process.

Sincerely,

[Signature]
Scott Morgan
Director, State Clearinghouse

Enclosures
cc: Resources Agency
## New Slab Creek Powerhouse and Boating Flow Release Valve Project

**September 2015**

### Document Details Report

#### State Clearinghouse Data Base

<table>
<thead>
<tr>
<th>SCH#</th>
<th>2015072021</th>
</tr>
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<tbody>
<tr>
<td>Project Title</td>
<td>New Slab Creek</td>
</tr>
<tr>
<td>Lead Agency</td>
<td>Sacramento Municipal Utility District</td>
</tr>
</tbody>
</table>

#### Type

| MND | Mitigated Negative Declaration |

#### Description

The proposed project would require site preparation, construction of a connection to White Rock Tunnel, a new powerhouse, an electrical connection, and a boating flow release valve on the southern banks of the South Fork American River (SFAR). During operations, boating flows would be released from the new valve, rather than from spilling water over Slab Creek Dam. The proposed project also would include reconfiguring the mouth of Iowa Canyon Creek and completing habitat improvements along the SFAR.

#### Lead Agency Contact

<table>
<thead>
<tr>
<th>Name</th>
<th>Jose Bedigo-Memoa</th>
</tr>
</thead>
<tbody>
<tr>
<td>Agency</td>
<td>Sacramento Municipal Utility District</td>
</tr>
<tr>
<td>Phone</td>
<td>916 732 6493</td>
</tr>
<tr>
<td>Email</td>
<td>6201 S Street</td>
</tr>
<tr>
<td>City</td>
<td>Sacramento</td>
</tr>
<tr>
<td>State</td>
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</tr>
<tr>
<td>Zip</td>
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#### Project Location

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<thead>
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<td>Parcel No.</td>
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<tr>
<td>Township</td>
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</table>

#### Proximity to:

- **Highways**: Hwy 50
- **Airports**
- **Railways**
- **Schools**
- **Land Use**: Various

#### Project Issues

Aesthetic/Visual; Agricultural Land; Air Quality; Archaeologic-Historic; Biological Resources; Drainage/Abstraction; Flood Plain/Flooding; Forest Land/Fire Hazard; Geologic/Seismic; Minerals; Noise; Population/Housing Balance; Public Services; Recreation/Parks; Schools/Universities; Septic System; Sewer Capacity; Soil Erosion/Compaction/Grading; Solid Waste; Toxic/Hazardous; Traffic/Circulation; Vegetation; Water Quality; Water Supply; Wetland/Riparian; Wildlife; Growth Inducing; Landuse; Cumulative Effects

#### Reviewing Agencies

- Resources Agency; Department of Boating and Waterways; Department of Fish and Wildlife, Region 2; Department of Parks and Recreation; Department of Water Resources; California Highway Patrol; Caltrans, District 3 S; Air Resources Board; Native American Heritage Commission; Public Utilities Commission; Regional Water Quality Control Bd., Region 5 (Sacramento)

#### Date Received

| 07/10/2015 |

**Date Review**

| Start of Review | 07/10/2015 |
|                |           |

**End of Review**

| 09/10/2015 |

Note: Dates in data fields result from insufficient information provided by lead agency.
August 3, 2015

Sacramento Municipal Utility District
Environmental Management
ATTN: Jose Bodipa-Memba
6201 S Street
Sacramento, CA 95817-1899

Dear Mr. Bodipa-Memba:

The California Department of Fish and Wildlife (Department) has reviewed the Sacramento Municipal Utility District’s (SMUD) Initial Study/Mitigated Negative Declaration (MND) for the New Slab Creek Powerhouse and Boating Flow Release Valve Project (Project) (SCH # 2015072021), located along the South Fork of the American River (SFAR), approximately 50 miles east of Sacramento, and 3 miles north of the town of Camino. The Project would involve the construction of a new powerhouse and boating flow release valve on the south bank of the SFAR approximately 0.25 mile downstream of the Slab Creek Dam.

As trustee for the State's fish and wildlife resources, the Department has jurisdiction over the conservation, protection and management of fish, wildlife, native plants, and their habitat. As a responsible agency, the Department administers the California Endangered Species Act (CESA), the Native Plant Protection Act (NPPA), and other provisions of the California Fish and Game Code that conserve the State's fish and wildlife public trust resources. These comments are submitted under the Department's authority as Trustee Agency with regard to the fish and wildlife of the State of California, designated rare or endangered native plants, game refuges, ecological reserves, and other areas administered by the Department (CEQA Guidelines § 15386, subd. (a)). The Department appreciates the opportunity to provide comments.

The Biological Resources section of the Initial Study/Mitigated Negative Declaration provides an analysis of Project impacts on special-status mammal species. California ringtail (Bassariscus astutus), a State fully protected mammal species, is specifically discussed in this analysis. The analysis states that the proposed Project has the potential to result in habitat loss for ringtail and individual ringtails may be affected by construction related noise which may result in ringtails avoiding the Project area. The analysis concludes that since the Slab Creek Reservoir area adjacent to the Project site provides a large area of suitable habitat where ringtails could relocate during construction, Project impacts to ringtails would be less than significant.

Pursuant to California Fish and Game Code Section 4700 (a)(1), fully protected mammals and parts thereof may not be taken or possessed at any time, except for research and recovery purposes. “Take” is defined in the California Fish and Game Code under Section 86 as hunt, pursue, catch, capture, or kill, or attempt to hunt, pursue, catch, capture, or kill. Thus, appropriate avoidance measures should be implemented during Project construction to ensure no take of ringtail will occur. Appropriate measures to minimize impacts and avoid take may include, but not be limited to: having a biologist familiar with ringtail conduct pre-

Conserving California's Wildlife Since 1870
construction surveys to determine suitable habitat and/or individual ringtail presence within 0.5 miles of the work area, maintaining a Department-approved biologist onsite during project construction to monitor ringtail activity within the work area, and conducting Project activities during daylight hours to avoid attracting ringtail, a nocturnal species, to the area with the use of nighttime lighting.

Operation of the powerhouse and associated facilities, after construction activities are complete, has the potential to injure or kill ringtail via electrocution. The powerhouse and all associated facilities should be designed and constructed to exclude entry by ringtail (i.e., have properly sealed doors, windows, and other openings). Additionally, electrical facilities should be designed and constructed in a wildlife-friendly manner to avoid electrocution of ringtail and other wildlife species. Protection devices such as covers, caps, and guards should be installed on all electrical structures, conductors, hardware, and other equipment that allow for ringtail and other wildlife to simultaneously touch (and complete the circuit between) two energized parts or an energized part and a grounded part.

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

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

Thank you for the opportunity to review this project. If the Department can be of further assistance, please contact Ms. Amy Kennedy, Senior Environmental Scientist, Specialist, at (916) 358-2842, or by e-mail at amy.kennedy@wildlife.ca.gov.

Sincerely,

Tina Bartlett
Regional Manager

ec: Jeff Drongesen, Jeff.Drongesen@wildlife.ca.gov
Jennifer Nguyen, Jennifer.Nguyen@wildlife.ca.gov
Amy Kennedy, Amy.Kennedy@wildlife.ca.gov
Anna Ewing, Anna.Ewing@wildlife.ca.gov
Department of Fish and Wildlife
State.Cleaninghouse@opr.ca.gov
State Clearinghouse
Central Valley Regional Water Quality Control Board

3 August 2015

Jose Bodipo-Memba
Sacramento Municipal Utility District
6201 S Street
Sacramento, CA 95817

COMMENTS TO REQUEST FOR REVIEW FOR THE DRAFT MITIGATED NEGATIVE DECLARATION, NEW SLAB CREEK PROJECT, SCH# 2015072021, EL DORADO COUNTY

Pursuant to the State Clearinghouse’s 10 July 2015 request, the Central Valley Regional Water Quality Control Board (Central Valley Water Board) has reviewed the Request for Review for the Draft Mitigated Negative Declaration for the New Slab Creek Project, located in El Dorado County.

Our agency is delegated with the responsibility of protecting the quality of surface and groundwaters of the state; therefore our comments will address concerns surrounding those issues.

Construction Storm Water General Permit
Dischargers whose project disturb one or more acres of soil or where projects disturb less than one acre but are part of a larger common plan of development that in total disturbs one or more acres, are required to obtain coverage under the General Permit for Storm Water Discharges Associated with Construction Activities (Construction General Permit). Construction General Permit Order No. 2009-006-DWQ. Construction activity subject to this permit includes clearing, grading, grubbing, disturbances to the ground, such as stockpiling, or excavation, but does not include regular maintenance activities performed to restore the original line, grade, or capacity of the facility. The Construction General Permit requires the development and implementation of a Storm Water Pollution Prevention Plan (SWPPP).

For more information on the Construction General Permit, visit the State Water Resources Control Board website at:
New Slab Creek Powerhouse and Boating Flow Release Valve Project
September 2015

Clean Water Act Section 401 Permit – Water Quality Certification
If an USACOE permit (e.g., Non-Reporting Nationwide Permit, Nationwide Permit, Letter of Permission, Individual Permit, Regional General Permit, Programmatic General Permit), or any other federal permit (e.g., Section 9 from the United States Coast Guard), is required for this project due to the disturbance of waters of the United States (such as streams and wetlands), then a Water Quality Certification must be obtained from the Central Valley Water Board prior to initiation of project activities. There are no waivers for 401 Water Quality Certifications.

Waste Discharge Requirements
If USACOE determines that only non-jurisdictional waters of the State (i.e., “non-federal” waters of the State) are present in the proposed project area, the proposed project will require a Waste Discharge Requirement (WDR) permit to be issued by Central Valley Water Board. Under the California Porter-Cologne Water Quality Control Act, discharges to all waters of the State, including all wetlands and other waters of the State including, but not limited to, isolated wetlands, are subject to State regulation.

For more information on the Water Quality Certification and WDR processes, visit the Central Valley Water Board website at:

Regulatory Compliance for Commercially Irrigated Agriculture
If the property will be used for commercial irrigated agricultural, the discharger will be required to obtain regulatory coverage under the Irrigated Lands Regulatory Program. There are two options to comply:

1. Obtain Coverage Under a Coalition Group. Join the local Coalition Group that supports land owners with the implementation of the Irrigated Lands Regulatory Program. The Coalition Group conducts water quality monitoring and reporting to the Central Valley Water Board on behalf of its growers. The Coalition Groups charge an annual membership fee, which varies by Coalition Group. To find the Coalition Group in your area, visit the Central Valley Water Board’s website at:
http://www.waterboards.ca.gov/centralvalley/water_issues/irrigated_lands/app_approval/index.shtml; or contact water board staff at (916) 464-4611 or via email at IrrLands@waterboards.ca.gov.

2. Obtain Coverage Under the General Waste Discharge Requirements for Individual Growers, General Order R5-2013-0100. Dischargers not participating in a third-party group (Coalition) are regulated individually. Depending on the specific site conditions, growers may be required to monitor runoff from their property, install monitoring wells, and submit a notice of intent, farm plan, and other action plans regarding their actions to comply with their General Order. Yearly costs would include State administrative fees (for example, annual fees for farm sizes from 10-100 acres are currently $1,084 + $6.70/Acre); the cost to prepare annual monitoring reports; and water quality monitoring costs. To enroll as an Individual Discharger under the Irrigated Lands Regulatory Program, contact the Central Valley Water Board.
Comment Letter 8, Scott Morgan, Governor’s Office of Planning and Research, State Clearinghouse, August 11, 2015

Comment 8-1

The comment provides the State Clearinghouse Document Details Report and attaches the comments provided by CDFW and SWRCB. Further, the comment states that SMUD has complied with State Clearinghouse review requirements for draft environmental documents pursuant to CEQA.

Response 8-1

SMUD appreciates State Clearinghouse support in distributing the environmental document for review by State agencies. SMUD also appreciates the confirmation that we have complied with State Clearinghouse review requirements.
3.0 CHANGES TO DRAFT CEQA TEXT

In addition to the comments and responses presented in Section 2, SMUD has made the following minor edits and clarifications to the Draft IS/MND, as follows.

Project Description

On page 22, SMUD added the following clarification regarding the design of the new powerhouse to minimize potential impacts on wildlife:

**New Slab Creek Powerhouse**—The new powerhouse would be a reinforced-concrete structure founded on bedrock and capable of withstanding the high tailwater elevation associated with the 100-year frequency flood event. The structure would be approximately 57 feet long by 30 feet wide and would house a single turbine-generator with the capacity to handle a maximum design flow of up to approximately 200 cfs. The turbine-generator, rated at 2,680 kW, would result in a 2.68-MW powerhouse capable of producing approximately 10.3 GWh of energy annually. The powerhouse would have sealed doors and windows to exclude wildlife, and protection devices would be installed to prevent wildlife from contacting electrical equipment that may result in electrocution.

On page 25 and Figure 2-2, SMUD added the following clarification regarding the location of the USGS compliance gauge:

**Compliance Measurement Flow Meter**—SMUD would install a flow meter to measure minimum, boating, and ramping-rate releases at the new powerhouse. Flow released by the new powerhouse would be measured in the main penstock and flow released from the dam would be measured at the existing U.S. Geological Survey (USGS) compliance gauge (USGS gage #11443500) located approximately 800 feet upstream from the proposed powerhouse location (see Figure 2-2). Compliance would be determined by adding the flow measurements from the penstock and the USGS gauge.

Environmental Checklist

On page 57, SMUD added the following clarification regarding potential impacts on ringtail:

The proposed project has the potential to result in habitat loss for ringtail. Furthermore, individual ringtails may be affected by construction-related noise and may avoid the project area. However, the Slab Creek Reservoir area provides a large area of suitable habitat for ringtails where ringtail could relocate during construction. SMUD plans to construct the proposed facilities during daylight hours. Ringtails are typically active at night, which would be outside of the normal construction (daylight) hours. However, as part of the final design, SMUD biologists would conduct a pre-construction survey to identify any hollow trees, logs, snags, rock outcrops, or other suitable habitat elements for ringtail denning that may occur within the project site or accessible areas within 0.5 mile of the work area. Any suitable habitat elements for ringtail denning would be marked in the field and avoided during construction. Therefore, impacts on ringtail resulting from the proposed project would be *less than significant*. 
On page 59, SMUD added the following sentence regarding coordination with the regulatory and natural resources agencies regarding river flows during construction:

> If a variance is needed, SMUD would discuss requirements with the regulatory and natural resource agencies, including USFS, SWRCB, CDFW, and USFWS.
4.0 MITIGATION MONITORING AND REPORTING PROGRAM

4.1 Introduction

This mitigation monitoring and reporting plan summarizes identified mitigation measures, the implementation schedule, and responsible parties for the proposed project. SMUD will use this mitigation monitoring and reporting plan so that identified mitigation measures, adopted as a condition of project approval, are implemented appropriately. This monitoring plan meets the requirements of State CEQA Guidelines Section 14074(d), which mandates preparation of monitoring provisions for the implementation of mitigation assigned as part of project approval or adoption.

4.2 Mitigation Implementation and Monitoring

SMUD will be responsible for monitoring the implementation of mitigation measures designed to minimize impacts associated with the proposed project. Although SMUD has ultimate responsibility for ensuring implementation, others may be assigned the responsibility of actually implementing the mitigation. SMUD will retain the primary responsibility for ensuring that the proposed project meets the requirements of this mitigation plan and other permit conditions imposed by participating regulatory agencies.

SMUD will designate specific personnel who will be responsible for monitoring implementation of the mitigation that will occur during project construction. The designated personnel will be responsible for submitting documentation and reports to SMUD on a schedule consistent with the mitigation measure and in a manner necessary for demonstrating compliance with mitigation requirements. SMUD will ensure that the designated personnel have the authority to implement the mitigation requirements and are capable of terminating project construction activities found to be inconsistent with the mitigation objectives or project approval conditions.

SMUD will be responsible for demonstrating compliance with any agency permit conditions to the appropriate regulatory agency. SMUD also will be responsible for ensuring that its construction personnel understand their responsibilities for adhering to the performance requirements of the mitigation plan and other contractual requirements related to implementation of the mitigation measures as part of project construction.

In addition to the prescribed mitigation measures, Table A-1 lists each identified environmental resource being affected, the corresponding monitoring and reporting requirement, and the party responsible for ensuring implementation of the mitigation measure and monitoring effort.

4.3 Mitigation Enforcement

SMUD will be responsible for enforcing mitigation measures. If alternative measures are identified that would be equally effective in mitigating the identified impacts, implementation of these alternative measures will not occur until agreed on by SMUD.
### Table 4-1. Mitigation Measures

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<tr>
<th>Checklist Section</th>
<th>Environmental Criteria</th>
<th>Mitigation Measure</th>
<th>Implementation Duration</th>
<th>Monitoring Duration</th>
<th>Responsibility</th>
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<tr>
<td>Cultural Resources</td>
<td>a) Cause a substantial adverse change in the significance of a historical resource as defined in Section 15064.5?</td>
<td>Mitigation Measure CUL-1. Evaluate Cultural Resources Discovered during Project Construction. If cultural resources (historic or archaeological) are discovered during the proposed project’s construction activities, they shall be evaluated for eligibility for inclusion in the CRHR. Resource evaluations shall be conducted by individuals who meet the United States Secretary of Interior’s professional standards in archaeology and architectural history. If any of the resources meet the eligibility criteria identified in Public Resources Code Section 5024.1, or CEQA Section 21083.2(g), SMUD will develop and implement an environmental safety training process before construction begins. At its discretion, SMUD may invite a Native American who is traditionally and culturally affiliated with the geographic area to observe the removal of native material.</td>
<td>Construction</td>
<td>Construction</td>
<td>SMUD</td>
</tr>
<tr>
<td>Cultural Resources</td>
<td>b) Cause a substantial adverse change in the significance of an archaeological resource pursuant to Section 15064.5?</td>
<td>Mitigation Measure CUL-1. Evaluate Cultural Resources Discovered during Project Construction. If cultural resources (historic or archaeological) are discovered during the proposed project’s construction activities, they shall be evaluated for eligibility for inclusion in the CRHR. Resource evaluations shall be conducted by individuals who meet the United States Secretary of Interior’s professional standards in archaeology and architectural history. If any of the resources meet the eligibility criteria identified in Public Resources Code Section 5024.1, or CEQA Section 21083.2(g), SMUD will develop and implement an environmental safety training process before construction begins. At its discretion, SMUD may invite a Native American who is traditionally and culturally affiliated with the geographic area to observe the removal of native material.</td>
<td>Construction</td>
<td>Construction</td>
<td>SMUD</td>
</tr>
<tr>
<td>Cultural Resources</td>
<td>c) Directly or indirectly destroy a unique paleontological resource or site or unique geologic feature?</td>
<td>Mitigation Measure CUL-2. Stop Work on Discovery of On-site Paleontological Resources and Retain a Professional Paleontologist to Evaluate the Deposits. If paleontological resources are uncovered during any on-site construction activities, all work must stop immediately within 100 feet of the area and a Professional Paleontologist shall be retained to evaluate the deposits. Work in the area may only resume after authorization is granted by SMUD’s project manager in consultation with the Professional Paleontologist.</td>
<td>Construction</td>
<td>Construction</td>
<td>SMUD</td>
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<tr>
<td>Cultural Resources</td>
<td>d) Disturb any human remains, including those interred outside formal cemeteries?</td>
<td>Mitigation Measure CUL-3. Halt Work on Discovery of Human Remains and Notify the Local County Coroner. If human remains are discovered during the project’s construction activities, the requirements of California Health and Human Safety Code Section 7050.5 shall be followed. Potentially damaging excavation shall be halted in the area of the remains, with a minimum radius of 50 feet, and the local County Coroner shall be notified. The Coroner is required to examine all discoveries of human remains within 48 hours of receiving notice of a discovery on private or state lands (Health and Safety Code Section 7050.5(b)). If the Coroner determines that the remains are those of a Native American, he or she must contact NAHC by phone within 24 hours of making that determination (Health and Safety Code Section 7050.5(c)). Pursuant to the provisions of California Public Resources Code Section 5097.98, the NAHC shall identify a Most Likely Descendant (MLD). The MLD designated by the NAHC shall have at least 48 hours to inspect the site and propose treatment and disposition of the remains and any associated grave goods.</td>
<td>Construction</td>
<td>Construction</td>
<td>SMUD</td>
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</tbody>
</table>
| Noise             | d) A substantial temporary or periodic increase in ambient noise levels in the project vicinity above levels existing without the project? | Mitigation Measure NOI-1. Employ Noise-Reducing Construction Measures for Construction Traffic. SMUD and its construction contractor(s) will implement the following measures to reduce potential impacts from construction-related increases in exterior ambient noise levels. Feasible noise controls that may be implemented to reduce equipment noise levels include the following:  
  • Provide written notification to the potentially affected residents before construction, identifying the approximate duration and frequency of construction activities within 200 feet of construction haul routes. Notification materials will also identify a mechanism for residents to register complaints with the appropriate jurisdiction if construction noise levels are overly intrusive or construction occurs outside the permitted hours. Notification will include the planned dates and hours during which construction activities will occur and contact information, including a daytime telephone number, for the designated disturbance coordinator to be contacted in the event that noise levels are deemed excessive. Recommendations to assist noise-sensitive land uses in reducing interior noise levels (e.g., closing windows and doors) will be included in the notification.  
  • Restrict the use of bells, whistles, alarms, and horns to safety-warning purposes. | Construction | Construction | SMUD | SMUD |
Table 4-1. Mitigation Measures

<table>
<thead>
<tr>
<th>Checklist Section</th>
<th>Environmental Criteria</th>
<th>Mitigation Measure</th>
<th>Implementation Duration</th>
<th>Monitoring Duration</th>
<th>Responsibility</th>
</tr>
</thead>
<tbody>
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<td></td>
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<td>• Designate a noise complaint coordinator and conspicuously post this person’s contact information around the construction site, in adjacent public spaces, and in construction notifications. The disturbance coordinator will be responsible for responding to any complaints about construction activities. The disturbance coordinator will receive all public complaints about construction disturbances and will be responsible for determining the cause of the complaint and implementation of feasible measures to be taken to alleviate the problem. • Post the name and phone number of the designated disturbance coordinator at the construction site boundary so that the public can contact this person if noise disturbance occurs. The designated disturbance coordinator will take steps immediately to resolve any complaints received, including modifying construction practices as necessary to address the noise complaint. • Include hearing protection in site requirements and address potential helicopter use and daily safety meetings to minimize worker exposure to helicopter noise.</td>
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</tbody>
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5.0 REPORT PREPARATION

5.1 Lead Agency: Sacramento Municipal Utility District
Jose Bodipo-Memba, Environmental Management Supervisor

5.2 Environmental Consultants: AECOM
Petra Unger, Project Director
Peter Boucher, Project Manager
David Bise, Biological Resources
Issa Mahmodi, Noise
Charisse Case and Kristine Olsen, Document Specialists
Phi Ngo, GIS
Julie Nichols and Beth Duffey, Technical Editors
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