



FINAL

Supplemental Environmental Impact Report B.F. Sisk Dam Safety of Dams Modification Project

Prepared for:
California Department of Water Resources
1416 Ninth Street, Room 604
Sacramento, California 95814
Contact: Sara Paiva-Lowry



SEPTEMBER 2021

Prepared by:
DUDEK
Contact: Markus Lang • mlang@dudek.com

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SEPTEMBER 2021

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Acronyms and Abbreviations

Acronym/Abbreviation	Definition
Caltrans	California Department of Transportation
CDFW	California Department of Fish and Wildlife
CEQA	California Environmental Quality Act
CNDDB	California Natural Diversity Database
CVP	Central Valley Project
DWR	California Department of Water Resources
EIR	Environmental Impact Report
EIS	Environmental Impact Statement
NEPA	National Environmental Policy Act
Reclamation	Bureau of Reclamation
SEIR	Supplemental Environmental Impact Report
SWP	California State Water Project

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1 Preface

1.1 Introduction and Organization

This Final Supplemental Environmental Impact Report (SEIR) evaluates the potentially significant environmental effects of the B.F. Sisk Dam Safety of Dams Modification Project and contains the public and agency comments received during the public review period for the Draft SEIR (June 15, 2021 through July 29, 2021) and the responses to each of the comments received. It also includes any changes to the Draft SEIR made in response to comments or as required to correct errors in the Draft SEIR identified after release of the document for public review. The California Department of Water Resources (DWR), as lead agency under the California Environmental Quality Act (CEQA), and other responsible agencies will rely on the environmental analysis presented in this Final SEIR when considering discretionary approvals associated with implementing the proposed Project. This chapter provides information regarding the content, organization, and purpose of the Final SEIR; a brief background and overview of the proposed Project (additional details of the proposed Project can be found in the Draft SEIR); a description of the public review process; and a brief summary of impact determinations.

CEQA Requirements and Content and Organization of the Final SEIR

Before approving a project, CEQA requires the lead agency to prepare and certify a Final SEIR. The contents of a Final EIR are specified in Section 15132 of the CEQA Guidelines, as follows:

The Final SEIR shall consist of:

- a) The Draft SEIR or a revision of the Draft.
- b) Comments and recommendations received on the Draft SEIR either verbatim or in summary.
- c) A list of persons, organizations, and public agencies commenting on the Draft SEIR.
- d) The responses of the lead agency to significant environmental points raised in the review and consultation process.
- e) Any other information added by the lead agency.

Consistent with Section 15132 of the CEQA Guidelines, this Final SEIR is organized as follows:

- Chapter 1, Preface, provides an introduction and background to the proposed project and environmental review process to date.
- Chapter 2, Responses to Comments, includes all written comments on the Draft SEIR received during the public review period and written responses to those comments.
- Chapter 3, Changes to the Draft SEIR, presents revisions to the Draft SEIR text based on issues raised by comments or to correct errors identified after the Draft SEIR was released for public review.

1.2 Overview of the Proposed Project

1.2.1 Project Background

DWR prepared and certified an Environmental Impact Report (EIR) for the B.F. Sisk Dam Safety of Dams Modification Project in 2019, logged as State Clearinghouse No. 2009091004. That document was a joint federal and state environmental review and included an Environmental Impact Statement (EIS) prepared in conformance with the federal National Environmental Policy Act (NEPA), and an EIR prepared pursuant to CEQA. The Bureau of Reclamation (Reclamation) served as the federal lead agency for NEPA review and DWR served as the state lead agency with responsibility for carrying out review in accordance with CEQA. The document, B.F. Sisk Dam Safety of Dams Modification Project Environmental Impact Statement/Environmental Impact Report, is referred to herein as the 2019 EIS/EIR. The 2019 EIS/EIR analyzed and disclosed the environmental impacts of a multiyear construction project aimed at addressing existing seismic stability concerns at B.F. Sisk Dam, which impounds water in San Luis Reservoir, located on land owned by Reclamation in western unincorporated Merced County, California (Reclamation and DWR 2019). The project addressed in the 2019 EIS/EIR is referred to herein as the Approved Project; the Approved Project plus proposed modifications identified since certification of the 2019 EIS/EIR—the subject of this SEIR—is referred to as the Modified Project.

In summary, the Approved Project, referred to as the Crest Raise Alternative in the 2019 EIS/EIR, involves making improvements to the downstream side of the existing dam to enhance its stability, and increasing the dam crest height to reduce the potential that water would overtop the dam if seismic-induced slumping were to occur. These improvements would be accomplished by (1) constructing stability berms and downstream crack filters in select areas, (2) adding additional material over the entire area of the existing embankment, (3) installing a new filter around the existing spillway conduit, and (4) extending the spillway conduit to meet the resultant downstream edge of the extended embankment. Construction of three foundation shear keys to anchor the proposed stability berms to underlying bedrock is also part of the Approved Project. One of the three locations for the shear keys is described as optional but was analyzed by the 2019 EIS/EIR as part of the Approved Project to provide design flexibility. It should be noted that the 2019 EIS/EIR described the Approved Project to the level of design available at the time the 2019 EIS/EIR was prepared, and minor changes could occur as project plans approach final design.

1.2.2 Modified Project Description

Project Purpose and Objectives

The project objectives have not changed since certification of the 2019 EIS/EIR. As noted in Section 1.3, Purpose and Need/Project Objectives, of the 2019 EIS/EIR, San Luis Reservoir is an important Central Valley Project (CVP) and California State Water Project (SWP) facility and a key component of California’s water supply system. Therefore, proper functioning of the reservoir is critical to maintaining water distribution for federal, state, and local uses. Reclamation and DWR have determined that actions to reduce risks from earthquakes to the public downstream of the dam are needed. The Modified Project objectives are as follows:

1. Implement cost-effective measures to prevent destabilization of the dam embankment and to ensure dam stability, in the event of an earthquake
2. Reduce safety concerns of the public downstream of the dam
3. Maintain water supply deliveries to federal and state contractors through the CVP and SWP

Proposed Modification to the Project

The new impact areas for the Modified Project are associated with development of a new permanent public campground on the northwestern shore of O’Neill Forebay, located downstream and east of San Luis Reservoir, and with implementing minor upgrades to the existing San Luis Creek Day Use Area on the western shore of O’Neill Forebay.¹ These Modified Project components are intended to compensate for the construction-related temporary closure of Basalt Campground and potential temporary closure of Medeiros Campground, both public campgrounds within the San Luis Reservoir State Recreation Area. The proposed campground work was identified as Mitigation Measure REC-1 in the 2019 EIS/EIR, but impacts from implementing the mitigation measure were not evaluated in the 2019 EIS/EIR. As such, impacts associated with implementing Mitigation Measure REC-1² from the 2019 EIS/EIR are included within the scope of this SEIR and described as part of the Modified Project.

Another modification addressed in this SEIR is the consideration by the design team of two alternative on-site borrow areas as sources of earth-fill material for the dam rehabilitation, beyond the borrow areas identified in the 2019 EIS/EIR (referred to in that document as Borrow Area 6 and the Basalt Hill Borrow Area). The new alternative sites, referred to as Borrow Area 12 and Borrow Area 14, are located within areas east of B.F. Sisk Dam anticipated for contractor staging activity in the 2019 EIS/EIR. The borrow areas do not represent further additions to the Modified Project’s footprint; however, the potential scale of excavation and grading activity anticipated in these borrow areas represents a change from the Approved Project as disclosed in the 2019 EIS/EIR. As such, DWR deemed additional environmental impact analysis to be appropriate for compliance with CEQA. Geotechnical investigations and materials testing are planned or are underway at all four prospective borrow areas, and depending on the testing results and the presence of suitable materials, it is possible that some combination of all four borrow areas would be used as materials sources during Modified Project construction.

The Modified Project also entails a modification to public campground and day use area closures in the vicinity of San Luis Reservoir and O’Neill Forebay compared to the Approved Project. The 2019 EIS/EIR project description acknowledged closure of Basalt Campground for the duration of Approved Project construction. Analysis presented in the 2019 EIS/EIR also anticipated closure of the Medeiros Use Area for the duration of construction.³ San Luis Creek Day Use Area was anticipated to remain open, but under the Modified Project, portions of the day use area could be temporarily closed while improvements are made. Any temporary closures of the day use area, if necessary, would be at the discretion of the California Department of Parks and Recreation, would be scheduled to coincide with low-use periods, and would not be expected to require closure of the entire facility because portions of the facility not affected by construction would remain open for public use.

These Modified Project components are intended to compensate for the construction-related temporary closure of Basalt Campground and potential temporary closure of Medeiros Campground, as required by Mitigation Measure

¹ The 2019 EIS/EIR considered and addressed the work that would be required in the East Dike area of the dam; however, this area was inadvertently omitted from exhibits and figures within the 2019 EIS/EIR. To correct for this mapping omission, the East Dike area was identified and mapped as part of the Approved Project footprint in the Draft SEIR and was not evaluated as a change in the Approved Project.

² Mitigation Measure REC-1 in the 2019 EIS/EIR included the expansion of the boat launch at Dinosaur Point Use Area. Since that time, the California Department of Parks and Recreation has indicated that the previously proposed expansion of this boat launch is no longer required because the facility currently has excess capacity and would accommodate any increase in use due to the closure of the Basalt Campground boat launch for the duration of Modified Project construction. As such, modifications to the Dinosaur Point Use Area were not addressed in the Draft SEIR.

³ The 2019 EIS/EIR assumed that the Medeiros Use Area (and campground) south of O’Neill Forebay would be closed during the entire construction phase of the Approved Project; the 2019 EIS/EIR addressed the potential impacts of this closure. However, the Medeiros Use Area was inadvertently not included in the Approved Project footprint as shown in the exhibits and figures of the 2019 EIS/EIR. As such, and to correct this mapping omission, the Medeiros Use Area was identified and mapped as part of the Approved Project footprint in the Draft SEIR.

REC-1¹ from the 2019 EIS/EIR. Both facilities are public campgrounds within the San Luis Reservoir State Recreation Area. The proposed new campground would be developed in consultation with the California Department of Parks and Recreation.

The Modified Project also includes some minor expansions of the contractor work areas that were not part of the original study area for the Approved Project. In general, the overall construction schedule and assumptions regarding personnel and equipment remain unchanged from the Approved Project; however, additional construction assumptions are included in the Modified Project and analyzed in this SEIR.

The Modified Project would involve purchasing mitigation credits from mitigation banks approved by regulatory agencies to satisfy compensatory mitigation requirements of the 2019 EIS/EIR, and as required by terms and conditions of permits and approvals required from regulatory agencies (refer to Table 1-1). The purchase of lands in established mitigation banks for the purpose of preservation would not otherwise require additional changes to the physical environment.

Discretionary Actions

A list of permits anticipated for the Approved Project is presented as Table 1-1 of the 2019 EIS/EIR. An updated list for the Modified Project is shown in Table 1-1.

Table 1-1. Anticipated Permits or Approvals for the Modified Project

Approving Agency	Permit or Approval	Applying Agency
USFWS	Federal Endangered Species Act Formal Consultation	Reclamation
CVRWQCB	Clean Water Act Section 401 Certification	Reclamation/DWR
USACE	Clean Water Act Section 404 Permit	Reclamation
CDFW	California Fish and Game Code Section 2081 (b) Incidental Take Permit	Reclamation/DWR
CDFW	California Fish and Game Code Section 1602 Lake and Streambed Alteration Agreement	Reclamation/DWR
SHPO and/or ACHP	NHPA Section 106 Compliance	Reclamation
CVRWQCB	NPDES Permit for General Construction	Reclamation/DWR
CVRWQCB	NPDES/WDR Individual Permit for Discharge	Reclamation/DWR
SJAPCD	Clean Air Act Fugitive Dust Control Plan & Indirect Source Review Air Impact Assessment	Reclamation/DWR
Caltrans	Encroachment Permit for Work in State Route 152 Right-Of-Way	Reclamation/DWR
CVRWQCB	Construction Dewatering Discharge Permit	Reclamation/DWR
WAPA	Plan Approval for Electrical Tower Relocation	Reclamation/DWR
Merced County	Encroachment Permit for Work on Gonzaga Road	Reclamation/DWR

USFWS = U.S. Fish and Wildlife Service; Reclamation = Bureau of Reclamation; CVRWQCB = Central Valley Regional Water Quality Control Board; DWR = California Department of Water Resources; USACE = U.S. Army Corps of Engineers; CDFW = California Department of Fish and Wildlife; SHPO = State Historic Preservation Officer; ACHP = Advisory Council on Historic Preservation; NHPA = National Historic Preservation Act; NPDES = National Pollutant Discharge Elimination System; WDR = water discharge requirement; SJAPCD = San Joaquin Air Pollution Control District; Caltrans = California Department of Transportation; WAPA = Western Area Power Administration.

1.3 Public Review Process

In conformance with Section 15087 of the CEQA Guidelines, the Draft SEIR was made available to interested agencies, organizations, and individuals for a 45-day review period, commencing on June 15, 2021, and ending on

July 29, 2021. DWR provided notice of availability of the Draft SEIR with a Notice of Completion sent to the California Governor’s Office of Planning and Research State Clearinghouse, by publication of a notice in the Merced Sun-Star newspaper on June 15, 2021, and by direct notice to the parties identified from the 2019 EIS/EIR distribution list. During the public review period, the Draft SEIR was made available for review electronically on DWR’s website, along with hard copies available at DWR’s offices, the addresses of which are listed below:

California Department of Water Resources
San Luis Field Division
31770 Gonzaga Road
Gustine, California 95322

California Department of Water Resources
Operations and Maintenance Headquarters
1416 9th Street, Room 604
Sacramento, California 95814

Two comment letters were received on the Draft SEIR. Please refer to Chapter 2, Responses to Comments, for a complete listing of commenters, comments received, and responses to those comments. The lead agency (for this project, DWR) must provide each agency that commented on the Draft EIR with a response to the comments provided within a minimum of 10 days before certifying the Final EIR. The Final EIR allows commenting agencies an opportunity to review revisions to the Draft EIR and the responses to comments.

1.4 Certification and Impact Determinations

This Final SEIR provides responses to all comments received on the Draft SEIR. The responses clarify, correct, and/or amplify the content of the Draft SEIR, and no changes to the text of the Draft SEIR were necessary as a result of the comments received. The comments and responses that make up this Final SEIR, in combination with any text changes identified for the Draft SEIR, constitute the EIR that will be considered for certification by DWR. This Final SEIR will be presented to DWR for certification as the environmental document for the Modified Project. As required by Section 15090(a)(1)–(3) of the CEQA Guidelines, in certifying a Final EIR, a lead agency must make the following three determinations:

1. The Final EIR has been completed in compliance with CEQA;
2. The Final EIR was presented to the decision-making body of the lead agency, and the decision-making body reviewed and considered the information in the Final EIR prior to approving the project; and
3. The Final EIR reflects the lead agency’s independent judgment and analysis.

As required by CEQA Guidelines Section 15091, no public agency shall approve or carry out a project for which an EIR has been certified that identifies one or more significant environmental effects of the project unless the public agency makes one or more written findings (Findings of Fact) for each of those significant effects, accompanied by a brief explanation of the rationale for each finding, supported by substantial evidence in the record. The possible findings are as follows (14 CCR 15091):

1. Changes or alterations have been required in, or incorporated into, the project which avoid or substantially lessen the significant environmental effect as identified in the Final EIR.

2. Such changes or alterations are within the responsibility and jurisdiction of another public agency and not the agency making the finding. Such changes have been adopted by such other agency or can and should be adopted by such other agency.
3. Specific economic, legal, social, technological, or other considerations, including provision of employment opportunities for highly trained workers, make infeasible the mitigation measures or project alternatives identified in the Final EIR.

The Findings of Fact are included in a separate document that will be considered for adoption by DWR’s decision-makers at the time of Project approval. Pursuant to CEQA Guidelines Section 15091, DWR finds that implementing the mitigation measures identified in the Draft SEIR through incorporating the mitigation measures into the Modified Project as a Mitigation Monitoring and Reporting Plan, will reduce potentially significant effects to greenhouse gas emissions, visual resources, traffic and transportation, hazards and hazardous materials, biological resources, recreation, cultural resources, and tribal cultural resources to less than significant. The Draft SEIR identified impacts from the Modified Project that would remain significant and unavoidable, despite implementation of mitigation measures, related to air quality and noise. Because the Draft SEIR determined that the Modified Project would result in significant and unavoidable impacts, DWR must prepare a written Statement of Overriding Considerations pursuant to CEQA Guidelines Section 15093, which must be included in the record of the Project approval.

1.5 Reference

Reclamation and DWR (Bureau of Reclamation and California Department of Water Resources). 2019. *B.F. Sisk Dam Safety of Dams Modification Project Final Environmental Impact Statement/Environmental Impact Report*. Final. SCH No. 2009091004. U.S. Department of the Interior, Bureau of Reclamation and California Department of Water Resources. August 2019.

2 Responses to Comments

This chapter of the Final Supplemental Environmental Impact Report (SEIR) includes a copy of all comment letters that were submitted during the public review period for the Draft SEIR for the B.F. Sisk Dam Safety of Dams Modification Project (Modified Project), along with responses to those comments. The focus of the responses to comments is on the disposition of significant environmental issues raised in the comments, as specified by Section 15088(c) of the California Environmental Quality Act (CEQA) Guidelines.

All written comment letters received on the Draft SEIR have been coded with a letter and number to facilitate identification and tracking (see Table 2-1). The comment letters were reviewed and divided into individual comments, with each comment containing a single theme, issue, or concern. Individual comments and the responses to them were assigned corresponding numbers (e.g., A-1, A-2, A-3). To aid readers and commenters, electronically bracketed comment letters have been reproduced in this document, with the corresponding responses provided immediately following each comment letter. The interested parties listed in Table 2-1 submitted letters during the public review period for the Draft SEIR.

Table 2-1. Comments Received on the Draft Supplemental Environmental Impact Report

Comment Letter	Commenter	Date
A	Julie A. Vance, California Department of Fish and Wildlife	July 27, 2021
B	Juan Torres, California Department of Transportation (Caltrans)	August 3, 2021

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Comment Letter A

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State of California – Natural Resources Agency
DEPARTMENT OF FISH AND WILDLIFE
Central Region
1234 East Shaw Avenue
Fresno, California 93710
(559) 243-4005
www.wildlife.ca.gov

GAVIN NEWSOM, Governor
CHARLTON H. BONHAM, Director



July 27, 2021

Sara Paiva-Lowry
California Department of Water Resources
1416 Ninth Street, Room 604
Sacramento, California 95814

**Subject: B.F. Sisk Dam Safety of Dams Modification Project (Project)
Draft Supplemental Environmental Impact Report
SCH No.: 2009091004**

Dear Ms. Paiva-Lowry:

The California Department of Fish and Wildlife (CDFW) received a Draft Supplemental Environmental Impact Report (SEIR) from the California Department of Water Resources (DWR) for the above-referenced Project pursuant to the California Environmental Quality Act (CEQA) and CEQA Guidelines.¹

Thank you for the opportunity to provide comments and recommendations regarding those activities involved in the Project that may affect California fish and wildlife. Likewise, CDFW appreciates the opportunity to provide comments regarding those aspects of the Project that CDFW, by law, may be required to carry out or approve through the exercise of its own regulatory authority under Fish and Game Code.

CDFW ROLE

CDFW is California's **Trustee Agency** for fish and wildlife resources and holds those resources in trust by statute for all the people of the State (Fish & G. Code, §§ 711.7, subd. (a) & 1802; Pub. Resources Code, § 21070; CEQA Guidelines § 15386, subd. (a)). CDFW, in its trustee capacity, has jurisdiction over the conservation, protection, and management of fish, wildlife, native plants, and habitat necessary for biologically sustainable populations of those species (*Id.*, § 1802). Similarly, for purposes of CEQA, CDFW is charged by law to provide, as available, biological

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¹ CEQA is codified in the California Public Resources Code in section 21000 et seq. The "CEQA Guidelines" are found in Title 14 of the California Code of Regulations, commencing with section 15000.

Conserving California's Wildlife Since 1870

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expertise during public agency environmental review efforts, focusing specifically on projects and related activities that have the potential to adversely affect fish and wildlife resources.

CDFW is also submitting comments as a **Responsible Agency** under CEQA (Pub. Resources Code, § 21069; CEQA Guidelines, § 15381). CDFW expects that it may need to exercise regulatory authority as provided by the Fish and Game Code. As proposed, for example, the Project may be subject to CDFW's lake and streambed alteration regulatory authority (Fish & G. Code, § 1600 et seq.). Likewise, to the extent implementation of the Project as proposed may result in "take" as defined by State law of any species protected under the California Endangered Species Act (CESA) (Fish & G. Code, § 2050 et seq.), related authorization as provided by the Fish and Game Code may be required.

Water Rights: The use of unallocated stream flows is subject to appropriation and approval by the State Water Resources Control Board (SWRCB) pursuant to Water Code section 1225. CDFW, as Trustee Agency, is consulted by the SWRCB during the water rights process to provide terms and conditions designed to protect fish and wildlife prior to appropriation of the State's water resources. Certain fish and wildlife are reliant upon aquatic ecosystems, which in turn are reliant upon adequate flows of water. CDFW therefore has a material interest in assuring that adequate water flows within streams for the protection, maintenance and proper stewardship of those resources. CDFW provides, as available, biological expertise to review and comment on environmental documents and impacts arising from project activities.

A-1
Cont.

PROJECT DESCRIPTION SUMMARY

Proponent: DWR

Objective: DWR certified an Environmental Impact Statement/ Environmental Impact Report (EIS/EIR) in 2019 which assessed the approved Project that involves making improvements to the downstream side of the existing dam to enhance its stability and increasing the dam crest height to reduce the potential that water would overtop the dam if seismic-induced slumping were to occur. Since that time, DWR has identified modifications to the approved Project and a Draft SEIR has been prepared to address the environmental effects of the following new modifications:

- New impact areas associated with development of a new permanent public campground on the northwestern shore of O'Neill Forebay;
- Modification to public campground and day use area closure in the vicinity of San Luis Reservoir and O'Neill Forebay;
- The consideration of two alternative on-site borrow areas as sources of earth fill material for the dam rehabilitation, beyond the borrow areas identified in the 2019 EIS/EIR;

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- Minor expansion of the contractor work areas that were not part of the original study area; and
- Modifications to construction assumptions.

Location: The Project is located in western Merced County, on the west side of California's Central Valley, approximately 9 miles west of the City of Los Banos on State Route 152.

Timeframe: Construction of Project activities is scheduled to start in September 2025 and will be completed in 8 years. Preconstruction and design activities will begin in 2022.

A-1
Cont.

COMMENTS AND RECOMMENDATIONS

CDFW offers the following comments and recommendations to assist DWR in adequately identifying and/or mitigating the Project's significant, or potentially significant, direct and indirect impacts on fish and wildlife (biological) resources. Editorial comments or other suggestions may also be included to improve the CEQA document prepared for this Project.

There are many special-status resources present in and adjacent to the Project area. These resources may need to be evaluated and addressed prior to any approvals that would allow ground-disturbing activities or land use changes. In our previous comment letters dated June 12, 2020 and September 28, 2020, CDFW expressed concerns regarding potential impacts to special-status species including, but not limited to, the State and federally threatened California tiger salamander (*Ambystoma californiense*), the State threatened and federally endangered San Joaquin kit fox (*Vulpes macrotis mutica*), the State endangered foothill yellow-legged frog (*Rana boylei*), the State endangered and fully protected bald eagle (*Haliaeetus leucocephalus*), the fully protected golden eagle (*Aquila chrysaetos*), the State threatened Swainson's hawk (*Buteo swainsonii*), the federally threatened and State species of special concern California red-legged frog (*Rana draytonii*), the State candidate-listed as threatened mountain lion (*Puma concolor*), and tule elk (*Cervus canadensis nannodes*). CDFW appreciates that some of these species were addressed in the Draft SEIR, including incorporating some of CDFW's recommended measures. While the Project proponent may decide that some species are unlikely to occur within the Project site, CDFW cannot rule out that there is no potential for the species to be found. Specifically, CDFW continues to have concerns regarding foothill yellow-legged frog. Therefore, CDFW recommends the following be addressed in the final SEIR for this Project.

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Foothill Yellow-Legged Frog (FYLF)

FYLF are primarily stream dwelling and requires shallow, flowing water in streams and rivers with at least some cobble-sized substrate, however, they can use terrestrial

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upland habitats during the overwintering period (Thomson et al. 2016). FYLF populations throughout the State have experienced ongoing and drastic declines and many have been extirpated; historically, FYLF occurred in mountain streams from the San Gabriel River in Los Angeles County to southern Oregon west of the Sierra-Cascade crest (Thomson et al. 2016). Habitat loss from growth of cities and suburbs, invasion of nonnative plants, impoundments, water diversions, stream maintenance for flood control, degraded water quality, and introduced predators, such as bullfrogs are the primary threats to FYLF (Thomson et al. 2016, USFWS 2017).

The California Natural Diversity Database (CNDDDB) documents FYLF occurrences near the Project site (CDFW 2021). Therefore, CDFW cannot conclude that FYLF are absent from the Project area. Without appropriate avoidance and minimization measures for FYLF, potentially significant impacts associated with the Project's activities include inadvertent entrapment, destruction of eggs and oviposition (i.e., egg-laying) sites, degradation of water quality, reduced reproductive success, reduction in health and vigor of eggs, larvae and/or young, and direct mortality of individuals.

CDFW recommends that a qualified wildlife biologist familiar with FYLF conduct surveys in accordance with the USFWS "Revised Guidance on Site Assessment and Field Surveys for the California Red-legged Frog" (USFWS 2005) to determine if FYLF are within or adjacent to the Project area. While this survey protocol is designed for CRLF, the survey may be used for FYLF with focus on stream/river habitat. If any life stage of FYLF (adult, metamorph, larvae, egg mass) is found during surveys or at any time during construction, consultation with CDFW is warranted to determine if the Project can avoid take. CDFW recommends that initial ground-disturbing activities be timed to avoid the period when FYLF are most likely to be moving through upland areas (November 1 through March 31). When ground-disturbing activities must take place between November 1 and March 31, CDFW recommends a qualified biologist monitor construction activity daily for FYLF. If take cannot be avoided, acquisition of take authorization would be warranted prior to initiating ground-disturbing activities; take authorization would occur through issuance of an Incidental Take Permit by CDFW, pursuant to Fish and Game Code section 2081 subdivision (b).

ENVIRONMENTAL DATA

CEQA requires that information developed in environmental impact reports and negative declarations be incorporated into a database which may be used to make subsequent or supplemental environmental determinations (Pub. Resources Code, § 21003, subd. (e)). Accordingly, please report any special-status species and natural communities detected during Project surveys to the CNDDDB. The CNDDDB field survey form can be found at the following link: <https://www.wildlife.ca.gov/Data/CNDDDB/Submitting-Data>. The completed form can be mailed electronically to CNDDDB at the following email address:

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CNDDB@wildlife.ca.gov. The types of information reported to CNDDB can be found at the following link: <https://www.wildlife.ca.gov/Data/CNDDB/Plants-and-Animals>.

FILING FEES

If it is determined that the Project has the potential to impact biological resources, an assessment of filing fees will be necessary. Fees are payable upon filing of the Notice of Determination by the Lead Agency and serve to help defray the cost of environmental review by CDFW. Payment of the fee is required in order for the underlying project approval to be operative, vested, and final (Cal. Code Regs, tit. 14, § 753.5; Fish & G. Code, § 711.4; Pub. Resources Code, § 21089).

CDFW appreciates the opportunity to comment on the Project to assist DWR in identifying and mitigating the Project's impacts on biological resources.

More information on survey and monitoring protocols for sensitive species can be found at CDFW's website (<https://www.wildlife.ca.gov/Conservation/Survey-Protocols>). If you have any questions, please contact Jim Vang, Environmental Scientist, at the address provided on this letterhead, by telephone at (559) 243-4014, extension 254, or by electronic mail at Jim.Vang@wildlife.ca.gov.

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Sincerely,

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Gerald Hatler for Julie A. Vance
Regional Manager

cc: Office of Planning and Research, State Clearinghouse, Sacramento

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LITERATURE CITED

CDFW. 2021. Biogeographic Information and Observation System (BIOS).
<https://www.wildlife.ca.gov/Data/BIOS>.

Thomson, R. C., A. N. Wright, and H. Bradley Shaffer. 2016. California Amphibian and Reptile Species of Special Concern. California Department of Fish and Wildlife and University of California Press.

USFWS. 2005. Revised Guidance on Site Assessment and Field Surveys for the California Red-legged Frog. March 2005. 26 pp.

USFWS. 2017. Species Account for California Red-legged frog. March 2017. 1 pp.

Response to Comment A

California Department of Fish and Wildlife

Julie A. Vance

July 27, 2021

- A-1** This comment is introductory and explains the role of the California Department of Fish and Wildlife (CDFW) in the context of CEQA, stating that CDFW is submitting comments as a Trustee Agency and a Responsible Agency under CEQA. This comment also provides a summary of the project's environmental review history and description. Because this comment does not pertain to the adequacy of the Draft SEIR, no further response is required.
- A-2** This comment notes that although the California Department of Water Resources (DWR) may conclude that some of the special-status species addressed in the Draft SEIR are not likely to occur within the Project site, CDFW cannot rule out the potential for these species to be found, and notes specific concerns regarding foothill yellow-legged frog (*Rana boylei*). The comment also notes that CDFW provided previous comment letters to DWR in which concerns were expressed regarding potential impacts to a number of special-status species. DWR acknowledges this comment and the inherent uncertainty involved in determining the potential for any mobile animal species to occur in a specific geographic area, especially when they are difficult to detect. As discussed in Response to Comment A-3, which addresses the specific concern expressed with respect to foothill yellow-legged frog, no revisions to the Draft SEIR are required related to this topic.
- A-3** This comment notes that the California Natural Diversity Database (CNDDDB) documents occurrences of foothill yellow-legged frogs near the Project site and, therefore, CDFW cannot conclude that foothill yellow-legged frogs are absent from the Project disturbance area. The comment states that impacts to this species could result from Project activities if foothill yellow-legged frogs are present within the Project disturbance area. Although CNDDDB occurrences of foothill yellow-legged frogs have been recorded in the Project vicinity, these occurrences were all recorded more than 30 years ago, and the closest occurrence (No. 2070; Romero Creek, 3.8 miles north-northwest) is from more than 75 years ago. The most recent occurrence was a March 21, 1988, observation of an adult in a tributary to the North Fork of Los Baños Creek, approximately 5.3 miles southwest of the Basalt Quarry. There are no recent occurrences of the species anywhere near the Project site in the CNDDDB, iNaturalist, or biological resource reports reviewed in the literature search. Moreover, the Project site does not contain any suitable habitat for this species, such as perennial streams with rock or cobble substrate, or ephemeral drainages, swales, or ditches that provide a connection to such perennial stream habitat. Post-metamorphic and overwintering foothill yellow-legged frogs have indeed been documented in intermittent and ephemeral streams, but such streams are always tributary to larger streams or rivers with perennial flows that provide suitable breeding and rearing habitat. All of the ephemeral drainages, swales, and ditches on the Project site flow into the San Luis Reservoir or O'Neill Forebay, which are unsuitable for foothill yellow-legged frog.
- The comment further recommends that a qualified biologist familiar with foothill yellow-legged frog conduct surveys to determine if the species is present in stream/river habitat within or adjacent to the Project site, and states that consultation with CDFW to determine if take can be avoided would be warranted if any life stage of this species is found. As mentioned above, there is no perennial stream/river habitat within or adjacent to the Project site that is considered suitable to support foothill

yellow-legged frog. It is noted that Mitigation Measure SEIR-BIO-1 of the Draft SEIR includes avoidance and minimization measures for special-status amphibians during construction. Although foothill yellow-legged frogs are not explicitly mentioned, this mitigation measure requires a preconstruction survey and construction-period biological monitoring for California tiger salamander (*Ambystoma californiense*) and California red-legged frog (*Rana draytonii*), and implementation of the surveys and monitoring required by this measure would be expected to detect any foothill yellow-legged frogs if they were within or near Project disturbance areas. DWR is already preparing a California Endangered Species Act Section 2081 Incidental Take Permit application for California tiger salamander in consultation with CDFW; in the unlikely event that foothill yellow-legged frogs are encountered during preconstruction surveys or monitoring of Project construction activities, consultation with CDFW would immediately be reinitiated to address this species. Because habitat conditions, database records, and surveys indicate that this species is unlikely to occur within the Project site, no revisions to the Draft SEIR are required.

- A-4** This comment provides information regarding provision of environmental data to CDFW for the purpose of adding to the CNDDDB and required filing fees that are due upon the filing of the Notice of Determination. DWR will comply with all requirements of CEQA pertaining to these items. Because this comment does not pertain to the adequacy of the Draft SEIR, no further response is required.

Comment Letter B

CALIFORNIA STATE TRANSPORTATION AGENCY

GAVIN NEWSOM, GOVERNOR

California Department of Transportation



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August 3, 2021

Sara Paiva-Lowry
California Department of Water Resources
P.O. Box 942836
Sacramento, California 94236-0001

Subject: B.F. SISK DAM SAFETY OF DAMS MODIFICATION PROJECT DRAFT SUPPLEMENTAL ENVIRONMENTAL IMPACT REPORT (State Clearinghouse No. 2009091004)

Dear Mrs. Paiva-Lowry:

The following includes a few general observations and/or comments on the B.F. Sisk Dam Safety of Dams Modification Project Draft Supplemental Environmental Impact Report:

- The document did not include any details related to Paleontological resources evaluated for the modified project.
There is no "Hazards and Hazardous Materials" Section in the report.
It is unclear if previous edits were addressed in the initial Environmental Impact Report- Aerially deposited lead concentrations without restriction are below 320 mg/kg per DTSC 2016 ADL Agreement (in the previously provided reports this value was presented as 3,200 mg/kg). A Lead Compliance Plan (LCP) is required when soils from the roadway/shoulders are disturbed and handled. Imported materials (from outside of the project area) should be sampled prior to use for the Sisk Dam Project.

B-1
B-2
B-3

Please feel free to contact me if you should have any questions regarding the comments provided, (559) 383-5425.

Sincerely,

JUAN TORRES
Associate Environmental Planner

JT/jt

"Provide a safe and reliable transportation network that serves all people and respects the environment"

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Response to Comment B

California Department of Transportation (Caltrans)

Juan Torres

August 3, 2021

- B-1** This comment states that the Draft SEIR did not include any details related to paleontological resources. The comment identifies no specific concerns with respect to any potential impacts that could occur to paleontological resources. The scope of the Draft SEIR is based on the environmental issues identified by preliminary analysis conducted during scoping carried out for the 2019 Environmental Impact Statement/Environmental Impact Report (EIS/EIR), which was disclosed in the Notice of Preparation issued for the 2019 EIS/EIR. The 2019 EIS/EIR has been certified and approved; the scope of the Draft SEIR is consistent with the scope of the 2019 EIS/EIR and preliminary analysis and scoping completed for the 2019 document.
- B-2** This comment states that there is no Hazards and Hazardous Materials section in the Draft SEIR. Please note that Section 3.8 of the Draft SEIR contains the Hazards and Hazardous Materials section. No revisions to the Draft SEIR are necessary.
- B-3** This comment references “previous edits” related to aerially deposited lead concentrations. It is unclear what previous edits the commenter is referring to; no comments were received from Caltrans on the 2019 EIS/EIR. The comment mentions the requirement of a Lead Compliance Plan and testing of imported soils. The California Department of Water Resources and/or its contractor will comply with applicable hazardous materials requirements for any work that disturbs roadways that could contain lead, and would comply with all requirements for working within the Caltrans right-of-way. Soils imported from off-site areas would be required to meet standards to be used as clean fill, and DWR and Project contractors would comply with all applicable hazardous materials regulations.

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3 Changes to the Draft SEIR

As provided in Section 15088(d) of the California Environmental Quality Act (CEQA) Guidelines, responses to comments may take the form of a revision to a Draft Environmental Impact Report (EIR) or may be a separate section in a Final EIR. This chapter of the Final Supplemental EIR (SEIR) complies with the latter option and provides changes to the Draft SEIR in strikethrough text (i.e., ~~strikethrough~~) signifying deletions, and underlined text (i.e., underline) signifying additions. These notations are meant to provide clarification, corrections, or minor revisions since the release of the Draft SEIR. None of the corrections or additions constitutes significant new information or substantial changes to the Modified Project requiring recirculation of the Draft SEIR, as defined by Section 15088.5 of the CEQA Guidelines. Changes to the Draft SEIR are provided in this chapter, with page numbers that correspond to the Draft SEIR.

3.1 Changes to Chapter ES, Executive Summary

The following changes were made to Table ES-2, on page ES-22, of the Draft SEIR, and are reflected in this Final SEIR:

Table ES-2. Summary of Impacts and Mitigation Measures

Environmental Topic	Impact Before Mitigation	Mitigation Measures(s)	Modified Project – Level of Significance After Mitigation	New Significant Increase in Impact Severity Compared to 2019 EIS/EIR?
<u>Would the Modified Project result in exposure of persons to or generation of excessive groundborne vibration or groundborne noise levels?</u>	<u>LTS (Project Level); PS (Cumulative)</u>	<u>NOISE-1 through NOISE-3 above.</u>	<u>LTS (Project Level); SU (Cumulative)</u>	<u>No</u>

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