

3.1 Responses to Federal, State, and Local Agencies Comments

This section includes copies of comment letters from federal, state, and local agencies and corresponding responses. Comment letters are arranged alphabetically by agency acronym or name.

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Comment Letter F_NMFS



COPY
UNITED STATES DEPARTMENT OF COMMERCE
National Oceanic and Atmospheric Administration
NATIONAL MARINE FISHERIES SERVICE

Southwest Region
777 Sonoma Ave., Room 325
Santa Rosa, CA 95404-4731

January 31, 2011
ORIGINAL DOCUMENT
SONOMA COUNTY WATER AGENCY

In response refer to:
2006/07316

FEB - 2 2011

Mr. Grant Davis
General Manager
Sonoma County Water Agency
404 Aviation Boulevard
Santa Rosa, California 95403

To: Jeane: Martini-Lamb

CF/45-5.1-2 Russian River Estuary Management Project

Dear Mr. Davis:

This letter transmits NOAA's National Marine Fisheries Service's (NMFS) comments regarding the Sonoma County Water Agency's (SCWA) draft Environmental Impact Report (DEIR) for the Russian River Estuary Management Project (Project). The Project entails modifying SCWA's flood control activities at the mouth of the Russian River to allow natural physical processes of barrier beach formation to seasonally create and maintain highly productive juvenile salmonid rearing habitat while minimizing flooding risk. Rearing habitat will be enhanced by reducing tidal influence within the Russian River estuary during a lagoon management period (May 15 – October 15) to increase freshwater habitat available to rearing juvenile salmonids. Adaptive management will require: 1) monitoring of biological productivity, water quality, and physical processes in the estuary in response to changes in the management practices that control water surface elevations in the estuary-lagoon system, and 2) refinement of management actions to achieve desired water levels that support biological productivity, while simultaneously providing flood management for properties adjacent to the estuary. The Project will occur entirely within the Russian River estuary, generally from the barrier beach at Goat Rock State Beach upstream to the town of Monte Rio, Sonoma County, California. NMFS has reviewed the DEIR, and offers the following comments.

General Comments

- 1) Within the DEIR, SCWA includes language that NMFS "mandates" SCWA and the U.S. Army Corps of Engineers (Corps) to implement the Project (e.g., page 2-1 of the DEIR). Characterizing the Project, or any portion of the Reasonable and Prudent Alternative (RPA), as a mandate from NMFS is misleading. As stated within the DEIR, the Russian River Biological Opinion was the culmination of more than a decade of consultation between SCWA, the Corps and NMFS regarding the impact of SCWA's and the Corps' water supply and flood control activities on federally-listed salmon and steelhead within the Russian River watershed. With respect to the Russian River Biological Opinion, a determination was reached that the proposed action was likely to adversely modify designated critical habitat for steelhead and coho salmon. In response to this determination, NMFS worked closely with SCWA and the Corps to develop a legally sufficient RPA that would allow both the Corps and SCWA to operate and fulfill their

F_NMFS-1



various responsibilities with regard to water delivery and flood control. The fact that an adverse modification of critical habitat determination was reached did not mandate any particular action by the Corps, and the Corps and SCWA were free to propose any potential alternatives to the proposed action for evaluation during the collaborative RPA development process. Characterizing components of the RPA as being "mandated" by NMFS inaccurately describes the collaborative approach between the three agencies in developing the RPA, and it does not consider the flexibility afforded SCWA and the Corps to creatively craft potential RPAs for consideration during the process. Instead of framing the project, as is done on page 2-1, as something "mandated" by NMFS for purposes of simply improving freshwater habitat for listed salmonids, it would be clearer and more accurate to state that the project is a new, alternative means for managing and minimizing flood risk in the Russian River estuary in a manner that does not adversely modify extensive amounts of designated critical habitat for listed threatened and endangered species. In framing the project's context in this early section of the project description, it would also be useful to make very clear that the proposed project seeks more natural conditions at the mouth of the Russian River with the formation of a seasonal barrier beach and a freshwater lagoon affording greater depths and improved water quality for listed salmonid species.

F_NMFS-1
cont.

- 2) The DEIR does not consider the potential for outlet channel construction and management following both barrier beach closure and breaching, but instead only considers outlet channel construction and management after the barrier beach has formed. The Russian River Biological Opinion states the following on page 250 [section 2.1.1, 1(e)] :

If the barrier beach has not closed and the estuary's water surface level is not being maintained at >3.2 feet NGVD by June 15 of each year when river inflows should have receded to about 150 cfs, SCWA shall consult with NMFS and CDFG to consider the feasibility of changing the outlet location from the center of the beach to a longer more northerly outlet as described in 1b), and filling in the center outlet channel with sand from the beach. The change in channel configuration would likely need to be carried out at slack tide and may not be feasible under all hydraulic conditions in the outlet channel. Based on the feasibility of closing the sandbar mouth during the summer months and managing the estuary as a closed or perched estuary, SCWA will implement these changes (emphasis added).

F_NMFS-2

The above language was reviewed and found acceptable to SCWA prior to issuance of the biological opinion. During DEIR scoping meetings between SCWA and federal/state agencies in September and November, 2010, NMFS informed SCWA and their consultant of the importance of including this option within the DEIR analysis. We fully recognize that closing the beach may not be feasible in some years and that safety of equipment operators is a very high priority. Furthermore, achievement of inflows suggested in the biological opinion should make active closure of the estuary a truly infrequent event. Nevertheless, under low summer flows and benign ocean conditions, it may be feasible to

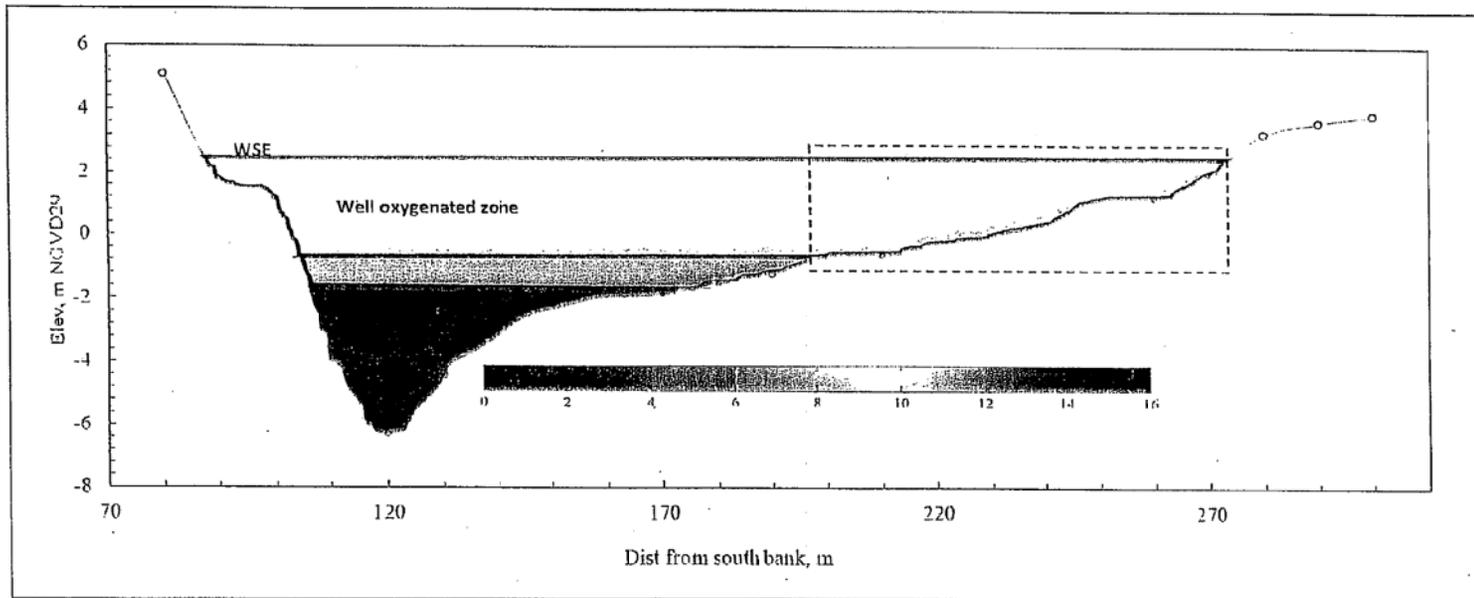
quickly create a stable closed lagoon system by filling the outlet channel with sand, with resulting significant benefits to salmonid populations and other freshwater resources.

This second general comment is not intended to cause a significant change in the project description that would unduly prolong the environmental review process. Permitting for barrier beach management activities must be in place for the upcoming low flow season. Rather, we are suggesting that it may be possible to make a minor modification of the proposed project so that an additional option is available to SCWA in its efforts to promote species recovery while managing estuarine water surface elevations. A project description might be crafted to include opportunity for both outlet channel construction as well as closure during benign low flow conditions without creating significant additional impacts. For example, a project description might retain the same number of days in which heavy equipment is allowed on the beach, and the operations might be designed so that the magnitude of the physical disturbance to the beach would be approximately the same whether SCWA machinery operators are opening up an outlet channel or filling in a shallow channel on the beach during late spring or early summer.

F_NMFS-2
cont.

- 3) The DEIR mischaracterizes the potential impact of poor water quality on available salmonid rearing habitat that likely results from a perched lagoon scenario. Specifically, the DEIR does not analyze the cross-sectional distribution of water quality gradients (DO, temperature, and salinity), but instead relies solely on vertical water quality profiles generated longitudinally along the deepest part of the river channel. While this analysis accurately presents water quality conditions (and potential rearing habitat impacts) at the deepest holes along the estuary, it fails to characterize how the vertical water quality profile is affecting and benefiting estuarine habitat that extends laterally from the thalweg (*i.e.*, the deepest part of the channel running longitudinally down the river) to the estuary banks, especially newly inundated, shallow shore habitat. For instance, the DEIR finds that along the length of the estuary the vertical thalweg profile has a 2-3 meter surface band of cool, well oxygenated water overlying a deep anoxic layer. However, presenting the analysis in this manner fails to acknowledge the vast shallow areas of the estuary that would be covered by cool, low DO water that would likely provide complex, highly productive juvenile salmonid rearing habitat (See Figure 1). The areal extent of the channel bottom inundated by non-stratified and diurnally-stable depths of brackish/freshwater can be a metric of suitable, highly productive salmonid habitat. SCWA should update the DEIR with an analysis, utilizing data from the September 2009 closure and late spring/early summer 2010, that clearly identifies or at least acknowledges the estimated spatial extent, amount and quality of newly inundated, shallow-water habitat that would result from an extended estuary closure. Presenting only a limited description of conditions during the fall 2009 closure, which occurred under unusually low flows and under past practices of year-round breaching of the barrier beach, is hardly sufficient to describe the extent or duration of ecosystem changes of the proposed project, or the expected effect on water quality.

F_NMFS-3



F_NMFS-3
(cont.)

Figure 1: General representation of cross-sectional dissolved oxygen profile at Bridgehaven (Rkm 3.1) at 27 days following estuary inlet closure (September 2009). Area within dashed box illustrates section of shallow (<3m) nearshore habitat inundated by the upper layer of high quality, well oxygenated water. Graphic constructed from data provided within Largier and Behrens (2010).

In addition, the analysis should not be restricted just to the defined Estuary Study Reach (i.e., from the ocean upstream to approximately Austin Creek), but it should also address additional inundated areas extending upstream to Monte Rio.

F_NMFS-3
cont.

4) The DEIR does not adequately quantify or describe the difference in potential available rearing habitat produced under the Reduced Project Alternative (8' maximum target water level) versus the proposed Project (9' maximum target water level).

F_NMFS-4

5) NMFS respectfully submits that elements of the RPA undertaken by SCWA outside of the defined lagoon management period (i.e., during the winter and early spring) can contribute to achieving Project objectives, and should be included in the Project description and discussed in the analysis of environmental impacts of the Project. For example, beach sand could be conserved along the shore if winter breaching activity is done at an angle towards the north end of the beach.

F_NMFS-5

Specific Comments

1) Page 1-2 and 1-3: The DEIR makes the following statements:

According to NMFS, fresh or brackish water lagoons at the mouths of many streams in central and southern California often provide depths and water quality that are highly favorable to the survival of rearing salmon and steelhead.

and

Conditions in a fresh or brackish water lagoon are thought by NMFS to enhance the quality of rearing habitat for juvenile salmonids.

F_NMFS-6

NMFS would like to clarify that the expected benefits arising from a more natural, perched lagoon scenario, and the brackish/freshwater conditions that result, are not merely the conclusion of NMFS, but is also the conclusion of numerous peer-reviewed scientific literature on the subject (e.g., Smith 1990, Bond *et al.* 2008), as well as three academic peer reviews of the estuary-related science in the Russian River biological opinion. Such DEIR language as above promotes public skepticism and misinformation of the science and goals of improved management and restoration of the Russian River ecosystem.

2) Page 2-25, first paragraph: The DEIR alludes to habitat restoration techniques under the Habitat Restoration Alternative, but does not specifically outline what those techniques might be. The vague description of habitat restoration ideas and locations that might be employed fails to describe or analyze how the alternative could meet Project and RPA objectives for the areal extent, duration and stable increased depths of freshwater inundation that occurs with the seasonal formation

F_NMFS-7

of a river mouth lagoon. The limited area described as currently providing freshwater and brackish habitat in the tidal estuary (e.g., at-creek mouths) would still be subject to the twice daily diurnal surge and ebb of the tide, along with the diurnal swings in temperature matching the incoming river rather than temperatures mediated by a marine climate, pooling of cold groundwater and tributary inflows and the increased thermal mass of diurnally-stable deeper depths resulting from seasonal river mouth lagoon formation. Also, a reference would be appropriate following the statement...."This type of habitat restoration is common in other coastal lagoons".

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F_NMFS-7
cont.

3) Page 5-19, bottom paragraph: The DEIR erroneously states that Dry Creek is 15 miles long. Dry Creek is 14 miles in length, of which six of those miles will be enhanced as part of the RPA.

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F_NMFS-8

4) The DEIR misrepresents an element of the adaptive management strategy of the RPA as a Project Alternative. Jetty removal as a Project Alternative in and of itself has no potential to achieve Project objectives without implementing the full proposed Project's adaptive management strategy.

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F_NMFS-9

NMFS appreciates the opportunity to comment on SCWA's draft EIS for the Russian River Estuary Management Project. Please contact Mr. Rick Rogers at (707) 578-8552, or via e-mail at rick.rogers@noaa.gov, if you have any questions concerning this letter or require additional information.

Sincerely,



Dick Butler
North Central Coast Office Supervisor

cc. Eric Larson, CDFG
Michael Dillabaugh, Corps

National Marine Fisheries Services, National Oceanic and Atmospheric Administration, Dick Butler, January 31, 2011

- F_NMFS-1 As noted in the text identified by the commenter, the Russian River Biological Opinion represents more than ten years of consultation between the The Sonoma County Water Agency (Water Agency), U.S. Army Corps of Engineers (USACE), and National Marine Fisheries Service (NMFS). However, the Russian River Biological Opinion does require the Water Agency to implement the Estuary Management Project to avoid jeopardizing designated critical habitat for steelhead and coho salmon, and as such, imposes a requirement on the Water Agency to alter its current estuary management practices.
- F_NMFS-2 Closure of the mouth is not currently proposed by the Water Agency. As stated in Section 2.0, Project Description, the creation of the outlet channel would occur following natural formation of the barrier beach and closure of the estuary. In the event that the frequency of natural barrier beach closures during the Lagoon Management Period is not sufficient to meet the objectives and requirements of the Russian River Biological Opinion, the Water Agency may consult with NMFS and California Department of Fish and Game (CDFG), as part of the adaptive management of the estuary, to review the feasibility of filling the center outlet channel with sand and changing the outlet from the center of the beach to a more northerly location in an effort to establish lagoon conditions for the benefit of juvenile salmonid rearing habitat conditions in the estuary. As part of this consultation, NMFS, CDFG and the Water Agency would discuss the feasibility of such an approach and identify specific parameters or criteria under which closure of the mouth could be considered for implementation. In the event that mouth closure is determined to be necessary in order to meet the objectives of the Russian River Biological Opinion, the Water Agency and regulatory agencies would review potential impacts as required by California Environmental Quality Act (CEQA) Sections 15162 and 15163.
- F_NMFS-3 Please refer to analysis provided in Draft Environmental Impact Report (EIR) Section 4.5, Fisheries, Impact 4.5.1, Habitat Availability. This analysis, which characterizes cross sectional distribution of water surfaces, estimates the available habitat provided by proposed project implementation. This analysis identifies a potential storage increase of 2,771 acre-feet at the 7 foot water surface elevation in areas extending upstream to Vacation Beach. The cross sectional characterization of water quality data, as requested by the commenter, is not available from the *Hydrography of the Russian River Estuary Summer-Fall 2009*. However, in discussing the volume of habitat provided by increased water levels, the potential for newly inundated areas to provide shallow water habitat is recognized. Please refer to **Master Response 2.4, Water Quality**, in **Chapter 2, Master Responses** for a discussion of water quality impacts.

- F_NMFS-4 Figure 4.5-1 in Draft EIR Section 4.5, Fisheries, and the comparison of project alternatives in Chapter 6.0, Alternatives Analysis quantifies the anticipated difference between the potential habitat provided by the proposed project and the Reduced Alternative on a volume basis. Under the proposed project, approximately 4,838 acre-feet of potential habitat would be provided. This volume is reduced to 3,590 acre-feet under the Reduced Project Alternative. This is the only available quantifiable information between these two alternatives. It is unlikely that there is a quantifiable, demonstrable difference in habitat quality between the area provided by a water surface elevation of 8 feet and the water surface elevation of 9 feet. The area of inundation between the thalweg and the water edge would be increased, but conditions along the edge would be similar at either elevation. Therefore, the characterization provided by the Draft EIR on a volume basis provides enough discernable information for decision makers to weigh the individual alternatives, and their ability to reduce impacts and meet the proposed project objectives.
- F_NMFS-5 The Water Agency will continue to work with NMFS regarding implementation of the Russian River Biological Opinion. Artificial breaching outside the Lagoon Management Period includes the consideration of preservation of beach sands, as well as potential flood hazards, accessibility of the beach for the safety of personnel and visitors, and minimizing impacts to visitors and wildlife. Artificial breaching with a pilot channel oriented towards the north has been done previously and would continue with future breaching, with consideration of the factors above.
- F_NMFS-6 The discussion specifically referenced by the commenter is a summary of conclusions reached by NMFS in the Russian River Biological Opinion. The additional scientific literature on the subject identified by the commenter is routinely cited throughout the Draft EIR, specifically in Chapter 3.0, Project Background and Environmental Setting, and Section 4.5, Fisheries.
- F_NMFS-7 The Habitat Restoration Alternative was developed to review whether additional enhancements within the Estuary that focus on existing high value habitat areas would have the potential to provide habitat enhancement, thereby meeting some of the project objectives, while avoiding or minimizing impacts associated with the proposed project. As noted by the commenter, enhancement at the scale envisioned by the proposed project would not be provided by this alternative. However, enhancements focused on high value habitat areas represent a reasonable alternative for review. See **Master Response 2.5, Alternatives Analysis in Chapter 2, Master Responses**.
- F_NMFS-8 Text regarding length of Dry Creek on page 5-19, of Draft EIR Chapter 5.0, Cumulative Analysis, has been revised as follows:

The Russian River Biological Opinion addresses this problem by mandating the creation of pools, backwaters and side channels on six miles of the 14-mile ~~15-mile~~ creek over a 12-year period.

F_NMFS-9 Alternatives related to the jetty modification were developed and discussed based upon comments received during the CEQA scoping meetings. The Water Agency will continue to consider development of a jetty study plan and implementation of such a study, as a potential future action, as described in the Russian River Biological Opinion. As noted on Draft EIR page 6-15, the Russian River Biological Opinion directs responsibility for removal or modification of the jetty, dependent upon results of the jetty study, to the USACE.

The Estuary Management Project does not include a specific component for jetty removal. As described in Draft EIR Chapter 6.0, Alternatives Analysis, the Water Agency does not own, maintain, operate, or have jurisdiction over the jetty structure, and is therefore not authorized to make policy decisions for action to remove the jetty. However, it is required in the Russian River Biological Opinion that the Water Agency developed a jetty study plan to analyze the effects of the Russian River Estuary jetty on Estuary water levels and on beach morphology, as well as for evaluating alternatives that modify the jetty to achieve target estuarine water levels. This is included as a potential alternative to the Estuary Management Project in Draft EIR Chapter 6.0, Alternatives Analysis.

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State of California – The Natural Resources Agency
DEPARTMENT OF FISH AND GAME
Bay Delta Region
7329 Silverado Trail
Napa, CA 94558
(707) 944-5500
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EDMUND G. BROWN, Jr, Governor
JOHN McCAMMAN, Director



February 18, 2011

Ms. Jessica Martini-Lamb
Sonoma County Water Agency
404 Aviation Boulevard
Santa Rosa, CA 95403

Dear Ms. Martini-Lamb:

Subject: Russian River Estuary Management Project, Draft Environmental Impact Report, SCH # 2010052024, Sonoma County Water Agency

The Department of Fish and Game (DFG) has reviewed the draft Environmental Impact Report (DEIR) for the Russian River Estuary Management Project (Project). The draft EIR was received in our office on December 23, 2010.

DFG is identified as a Trustee Agency pursuant to the California Environmental Quality Act (CEQA) Section 15386 and is responsible for the conservation, protection, and management of the State's biological resources. DFG is submitting comments on the draft EIR as a means to inform the Lead Agency of our concerns regarding sensitive resources which could potentially be affected by the Project.

The Project is being undertaken as a result of the National Marine Fisheries Service's (NMFS) 2008 *Biological Opinion for Water Supply, Flood Control Operations, and Channel Maintenance conducted by the U.S. Army Corps of Engineers, the Sonoma County Water Agency, and the Mendocino County Russian River Flood Control and Water Conservation District in the Russian River Watershed* (Russian River Biological Opinion). The Russian River Biological Opinion is a culmination of more than a decade of consultation between the Sonoma County Water Agency (Water Agency), the U.S. Army Corps of Engineers (USACE), and NMFS regarding the impact of the Water Agency's and USACE's water supply and flood control activities on three fish species listed under the federal Endangered Species Act: Central California Coast steelhead, Central California Coast coho salmon, and California Coastal Chinook salmon. DFG issued a Consistency Determination on November 9, 2009, finding that the Russian River Biological Opinion was consistent with the California Endangered Species Act (CESA).

The Russian River Biological Opinion recommends that the Water Agency modify its Russian River Estuary (Estuary) management in order to reduce marine influence (high salinity and tidal flow) and allow formation of a fresh or brackish water lagoon in the Estuary from May 15 to October 15 (lagoon management period). Fresh or brackish water lagoon is expected to enhance the quality of rearing habitat for juvenile salmonids. In order to maintain the Estuary in a more natural condition, the Water Agency will adaptively manage

Conserving California's Wildlife Since 1870

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the Estuary with the primary objectives of enhancing rearing habitat for juvenile salmonids, particularly steelhead, and managing Estuary water levels to minimize flood hazard. Rearing habitat may be enhanced by reducing tidal influence on the Estuary during the lagoon management period to increase freshwater habitat available for rearing salmon and steelhead. Adaptive management requires: 1) monitoring of biological productivity, water quality, and physical processes in the Estuary in response to the changes in management actions that control water surface elevations in the estuary-lagoon system; and 2) refinement of management actions to achieve desired water levels to support biological productivity, while simultaneously providing flood management for properties adjacent to the Estuary.

Biological Resources

The draft EIR finds that implementation of the Project could change the extent, composition, and distribution of the vegetation communities within and adjacent to the Estuary. The draft EIR also notes that the adaptation of vegetative communities along the shoreline fringe of the Estuary is difficult to predict due to a number of factors. DFG agrees with the draft EIR's finding that implementation of the Project would result in conditions that resemble natural observed conditions in other estuary systems on the West Coast and that changes in vegetative assemblages would likely result in increases in sensitive Coast and Freshwater Marsh habitat. DFG recognizes these two habitats as sensitive natural communities and the expected increase in their area and abundance would likely benefit species utilizing the Estuary as habitat.

S_CDFG-1

Fisheries

The Project will allow the Estuary to transition from a tidally influenced marine habitat to a productive freshwater estuarine lagoon habitat and maintain stratified conditions with increased freshwater habitat in the upper portion of the water column. Based on the literature currently available and referenced in the draft EIR (e.g., Smith 1990, Bond *et al.* 2008), the Project is expected to result in greater estuarine habitat productivity, increased juvenile steelhead growth and increased adult recruitment. DFG concurs with the draft EIR's finding that the Project will have a beneficial impact on fish habitat availability in the Russian River; however, the draft EIR should include a more thorough analysis of the difference in potential available rearing habitat produced under the Reduced Project Alternative (eight-foot maximum target water level) versus the proposed Project (nine-foot maximum target water level). DFG also believes that the adaptive management element of the Project, including rigorous monitoring of water quality conditions, is an appropriate approach to mitigate any adverse impacts to habitat quality.

S_CDFG-2

S_CDFG-3

Marine Protected Areas

Two Marine Protected Areas (MPAs) were placed into law on May 1, 2010 in the Project area. The two MPAs in the Project area include the Russian River State Marine Recreational Management Area (located in the estuary from the mouth to the Highway 1 bridge) and the Russian River State Marine Conservation Area (located offshore adjacent to the estuary mouth). The final EIR should address the compatibility of this Project with the overall regulations, goals, and guidelines of the Marine Life Protection Act (MLPA) and the

S_CDFG-4

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February 18, 2010
Page 3

corresponding individual MPAs located in the Project area (Fish and Game Code §§ 2850-2863; CCR T14 §632). The final EIR should also recommend measures to avoid or fully mitigate any impacts that are inconsistent with the goals and guidelines of the MLPA or the corresponding individual MPAs located in the Project area.

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S_CDFG-4
cont.

Alternatives Analysis

In order to meet the objectives of the Russian River Biological Opinion, DFG recommends pursuing the project alternative that is able to best maintain the Estuary water surface elevation at seven to nine feet NGVD from May 15 to October 15. DFG believes that immediate implementation of an adaptive management plan for the Estuary outlet channel is an essential part of meeting the water level management targets found in the Russian River Biological Opinion. The adaptive management plan for the Project should include the ability to construct and manage the outlet channel prior to the barrier beach fully closing by modifying the existing outlet channel configuration, as recommended in the Russian River Biological Opinion on page 250 [section 2.1.1, 1(e)] :

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S_CDFG-5

If the barrier beach has not closed and the estuary's water surface level is not being maintained at >3.2 feet NGVD by June 15 of each year when river inflows should have receded to about 150cfs, SCWA shall consult with NMFS and CDFG to consider the feasibility of changing the outlet location from the center of the beach to a longer more northerly outlet as described in 1b), and filling in the center outlet channel with sand from the beach. The change in channel configuration would likely need to be carried out at slack tide and may not be feasible under all hydraulic conditions in the outlet channel. Based on the feasibility of closing the sandbar mouth during the summer months and managing the estuary as a closed or perched lagoon, SCWA will implement these changes.

DFG also recommends that the Water Agency continue its study of the effects of jetty modification and alternative flood protection measures, as future potential actions to be included in the adaptive management aspect of the Project itself, rather than be considered as Project Alternatives, as they are currently recognized in the draft EIR.

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S_CDFG-6

Lake and Streambed Alteration Agreement

For any activity that will divert or obstruct the natural flow, or change the bed, channel, or bank (which may include associated riparian resources) of a river or stream, or use material from a streambed, DFG may require a Lake and Streambed Alteration Agreement (LSAA), pursuant to Section 1600 et seq. of the Fish and Game Code, with the applicant. Issuance of an LSAA is subject to CEQA. DFG, as a responsible agency under CEQA, will consider the CEQA document for the project. The CEQA document should fully identify the potential impacts to the stream or riparian resources and provide adequate avoidance, mitigation, monitoring and reporting commitments for completion of the agreement.

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S_CDFG-7

Comment Letter S_CDFG

Ms. Jessica Martini-Lamb
February 18, 2010
Page 4

DFG appreciates the opportunity to comment on the Russian River Estuary Management Project. DFG staff is available to meet with you to further clarify our comments and provide technical assistance on any changes necessary to protect resources. If you have any questions, please contact Mr. Adam McKannay, Environmental Scientist, at (707) 944-5534; or Mr. Richard Fitzgerald, Coastal Habitat Conservation Supervisor, at (707) 944-5568.

Sincerely,



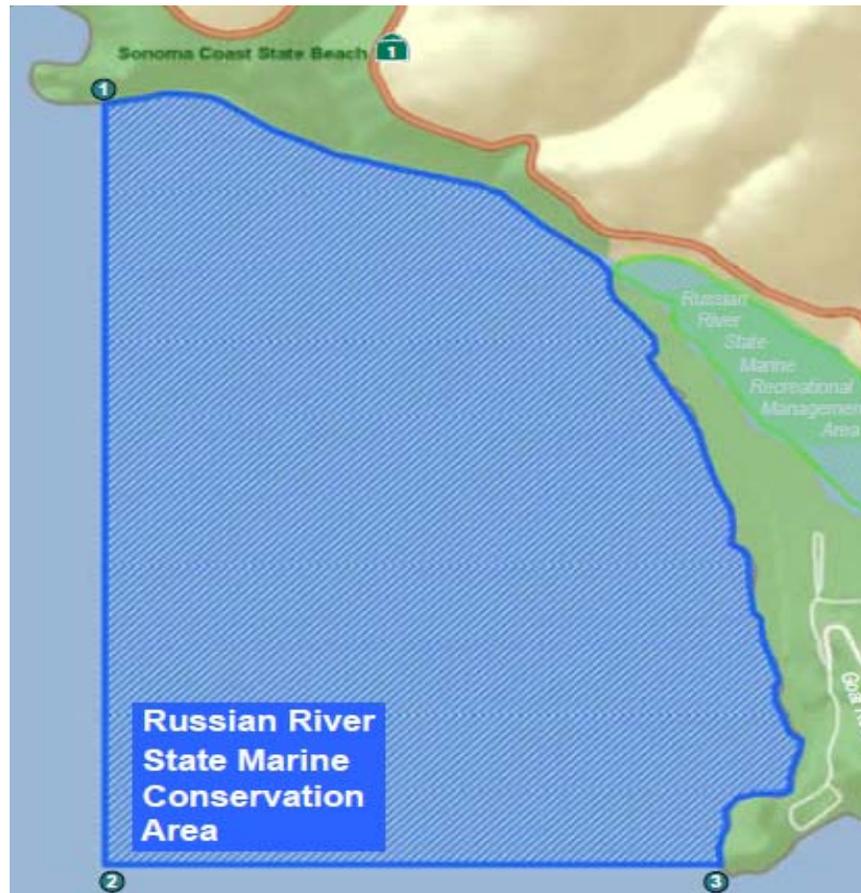
Scott Wilson
Acting Regional Manager
Bay Delta Region

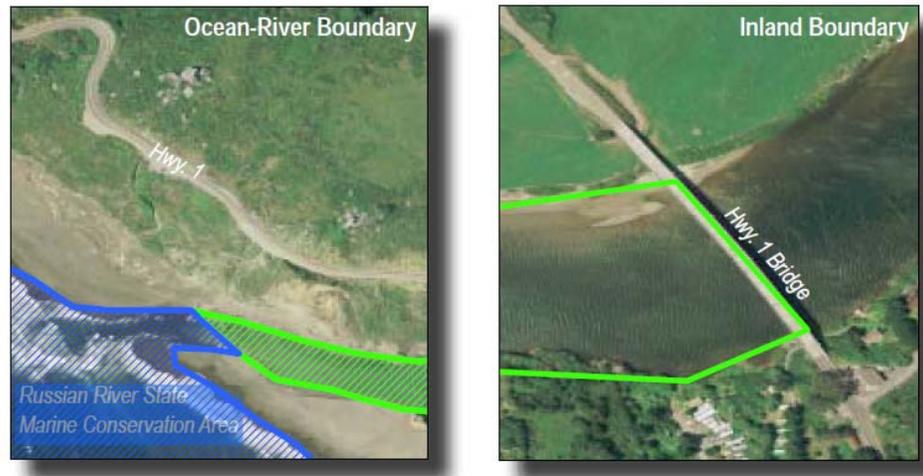
cc: State Clearinghouse

California Department of Fish and Game, Bay Delta Region, Scott Wilson, February 18, 2011

- S_CDFG-1 No response or text modification required.
- S_CDFG-2 Please refer to response to comment F_NMFS-4. No response or text modification required.
- S_CDFG-3 No response or text modification required.
- S_CDFG-4 Draft EIR Section 4.4, Biological Resources, and Section 4.7, Recreation, describe the goals and prohibitions of the Marine Life Protection Act (MLPA). As described in the Draft EIR (page 4.4-62), the Russian River mouth is located within the Russian River State Marine Conservation Area (SMCA), which extends along the coastline (FEIR-1). Additionally, the Russian River State Marine Recreational Management Area (SMRMA) extends from below the mean high tide line upstream to the Highway 1 Bridge (FEIR-2). As such, the Middle Reach and the Lower Reach of the Estuary Study Area are located within this SMRMA.

FEIR-1: Russian River State Marine Conservation Area Boundary



FEIR 2: Russian River State Marine Recreational Managed Area

The proposed Estuary Management Project will have a beneficial impact by increasing potential habitat availability for salmonids (Impact 4.5.1). Under the proposed project maximum water surface elevation of 9 feet, the project is estimated to provide an additional 170 acres of habitat and 3,088 acre feet of storage (see Draft EIR Table 4.5-3) in the Estuary Study Area. The project would likely either result in a full transition from tidally influenced marine habitat to productive freshwater estuarine lagoon habitat or maintain stratified conditions with increased stable freshwater habitat in the upper portion of the water column. Based on currently available research of lagoon productivity and benefits to juvenile salmonid rearing, the proposed project is expected to result in greater estuarine habitat productivity, increased juvenile steelhead growth and increased subsequent adult recruitment to the population (Bond et al., 2008; Smith, 1990; NMFS, 2008; McKeon, 1985 as cited in Entrix, 2004). Therefore, the proposed project is compatible with several of the MLPA goals including the following:

- Conservation of biological diversity and abundance of marine life;
- Conservation of health of marine ecosystems and populations; and
- Protection of representative marine life and therefore marine natural heritage

In addition, lagoon adaptive management components, including monitoring and responding to physical conditions as appropriate, are directly compatible with the MLPA intent of managing MPAs using ecosystem-based management principles and monitoring. The proposed project is also compatible with the MLPA in that it would assist in the effective management of the two Russian River MPAs.

Potential impacts to recreation, identified as significant and unavoidable, are potentially inconsistent with MLPA Goal 3 regarding recreational and

educational opportunities. However, the Estuary Management Project would be consistent with the remaining goals of the MLPA, including Goal 1 and Goal 2, which relate specifically to the recovery of listed and depleted species. Because the objective of the Estuary Management Project is focused on habitat enhancement for juvenile salmonids, recreational impacts would not fundamentally affect the compatibility of the proposed project with MLPA's objectives. As described in Draft EIR Impact 4.4.5 and 4.4.11, the Estuary Management Project would not conflict with local policies or ordinances protecting biological resources.

- S_CDFG-5 Please refer to response to comment F_NMFS-2.
- S_CDFG-6 Please refer to response to comment F_NMFS-9.
- S_CDFG-7 The Water Agency will acquire CDFG permits as necessary for the Estuary Management Project. It is anticipated that CDFG would rely on the Draft EIR for issuance of permits under its jurisdiction.

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Comment Letter S_CDPR



State of California • Natural Resources Agency

DEPARTMENT OF PARKS AND RECREATION
Russian River District
PO Box 123
Duncans Mills, CA 95430

COPY
Edmund G. Brown Jr., Governor
Ruth Coleman, Director

ORIGINAL DOCUMENT
SONOMA COUNTY WATER AGENCY

February 23, 2011

FEB 24 2011

Mr. Grant Davis
General Manager
Sonoma County Water Agency
404 Aviation Boulevard
Santa Rosa, California 95403

To: Jeane Martini-Lamb

CF/45-5.1-2 Russian River Estuary Management Project

Dear Mr. Davis:

The Department of Parks and Recreation (State Parks) provides for the health, inspiration and education of the people of California by preserving the state's most valued natural and cultural resources and by providing opportunities for high quality recreation. State Parks owns and operates a significant portion of the land surrounding the Russian River estuary including the following three key elements; the lowest lying structure within the estuary (Jenner Visitor Center), the Russian River jetty, and the beach upon which breaching and the proposed lagoon outlet channel would occur.

General Comments

The Sonoma County Water Agency's (SCWA) Russian River Estuary Management Project Draft Environmental Impact Report (RREMPDEIR) proposes to manage dry season flows (May 15 – October 15) within the Russian River estuary through the construction and maintenance of an overflow channel and resultant freshwater lagoon. The estuary has historically been breached due to the presence of low elevation structures subject to flooding.

SCWA's proposed project is the result of review by the National Marine Fisheries Service (NMFS) under Section 7 of the Endangered Species Act due to impacts to steelhead and coho salmon associated with the breaching of the estuary. NMFS Biological Opinion (BO) provides SCWA with an adaptive approach to managing the Russian River estuary and includes three measures; dry season perched lagoon (under consideration as the RREMPDEIR), modification/removal of the jetty, and relocation of structures subject to flooding. State Parks was not consulted in the BO process.

State Parks supports measures that improve the resources of the Russian River estuary. The RREMPDEIR focuses on a single measure to manage a perched lagoon as a means to improving the long term problem of salmonid decline within the Russian River Watershed. However, the feasibility of this effort remains to be proven as demonstrated in 2010. Concurrently, the species which the BO and RREMPDEIR seek to conserve, struggle for survival with low populations and poor conditions in the Russian River watershed.

S_CDPR-1

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Mr. Grant Davis
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State Parks primary concern is the inadequacy of the RREMPDEIR to focus on the suite of measures outlined in the BO instead of the single element as described. Further, State Parks remains unclear as to the criteria to measure this project's success or failure and what triggers a commitment to move forward with the other measures identified by the BO.

S_CDPR-1
cont.

Coastal Access

Each time the Russian River is breached or the proposed lagoon channel is created or maintained, SCWA operations impact park visitor use through partial closure of Goat Rock Beach. The RREMPDEIR acknowledges that the proposed project will likely result in an increase in equipment use and subsequent beach closures and concludes that the impact is not significant, as the increase is not substantial. The underlying assumption of this argument is that the existing condition of mechanical breaching is the baseline. However, the existing condition of breaching and resultant beach closure has not been evaluated under the California Environmental Quality Act.

S_CDPR-2

During the last 14 years SCWA has breached the estuary 87 times, an average of 6.2 times/year, with a low of zero breaches in 2006 and a high of 15 in 2009. May (11), September (12), October (19), November (20) and December (10) are the most frequent months when breaching occurs.

From July 1, 2009 through June 30, 2010, Sonoma Coast State Beach (no visitor use numbers exist for Goat Rock Beach) received almost 3 million day use visitors. Goat Rock Beach is the second most popular beach on the Sonoma Coast. It is reasonable to assume that a significant portion (10%) of park visitors visit this beach. The lagoon management period corresponds with the most impacted time of year for park visitors with approximately 66.5% of visits.

S_CDPR-3

According to the RREMPDEIR two days of initial construction and up to 18 days of maintenance activity would result from implementation of the project. There are 153 days in the management period (May 15 – October 15). The proposed project has the potential to restrict public access to Goat Rock Beach for 13.1% of days within the management period during the most heavily used time of the year. Goat Rock Beach is also one of the easiest beaches to access. State Parks considers such limitations to coastal access as significant.

There are a variety of opportunities in Sonoma County for SCWA to mitigate coastal access impacts. Numerous vertical access nodes are in poor, deteriorating condition and are often damaged by winter weather events. This situation forces the public to use other easily accessible locations. The Coastal Commission also maintains an inventory of offers to dedicate public access. SCWA should consider such opportunities to mitigate impacts to coastal access.

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Public Recreation

According to the RREMPDEIR, the proposed project would result in significant impacts to public recreation (surfing). No baseline quantification of the frequency and quality of waves at the Russian River exists so it is difficult to quantify potential impacts. However, estimates can be made by reviewing; weather records, breaching records, hydrograph records, seal data notes, and consultation from surfers who frequent the Russian River mouth. In the interim, SCWA should initiate monitoring of surf conditions to help in establishing baseline references.

S_CDPR-4

SCWA acknowledges mitigation exists in the form of creation of new surf breaks and concludes that impacts are unavoidable and that mitigation in this case is not feasible. State Parks suggests that a mitigation strategy should be further explored. Based upon the significance of impacts SCWA could respond with an appropriate tiered mitigation strategy. For example, a low level of impact could be mitigated by providing improved or maintaining (in the face of budget cuts) existing coastal access. Moderate impacts could be mitigated by providing access to surf spots that are currently inaccessible but publicly owned or where nearby vertical access easements have not been dedicated. Construction of an artificial reef (the measure noted as unfeasible by the RREMPDEIR) should be considered only under high impacts such the total loss of surfing at the Russian River mouth.

S_CDPR-5

State Parks is eager to cooperate with the restoration of the Russian River estuary. We stand at the ready to work toward the goal of improved estuary function and flood control. State Parks is of the opinion that the goal of flood control should focus on a long term, self maintaining method, not repeated mechanical intervention. The goal of estuary restoration should be more inclusive than steelhead and coho salmon. As such, the process by which the estuary is managed should include a larger array of stakeholders and should be crafted upon broadly reaching goals..

S_CDPR-6

State Parks appreciates the opportunity to comment on the RREMPDEIR. Should you have any questions regarding this letter, please contact Mr. Brendan O'Neil at (707) 865-3129, or boneil@parks.ca.gov.

Sincerely,

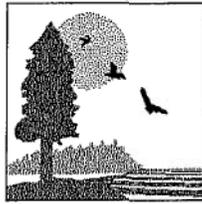


Liz Burko
Russian River District Superintendent

California Department of Parks and Recreation, Liz Burko, February 24, 2011

- S_CDPR-1 Please refer to **Master Response 2.1, Relationship to Other Biological Opinion Elements in Chapter 2, Master Responses.**
- S_CDPR-2 CEQA Section 15125 requires analysis of project change relative to existing conditions. Therefore, the Water Agency's current artificial breaching program represents the appropriate baseline for analysis. The increase in mechanical disturbance on the beach of the proposed project is anticipated to be incremental compared to existing conditions.
- S_CDPR-3 The Lagoon Management Period of May 15 through October 15 corresponds with summer months, typically a high recreational use period. As demonstrated in Chapter 2.0, Project Description, Table 2-1 and Figure 2-4a and Figure 2-4b, the current artificial breaching program includes the potential for artificial breaching during this time period. Opportunities for barrier beach closure and outlet channel formation are anticipated to be consistent with the frequency of occurrence that has been exhibited under the Water Agency's current artificial breaching program. The assumed maintenance scenario (18 maintenance events) is considered worst case, and temporary restricted access to the coast or Goat Rock State Beach would be limited to the portion of the beach north of the created outlet channel north of the jetty. Temporary signs and rope barriers are implemented by local volunteers for protection of the Harbor seal haulout. The area of the beach closest to the visitor parking areas (From Goat Rock to the jetty) remains accessible to the public. Even with this worst-case assumption, the short-term nature of these activities and the maintenance of beach access during their implementation renders them less than significant and no mitigation is necessary (Draft EIR, Section 4.7, Recreation, Impact 4.7.1).
- S_CDPR-4 Please refer to **Master Response 2.6, Recreational Impacts, Socioeconomic Impacts and Mitigation Feasibility, and Mitigation Measures in Chapter 2, Master Responses** for discussion on monitoring surf conditions.
- S_CDPR-5 Please refer to **Master Response 2.6 Recreational Impacts, Socioeconomic Impacts and Mitigation Feasibility, in Chapter 2, Master Responses** for discussion on monitoring surf conditions.
- S_CDPR-6 The Water Agency will continue to coordinate with the California Department of Parks and Recreation regarding implementation of the Estuary Management Plan.

CALIFORNIA STATE LANDS COMMISSION
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February 10, 2011

File Ref: SCH #2010052024

Sonoma County Water Agency
Attn: Jessica Martini-Lamb
404 Aviation Blvd.
Santa Rosa, CA 95403

Subject: Draft Environmental Impact Report (EIR) for the Russian River Estuary Management Project

Dear Ms. Martini-Lamb:

Staff of the California State Lands Commission (CSLC) has reviewed the subject Draft Environmental Impact Report (EIR) for the Russian River Estuary Management Project (Project), which is being prepared by the Sonoma County Water Agency (SCWA), the public agency carrying out the project, as the lead agency under the California Environmental Quality Act (CEQA) (Public Resources Code sections 21000 et seq.). The CSLC has prepared these comments as a Trustee and Responsible Agency because of its trust responsibility for projects that could directly or indirectly affect sovereign lands, their accompanying Public Trust resources or uses, and the public easement in navigable waters.

CSLC Jurisdiction

The State acquired sovereign ownership of all tidelands and submerged lands and beds of navigable waterways upon its admission to the United States in 1850. The State holds these lands for the benefit of all the people of the State for statewide Public Trust purposes, which include waterborne commerce, navigation, fisheries, water-related recreation, habitat preservation, and open space. The landward boundaries of the State's sovereign interests in areas that are subject to tidal action are generally based upon the ordinary high water marks of these waterways as they last naturally existed. In non-tidal navigable waterways, the State holds a fee ownership in the bed of the waterway between the two ordinary low water marks as they last naturally existed. The entire non-tidal navigable waterway between the ordinary high water marks is subject to the Public Trust Easement. Both the easement and fee-owned lands are under the jurisdiction of the CSLC. The locations of the ordinary high and low water marks are often related to the last natural conditions of the river, and may not be apparent from a present day site inspection. The Russian River is sovereign land and under the jurisdiction of the CSLC.

Local County agencies, and subsequently SCWA, have been artificially breaching the recurrent barrier beach, often several times a year, with heavy equipment since the 1960s to relieve flood risk to adjacent properties. Since October 1, 1996, SCWA, responsible for the breaching starting in the 1990s, has been under several rent-free general leases with the CSLC. These leases have authorized breaching activities on the approximately 11-acre parcel of sovereign land in the Russian River Estuary. SCWA's most recent lease with the CSLC, effective January 1, 2006, expired on December 31, 2010 and is currently in holdover status. The CSLC received an application from SCWA on December 1, 2010 for a new lease, which will reflect changes to the use of State land resulting from implementation of the Project. The CSLC is now waiting to continue processing the application, pending the production and certification of the subject EIR.

Proposed Project

The proposed Project involves seasonal estuary management that will reduce salinity and tidal inflow and maintain water depths from May to October. The EIR describes the Project as adaptive management of the Russian River Estuary consistent with the Russian River Biological Opinion, issued by the National Marine Fisheries Service (NMFS) in 2008. This adaptive management is required under the terms of the 2008 Biological Opinion. The Project's dual goals are fisheries habitat enhancement and flood risk minimization for nearby structures and lands. The seasonal, freshwater lagoon that the SCWA would create would provide suitable rearing habitat for three salmonid species listed under the Federal Endangered Species Act: Central California Coast steelhead, Central California Coast coho salmon, and California Coastal Chinook salmon, determined to be impacted by SCWA's water management practices, upstream dams and historic breaching practices at the mouth of the Russian River.

SCWA's management will be accomplished through:

- Maintenance of a freshwater lagoon at the mouth of the river between May 15 and October 15 as rearing habitat for juvenile salmonids: the lagoon's water level would be controlled through the creation of a sinuous outlet channel.
- Maintenance of an estuary water depth of at least seven feet during this summer management period.
- Artificial breaching throughout the rest of the year, as needed for flood control, of the intermittent barrier beach that forms at the mouth of the river.

The EIR identifies the Reduced Project Alternative, which would involve maintaining the freshwater lagoon at a maximum level of eight (instead of nine) feet of elevation, as the Environmentally Superior Alternative.

The CSLC supports projects, such as fishery habitat enhancement, on State lands that are consistent with the Public Trust; however, the agency is also responsible for ensuring that such projects avoid or minimize impacts to other Public Trust resources and uses including, but not limited to, cultural resources, recreation and public access. In the interest of all Public Trust values of the sovereign land at the Russian River, the CSLC offers the following comments on the Draft EIR.

Specific Comments

1. Sections 2.7.2 (p. 2-29), 4.4.3 (p. 4.4-64) and 4.6.2 (p. 4.6-6) need to be corrected regarding SCWA's lease with the CSLC. In section 2.7.2, the list of agency approvals SCWA has for current breaching practices, and in the descriptions of the CSLC in sections 4.4.3 (Regulatory Framework – Biological Resources) and 4.6.2 (Setting – Land Use and Agriculture), the EIR states that "the Sonoma County Water Agency possesses a land lease permit issued by the CSLC, in accordance with Article 2 of the Leasing and Permits Regulations, to conduct artificial breaching within CSLC jurisdiction (CSLC, 2007)." Please note that SCWA's most recent lease has expired as of December 31, 2010.

S_CSLC-1

Biological Resources Comments

2. One of the provisions of Mitigation Measure 4.4.1a, which addresses short-term impacts to Special-Status Plant and Animal Species, is that, during construction, "if a special-status plant or larval host species for special-status butterflies or nesting birds are encountered, the location shall be documented and species-specific avoidance and minimization measures shall be prepared by the qualified biologist in coordination with the Agency and appropriate resource agencies" (p. 4.4-71).

Although for CEQA purposes the mitigation measures identified in an EIR need not include all specific details, the EIR does need to at least "specify performance standards which would mitigate the significant effect of the project and which may be accomplished in more than one specified way" (CEQA Guidelines §15126.4(b)). As currently written, the measure neither identifies specific actions to be taken when encountering special-status species during construction nor specific performance standards for actions to be developed later; this amounts to deferred mitigation. Deferral of the formulation of mitigation not only runs counter to the CEQA Guidelines (§15126.4(b)), but denies responsible agencies and the interested public the chance to comment on the adequacy of the proposed mitigation for avoiding or minimizing a project's impacts. Please either identify specific mitigation measures for the special-status species that may be present in the Project's area or define specific performance standards for mitigation.

S_CSLC-2

3. Mitigation Measure 4.4.1b (p. 4.4-72) entails a worker environmental awareness training for construction personnel to minimize to less than significance the impacts of outlet channel construction and breaching activities on sensitive natural communities, waters and wetlands, and wildlife movement and nursery sites. The

S_CSLC-3

CSLC recognizes the value of personnel training in encouraging environmentally-conscientious construction; however, the presence of a biological monitor with the authority to halt or adjust construction or site worker activities would further ensure that construction activities on the beach would pose no significant threat to these vegetative communities, water and wildlife. With a monitor onsite, there is less potential for unforeseen circumstances creating conflicts between construction activities and the area's biological resources. Please consider the addition of a biological monitor to Mitigation Measure 4.4.1b to oversee construction activities.

↑
S_CSLC-3
cont.

4. In the EIR's discussion of both Impact 4.4.3, "Waters and Wetlands" (p. 4.4-73), and Impact 4.4.4, "Wildlife Movement and Nursery Sites" (pp. 4.4-73 & 74), the document concludes that practices in the Project description and necessary permits, "in addition to implementation of Mitigation Measure 4.4.1b (worker environmental awareness training) above would reduce potentially significant impacts...to less than significant [emphasis added]." Both impacts, however, are listed in these sections and in the Executive Summary (p. ES-23) as "Less than Significant," rather than "Less than Significant with Mitigation." Because the evaluation of these impacts as less than significant assumes implementation of Mitigation Measure 4.4.1b, they should be listed in both the Executive Summary and in the body of the EIR as "Less than Significant with Mitigation."

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S_CSLC-4

5. In the analysis of Impact 4.4.6, regarding the project's potential effects on the Project area's sensitive natural communities, the document acknowledges that the eventual change in community composition "is difficult to predict, as it is subject to several factors" (p. 4.4-77). Although the expected levels and time periods of inundation may result in a net area increase of the Coastal and Valley Freshwater Marsh (CVFM) sensitive natural community, an adaptive management plan should still address recognized uncertainty in the Project's impacts.

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S_CSLC-5

Because the Project's ultimate effects on CVFM will be "subject to several factors" that, other than estuary water level, remain unidentified in the EIR, there remains a reasonable possibility that, without mitigation, the project could result in a loss of CVFM. Approximately 48% of the Project area's CVFM exists between the seven- and nine-foot elevation marks, areas that historically have generally been inundated for no more 14 days at a time. Under the proposed Project, whose aim is, at minimum, a seven-foot daily average water depth in the lagoon, much of this natural community could be submerged for anywhere from one to five months. Although the increased water level may shift CVFM establishment to higher elevations, the EIR should include a more rigorous discussion of the factors that suggest this upland shift will occur, rather than a net reduction in area of CVFM. If, after such discussion, the EIR concludes that the effects of the Project on CVFM remain reasonably uncertain, a multi-year vegetative monitoring component, along with a contingent mitigation measure, could identify and mitigate to less than significant any unanticipated net decline in CVFM.

- 6. The CSLC staff requests, for the sake of consistency, the correction of several numerical typos. In Section 4.4.4, Environmental Impacts and Mitigation Measures - Biological Resources, the first paragraph of Impact 4.4.9 should reference "Impact 4.4.6", not "Impact 4.4.7". Also, all references to "Mitigation Measure 4.4.6" should be changed to "Mitigation Measure 4.4.8"

S_CSLC-6

Recreation Comments

- 7. In its analysis of impacts to recreation, the EIR concluded that Impact 4.7.1, "Disruption of Use of Recreational Facilities" (p. 4.7-8), and Impact 4.7.2, "Eliminate or Modify an Existing Recreational Resource" (p. 4.7-10), are "Significant and Unavoidable." As public access and recreation on State lands are key concerns of the Public Trust, the CSLC requests that the EIR revisit potential mitigation for these significant impacts. The CEQA Guidelines require that "each public agency shall mitigate or avoid the significant effects on the environment of projects that it carries out or approves whenever it is feasible to do so" (CEQA Guidelines § 21002.1(b)). Although it may not be physically possible to avoid the effects to surfing and beach access in the design and construction of the project, SCWA can still identify feasible, appropriate offsets for or compensation to the affected public. As defined in the CEQA Guidelines, mitigation can entail "compensating for the impact by replacing or providing substitute resources or environments" (§ 15370(e)). Mitigation for impacts to recreation may come in the form of improved access or other improvements to nearby beaches, construction of other facilities for beachgoers or surfers, production of maps that can guide visitors to other nearby beaches or surf spots, or other measures. Ideas for measures may be solicited from recreation stakeholder groups or others.

S_CSLC-7

Cultural Resources Comments

- 8. In the introduction to the EIR's Cultural Resource Impact Analysis (p. 4.8-13), the EIR mistakenly states that in the subsequent section, "impacts associated with traffic and transportation are summarized and categorized..." Please change "traffic and transportation" to "cultural resources".
- 9. The Background Research and Records Search Results section lists sources ESA reviewed during the records search; however, the CSLC was not contacted to conduct a records search of the CSLC's Shipwreck Database (Database). CSLC staff searched the Database for possible shipwrecks in the project area. The Database lists the schooner Sovereign as having grounded in 1873 at the Russian River. This information may have been taken from the book "California Shipwrecks: Footsteps in the Sea," by Don B. Marshall, Superior Publishing Company, Seattle, 1978, (Marshall), which states on p. 122 that the Sovereign was "[a] total loss at Russian River." The date of the incident is listed as "1/1873" in Marshall; however, the CSLC Database lists 7/21/1873. CSLC files contain no additional information on this incident. Although the database reflects a search of many published sources, it does not represent actual fieldwork. Not all shipwrecks are listed in the CSLC

S_CSLC-8

S_CSLC-9

Database and shipwreck locations may be inaccurate. Most shipwreck locations have not been determined. Although the project area is highly disturbed from repeated breaching using heavy equipment, the ocean and beach are a dynamic environment. Therefore, it is possible that future work could uncover a shipwreck or other related artifacts.

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S_CSLC-9
cont.

10. Table 4.8-1 lists cultural resource studies within or adjacent to the estuary study area, including an archaeological excavation of a coffin on Penny Island in 1982. Please note that Penny Island is also referred to as Crab Island (historical). Please also discuss the history of the island relative to potential historic or archaeological resources.

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S_CSLC-10

11. Mitigation Measure 4.8.1 outlines measures to be implemented in the event of an inadvertent discovery of historic and unique archeological resources, including state and federal agencies to be contacted. However, the CSLC is not, and should be, listed. Please be aware that title to all abandoned shipwrecks, archaeological sites, and historic resources on or in the tide and submerged lands of California is vested in the state, and are under the jurisdiction of the CSLC. Any submerged archaeological site or submerged historic resource remaining in state waters for more than 50 years is presumed to be significant. Under item 1 of the mitigation measure, we request that you add the CSLC to the list of agencies to be immediately notified in case of an inadvertent discovery of a shipwreck or related artifacts. We also request that a qualified *maritime* archaeologist examine any shipwreck or related artifacts to evaluate the significance of the find. Under item 2 of the mitigation measure, please add the CSLC as an agency that must provide approval of a research design for a shipwreck or related artifacts. Please also add the CSLC to the description of the Mitigation Measure in the Executive Summary (ES-26) and any other related sections.

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S_CSLC-11

Cumulative Impacts Comments

12. In the Executive Summary, Table ES-2 (p. ES-29) indicates that Impact 5.1, "Short-term (Construction-related) Cumulative Impacts," is "Less than Significant with Mitigation," but that no mitigation is required. Please change the response in the "Mitigation Measures" column from "None Required" to "Mitigation Measures in Section 4," or something similar. Please also change Impact 5.1's impact determination in the body of the EIR (p. 5-32) from "Less than Significant" to "Less than Significant with Mitigation."

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S_CSLC-12

Thank you for the opportunity to comment on the Draft EIR for the Project. As a Responsible and Trustee Agency, the CSLC will need to rely on the Final EIR for the issuance of a new lease and, therefore, we request that you consider our comments prior to adoption of the EIR. Please send additional information on the Project as plans become finalized.

Jessica Martini-Lamb

Page 7

February 10, 2011

Please contact Ninette Lee, Public Land Management Specialist, at 916-574-1869 or by email at ninette.lee@slc.ca.gov, for information concerning the CSLC's leasing requirements. For questions involving the Shipwreck and Historic Resources Program, please contact Senior Staff Counsel Pam Griggs at (916) 574-1854 or by email at pamela.griggs@slc.ca.gov. For questions concerning the environmental review, please contact Sarah Sugar, Environmental Scientist, at (916) 574-2274 or by e-mail at sarah.sugar@slc.ca.gov.

Sincerely,



Cy R. Oggins, Chief
Division of Environmental Planning
and Management

cc: Office of Planning and Research
N. Lee, CSLC
S. Sugar, CSLC
J. DeLeon, CSLC
P. Griggs, CSLC

California State Lands Commission, Cy Oggins, February 10, 2011

S_CSLC-1 The text on pages 2-29, 4.4-64, and 4.6-6 of the Draft EIR has been revised as follows:

2.7.2 Existing Permits and Agreements

The Water Agency currently manages the artificial breaching of the barrier beach in compliance with a number of federal and State permits and agreements. These include authorizations from NMFS, USACE, State Parks, the California State Lands Commission, the California Coastal Commission, CDFG, and North Coast Regional Water Quality Control Board (NCRWQCB). Specifically, these permits and agreements include:

1. NMFS Marine Mammal Protection Act Incidental Harassment Authorization
2. USACE Clean Water Act Section 404 Permit (File No. 221211N)
3. California State Parks temporary use permit
4. State Lands Commission General Lease for Public Agencies (PRC 7918.9)¹

“Since 1996, the Sonoma County Water Agency ~~possesses~~ operated artificial breaching under a general rent-free land use lease permit issued by the CSLC, in accordance with Article 2 of the Leasing and Permitting Regulations, to conduct artificial breaching within CSLC jurisdiction (CSLC, 2007). The Water Agency’s most recent lease expired as of December 31, 2010, and an application for renewal of this land use lease is pending review by CSLC. However, this lease has a hold-over clause that provides a month-to-month lease while a new lease is under review. The Water Agency submitted a lease application prior to the December 31, 2010 expiration of the existing lease.”

S_CSLC-2 “Species specific avoidance and minimization measures”, as specified in Draft EIR Section 4.4, Biological Resources, Mitigation Measures 4.4.1, would include pre-construction surveys, employee environmental awareness training, and establishment of an appropriate avoidance buffer in consultation with regulatory agencies. No additional mitigation is required.

S_CSLC-3 All Water Agency beach management activities are monitored by Water Agency biological staff, pursuant to Draft EIR Mitigation Measure 4.4.1a (Section 4.4, Biological Resources, page 4.4-71). No additional mitigation is required.

S_CSLC-4 Text on page 4.4-73 under the Impact 4.4.2 and Impact 4.4.3 headings has been revised as follows:

“Implementation of **Mitigation Measure 4.4.1b.**

Impact Significance After Mitigation: Less than Significant with Mitigation.”

S_CSLC-5 Please refer to discussion on page 4.4-76, of Draft EIR Section 4.4, Biological Resources, which discusses potential migration of Coastal and Valley Freshwater Marsh (CVFM) to upland areas that are currently dominated by North Coast Riparian Scrub. As noted in this discussion, although conversion would be subject to several factors, this potential conversion would likely occur throughout the estuary, and may result in an increased distribution of CVFM. As noted in CDFG comments on the Draft EIR, CDFG agrees with the Draft EIR’s findings that changes in vegetation assemblages would likely result in increases in sensitive Coastal and Valley Freshwater Marsh habitat, and that these vegetation distribution changes would be beneficial from a habitat perspective.

S_CSLC-6 The text reference in the first paragraph of Impact 4.4.9, Draft EIR Section 4.4, Biological Resources, page 4.4-82 has been revised as follows:

“This could change the jurisdictional limits of federal and state waters, including wetlands, in the Estuary. Because potential effects of the lagoon adaptive management on natural communities addressed freshwater marsh, which would be considered wetlands (see Impact 4.4.67, Natural Communities), this discussion focuses on waters (i.e., open waters of the Russian River).”

S_CSLC-7 Please refer to **Master Response 2. 6, Recreational Impacts, Socioeconomic Impacts and Mitigation Feasibility in Chapter 2, Master Responses.**

S_CSLC-8 The text on page 4.8-13, of Section 4.8, Cultural Resources, has been revised as follows:

“Impacts associated with ~~traffic and transportation~~ cultural resources are summarized and categorized as either “less than significant,” “less than significant with mitigation,” or “significant and unavoidable.”

S_CSLC -9 The text on page 4.8-5, of Section 4.8, Cultural Resources, under the heading “Background Research and Records Search Results”, has been modified to include the following:

“California State Land’s Commission (CSLC) staff search the CSLC Shipwreck Database (Database) for possible shipwrecks in the Estuary Study Area. The Database lists that the schooner *Sovereign* was grounded at the

Russian River in 1873. This information may have been taken from Marshall (1978), which states that the Sovereign was a “total loss at Russian River” on “1/1873” (Marshall, 1978:122). The CSLC Database lists the incident as 7/21/1873 with no additional information. It should be noted however that not all shipwrecks are listed in the CSLC Database and that shipwreck locations may be inaccurate.

Reference: Marshall, Don B., *California Shipwrecks: Footsteps in the Sea*. Superior Publishing Company, Seattle, 1978.”

S_CSLC-10 No additional prehistoric or historic-period archaeological resources or historical resources have been recorded on Penny Island. Potential for undocumented cultural resources in the project area is low; areas of the island that would be impacted by the project are flooded annually and previous surveys have not located cultural resources in this location. See text changes, below, for additional information on Penny Island:

The text on page 4.8-4, of Section 4.8, Cultural Resources, has been revised as follows:

“In 1867 John Rule purchased 4,000 acres of Rancho Muniz at the mouth of the Russian River. The following year, Charles Jenner reportedly received permission from Rule to erect a small house on the north side of the Russian River and named the spot Jenner Gulch. In 1905 the Redwood Lumber Company mill was erected on the south side of the river. It was later rebuilt upriver at Duncans Mills. Jenner School opened in 1905 for children of the mill workers. In the 1920s the Penny brothers owned and lived on the 29-acre island in the Russian River (now called Penny Island; Twohy, n.d.). Following the death of one brother, the surviving Penny asked longtime friend Joe Santos to take care of him until his death and bury him on the island. In return the island was deeded to him. The Santos family built a house and lived on the island until 1948 (Schwaderer and Stardford, 1982; Twohy, n.d.). One coffin has been found on the island that may be associated with the Penny brother; however, this has not been substantiated (Schwaderer and Stardford, 1982:7).”

S_CSLC-11 The text on page 4.8-13, of Section 4.8, Cultural Resources, has been revised as follows:

“Mitigation Measure 4.8.1: The Water Agency will implement the following measure:

Inadvertent Discovery of Historical and Unique Archaeological Resources. If discovery is made of items of historical or archaeological interest, the contractor shall immediately cease all work activities in the area (within approximately 100 feet) of discovery. Prehistoric

archaeological materials might include obsidian and chert flaked-stone tools (e.g., projectile points, knives, scrapers) or toolmaking debris; culturally darkened soil (“midden”) containing heat-affected rocks, artifacts, or shellfish remains; and stone milling equipment (e.g., mortars, pestles, handstones, or milling slabs); and battered stone tools, such as hammerstones and pitted stones. Historic-period materials might include stone, concrete, or adobe footings and walls; filled wells or privies; ~~and~~ deposits of metal, glass, and/or ceramic refuse, and shipwreck remains. After cessation of excavation the contractor shall immediately contact the Water Agency, State Parks, ~~and~~ the U.S. Army Corps of Engineers, and the California State Lands Commission. The contractor shall not resume work until authorization is received from ~~both~~ all agencies.

1. In the event of unanticipated discovery of archaeological materials occurs during construction, the Water Agency shall retain the services of a qualified professional archaeologist to evaluate the significance of the items prior to resuming any activities that could impact the site. A qualified maritime archaeologist shall be retained to examine shipwreck remains or related submerged artifacts if discovered near the river mouth during outlet channel creation or maintenance.
2. In the case of an unanticipated archaeological discovery, if it is determined that the find is potentially eligible for listing in the California and/or National Registers, and the site cannot be avoided, the Water Agency shall provide a research design and excavation plan, prepared by a qualified archaeologist, outlining recovery of the resource, analysis, and reporting of the find. The research design and excavation plan shall be approved by the Water Agency, State Parks, and U.S. Army Corps of Engineers. The California State Lands Commission shall provide approval of a research design for shipwreck remains or related submerged artifacts. Implementation of the research design and excavation plan shall be conducted prior to work being resumed. Upon project approval, the Water Agency will coordinate with State Parks and U.S. Army Corps of Engineers to develop an action plan that can be implemented in the event that flooding is imminent and breaching must occur immediately.

Impact Significance after Mitigation: Less than Significant.”

S_CSLC-12 The text on page 5-32, of Chapter 5.0, Cumulative Analysis, has been revised as follows:

“Mitigation Measures in **Chapter 4.0, Environmental Setting, Impacts, and Mitigation Measures**.

Impact Significance: Less than Significant with Mitigation.”

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Linda S. Adams
Secretary for
Environmental Protection

**California Regional Water Quality Control Board
North Coast Region
Bob Anderson, Chairman**

www.waterboards.ca.gov/northcoast
5550 Skylane Boulevard, Suite A, Santa Rosa, California 95403
Phone: (877) 721-9203 (toll free) • Office: (707) 576-2220 • FAX: (707) 523-0135



Arnold
Schwarzenegger
Governor

February 12, 2010

Ms. Jessica Martini-Lamb
Sonoma County Water Agency
404 Aviation Boulevard
Santa Rosa, CA 95403

Dear Ms. Martini-Lamb:

Subject: Comments on the Draft Environmental Impact Report for the Russian River Estuary Management Project, SCH No. 2010052024

Thank you for the opportunity to comment on the Draft Environmental Impact Report (DEIR) for the Russian River Estuary Management Project. We appreciate the chance to participate early in the environmental review process. The North Coast Regional Water Quality Control Board (Regional Water Board) is a responsible agency for this project, with jurisdiction over the quality of ground and surface waters (including wetlands) and the protection of the beneficial uses of such waters.

The project proposes to manage the Russian River Estuary with primary dual objectives of enhancing rearing habitat for juvenile salmonids and managing estuary water levels to minimize flood hazard. The project consists of continuing the practice of artificially breaching the barrier beach outside the lagoon management period (May 15 through October 15) and adaptively managing a lagoon outlet channel to achieve an average daily water surface elevation of at least seven feet during the lagoon management period.

Regional Water Board staff have reviewed the DEIR for the Russian River Estuary Management Project and offer the following recommendations and comments.

General Comments

The mission of the State Water Resources Control Board and Regional Water Boards is to preserve, enhance, and restore the quality of California's water resources, and ensure their proper allocation and efficient use for the benefit of present and future generations. The quality of surface and ground waters in the North Coast Region of California is governed by the *Water Quality Control Plan for the North Coast Region* (Basin Plan) and state-wide Policies. The Basin Plan identifies the existing and potential beneficial uses of water within the North Coast Region and the water quality objectives necessary to protect those uses. The water quality objectives of specific concern to Regional Water Board staff are outlined

California Environmental Protection Agency

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in the following sections. Together water quality objectives, beneficial uses, the anti-degradation policy, and implementation policies are known as water quality standards. The Russian River Estuary Management Project should comply with the water quality standards within the Project area.

Russian River Water Quality Impairments

Section 303(d) of the federal Clean Water Act and 40 CFR §130.7 require states to identify water bodies that do not meet water quality standards and are not supporting their beneficial uses. These waters are placed on the Section 303(d) List of Water Quality Limited Segments (also known as the list of Impaired Waterbodies). The List identifies the pollutant or stressor causing impairment and establishes a schedule for developing a control plan to address the impairment. The 2010 List includes the following three impairments for the Russian River within the Project area: sedimentation/siltation, temperature, and indicator bacteria.

S_NCRWQCB-1

Regional Water Board staff are currently developing a pathogen total maximum daily load (TMDL) for the Russian River to address the indicator bacteria impairments and a temperature implementation policy to address the temperature impairment. The sediment impairment in the Russian River watershed is addressed, in part, by the *Total Maximum Daily Load Implementation Policy Statement for Sediment-Impaired Receiving Waters in the North Coast Region* (Resolution No. R1-2004-0087).

Water Quality Areas of Concern

The following are topics that Regional Water Board staff believe may include adverse impacts to water quality and violations of water quality objectives under the Russian River Estuary Management Project, and a brief explanation of why violations of these objectives are a concern.

S_NCRWQCB-2

Biostimulatory Substances & Bacteria:

The Biostimulatory Substances Water Quality Objective states:

Waters shall not contain biostimulatory substances in concentrations that promote aquatic growths to the extent that such growths cause nuisance or adversely affect beneficial uses.

The Bacteria Water Quality Objective states:

The bacteriological quality of waters of the North Coast Region shall not be degraded beyond natural background levels. In no case shall coliform concentrations in waters of the North Coast Region exceed the following: In waters designated for contact recreation (REC-1), the median fecal coliform concentration based on a

minimum of not less than five samples for any 30-day period shall not exceed 50/100 ml, nor shall more than ten percent of total samples during any 30-day period exceed 400/100 ml (State Department of Health Services).

Per the *Draft Guidance for Fresh Water Beaches* (DHS 2006), freshwater beach posting is recommended when single sample levels exceed the following thresholds: 1) Total coliforms - 10,000 MPN/100mL; 2) E. coli - 235 MPN/100mL; and 3) Enterococcus - 61 MPN/100 mL.

S_NCRWQCB-2

Regional Water Board staff concurs with the DEIR's finding that the Project could adversely affect water quality due to increased biostimulatory substances, such as nitrogen and phosphorus, and increased bacteria levels in the Estuary. Exceedances of Department of Health Services freshwater beach indicator bacteria thresholds have occurred in the Estuary during closed conditions and with an increase in the residence time during the lagoon management period, exceedances are likely to continue to occur and be of longer duration.

Additionally, elevated water levels in the Estuary have the potential to inundate residential septic systems located near the shore and cause system failures, which could lead to discharges in violation of the Basin Plan and exceedances of water quality standards for bacteria and biostimulatory substances.

S_NCRWQCB-3

Dissolved Oxygen:

The Dissolved Oxygen Water Quality Objective for the Project area of the Russian River is: *"The instantaneous minimum concentration of dissolved oxygen (DO) required is 7.0 mg/L. Half of the monthly mean DO values for the year must be 10.0 mg/L or greater."*

The DEIR states that the Project will likely contribute to longer periods of hypoxic and anoxic conditions within the deepest portions of the Estuary, which will result in exceedances of the dissolved oxygen water quality standard. The DEIR does not describe possible impacts to the beneficial uses of the deepest portions of the Estuary, such as bottom-dwelling fish and invertebrates, and Regional Water Board staff recommend further monitoring to determine the extent of impacts.

S_NCRWQCB-4

Impacts from the Fish Habitat Flows and Water Rights Project:

The Fish Habitat Flows and Water Rights Project has the potential to cause changes in water levels within the Russian River Estuary. Further impacts to the Estuary from the Fish Habitat Flows and Water Rights Project is a critical factor to evaluate and, if necessary, mitigate.

S_NCRWQCB-5

Geographic Extent of Analysis:

↓ S_NCRWQCB-6

As stated in the DEIR, "Under certain closed conditions, the Estuary may backwater to Monte Rio, and as far upstream as Vacation Beach. Although this condition may periodically occur, potential impacts related to water quality are generally thought to be limited to the seven mile area downstream of Austin Creek" (p. 4.3-1). Regional Water Board staff recommend additional information be provided to demonstrate the lack of potential water quality impacts between Austin Creek and Vacation Beach or additional analysis of potential impacts in this upstream reach of the Estuary's backwater.

S_NCRWQCB-6
cont.

Estuary sediment quality

The State Water Resources Control Board has establish sediment quality criteria for enclosed bays and estuaries. The DEIR does not include a discussion on compliance with these water quality standards. We recommend that this issue be discussed in trhe final EIR.

S_NCRWQCB-7

Clean Water Act Section 401 Water Quality Certification:

The project requires a Clean Water Act Section 401 Water Quality Certification (Certification) for the breaching activities. Past beaching activities have been covered by an existing Certification. The current Certification has had its expiration date amended twice, with the current expiration date being December 31, 2011. The Sonoma County Water Agency has submitted an application for the proposed new methods of estuary management and breaching. Regional Water Board staff are currently reviewing the application and will address the water quality areas of concern that are described above during the certification process.

S_NCRWQCB-8

Concluding Comments

Regional Water Board staff supports the objective of the Project to enhance the quality of rearing habitat for juvenile salmonids. Staff further recognizes the potential conflicts between compliance with the National Marine Fisheries Service Biological Opinion and attaining water quality standards. We recognize that the inclusion of mitigation measures to avoid significant impacts to water quality may be infeasible. However, we strongly recommend that a robust water quality (as well as estuary sediment quality) monitoring program be developed and that collected data be made available to responsible agencies as well as the general public. In addition, contingency plans should be developed to provide signage and public outreach if monitoring identifies exceedances of any recognized water quality standard intended to protect public health. We concur with the Project's Adaptive Management Plan provisions for breaching in the event that water quality conditions warrant such action. Staff are available to consult with Sonoma County Water Agency staff as part of the adaptive management effort and in identifying appropriate measures to mitigate water quality impacts caused by the Project.

S_NCRWQCB-9

S_NCRWQCB-10

California Environmental Protection Agency

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Comment Letter S_NCRWQCB

Ms. Jessica Martini-Lamb

-5-

February 14, 2010

Again, we thank you for the opportunity to comment. We look forward to continuing to work with Water Agency staff on this Project in our efforts to protect water quality. If you have any questions regarding these comments, you may contact me at (707) 576-2065 or jshort@waterboards.ca.gov

Sincerely,

Original signed by

John Short
Senior Water Resource Control Engineer

Cc: Scott Morgan, State Clearinghouse, P.O. Box, 3044, Sacramento, CA 95812
Re: SCH No. 2010052

California Environmental Protection Agency

Recycled Paper

North Coast Regional Water Quality Control Board, John Short, February 12, 2011

- S_NCRWQCB-1 Commenter is discussing 303(d) list impairments in the Russian River and the NCRWQCB's development of a pathogen total maximum daily load (TMDL). No response or revision of text is required.
- S_NCRWQCB-2 Commenter concurs with Draft EIR analysis conclusions regarding potentially adverse water quality effects related to increased biostimulatory substances, such as nitrogen and phosphorus, and increased bacterial levels in the Estuary. No response or revision of text is required.
- S_NCRWQCB-3 The Draft EIR assessed the potential contribution to higher surface and groundwater conditions, which could adversely affect septic system performance. As noted in Impact 4.13.4, the Russian River Biological Opinion directed the Water Agency to evaluate the types of properties, structures, and associated infrastructure that would potentially be inundated under altered water levels. Preliminary analysis conducted by the Water Agency identified septic systems within the Estuary study area that could be subject to higher water levels during the Lagoon Management Period. The preliminary analysis documented several septic leach fields that, with increased water levels above 10 to 12 feet over a longer duration, could result in secondary effects from increased groundwater seepage and corresponding increased groundwater level. However, the Estuary Management Project targets 7 to 9 feet water elevations, consistent with levels that are currently experienced in the Estuary. Although the duration of these water levels would increase under the Estuary Management Project septic failures as a result of the Estuary Management Project (either direct or indirect) leading to direct discharges in violation of the Basin Plan and exceedances of water quality standards for bacteria and biostimulatory substances are not anticipated.
- S_NCRWQCB-4 As noted in Draft EIR Chapter 3.0, Project Background and Environmental Setting, Water Agency monitoring of Estuary conditions have observed naturally occurring anoxic and hypoxic conditions during both open tidal and closed estuary lagoon conditions. These naturally occurring conditions are not considered adverse to beneficial uses within the Estuary; although their occurrence represents a habitat limitation for some species, these conditions are considered part of the physical process of the Estuary. Refer to Draft EIR Impact 4.5.2 in Section 4.5, Fisheries, for a discussion addressing anoxic conditions that may make habitat in certain deep pools areas unavailable for some species for a longer duration during the Lagoon Management Period; however other suitable habitat is available outside of these localized anoxic areas. Water Agency monitoring required under the Russian River Biological Opinion would continue to inform the adaptive management plan regarding

the availability of beneficial juvenile salmonid habitat within the Estuary. Please refer to **Master Response 2.4, Water Quality**, in **Chapter 2, Master Responses** for a discussion of water quality impacts.

- S_NCRWQCB-5 Please refer to **Master Response 2.1, Relationship to Other Biological Opinion Elements**, in **Chapter 2, Master Responses**. As discussed in Draft EIR Chapter 3.0, Project Background and Environmental Setting, water levels of between 7 and 9 feet regularly occur during closure events. Successful implementation of the proposed project would increase the duration of these water levels during the Lagoon Management Period. It is anticipated that successful creation of the outlet channel will increase water surface elevations to between 7 and 9 feet, regardless of inflow levels into the Estuary. As such, lower flows associated with either hydrologic conditions, or revisions to Decision 1610, would not alter water levels, which would be established by the outlet channel, during the Lagoon Management Period. Depending upon the hydrologic year, the general fill rate of the Estuary, which is on the order of 0.5 foot per day, may vary. A discussion of potential cumulative impacts related to the Fish Flow Project is provided in Draft EIR Chapter 5.0, Cumulative Impacts.
- S_NCRWQCB-6 For a discussion of the geographic extent of the project area analyzed under the Estuary Management Project please refer to **Master Response 2.2 Project Description, Impact Areas and Scope of Analysis**, in **Chapter 2, Master Responses**.
- S_NCRWQCB-7 In 2008, the State Water Resources Control Board (SWRCB) adopted Sediment Quality Objectives (SQOs) and an implementation policy for bay and estuaries in the State (Part 1). Part 1 includes narrative SQOs for the protection of aquatic life and human health; identification of the beneficial uses that these objectives are intended to protect; and program of implementation. The SWRCB is proposing amendments to the Sediment Quality Plan for Enclosed Bays and Estuaries to incorporate additional SQOs for the protection of wildlife and finfish and implementation policy. The Russian River Estuary is not currently listed on the Current Toxic Pollutant 303(d) List Impairments for Bays and Estuaries in California, and no SQOs have been identified for the Russian River Estuary. As discussed in Draft EIR Section 4.2, Hydrology and Flooding, page 4.2-16, the proposed change in the base-level of the water surface would have little-to-no impact upon the rate of sediment transport through, or deposition within, the Estuary, and the potential impact of the project upon sedimentation would be less than significant.
- S_NCRWQCB-8 The Water Agency will continue to work with the (North Coast Regional Water Quality Control Board) NCRWQCB regarding Clean Water Act 401

Water Quality Certification issuance. No response or revision of text is required.

- S_NCRWQCB-9 The Water Agency appreciates the NCRWQCB's support of the overall objectives of the Estuary Management Project to enhance the quality of rearing habitat for juvenile salmonids, and concurs that inclusion of mitigation measures to avoid significant impacts to water quality the proposed project may be infeasible. The Water Agency looks forward to continued coordination with NCRWQCB regarding monitoring efforts to satisfy the requirements of the Russian River Biological Opinion, and making data available to the general public.
- S_NCRWQCB-10 Consistent with its jurisdiction, the Sonoma County Department of Public Health is responsible for posting of signage if monitoring identifies exceedences of any recognized water quality standard intended to protect public health. The Water Agency will continue its current Estuary water quality monitoring program, and will modify that program to gather appropriate water quality information, in consultation with regulatory agencies, as needed. Ongoing monitoring will be required for the Estuary Management Project. The Water Agency will continue to consult with the SWRCB and NCRWQCB to determine the parameters, water quality standards, and monitoring locations.

Comment Letter L_MRRPD

Monte Rio Recreation and Park District
20488 Highway 116 – P.O. Box 877, Monte Rio, CA 95462
Ph: 707-865-2487 – Fax 707-865-0229
Email: roberta@mrrpd.org

February 14, 2011

Sonoma County Water Agency
404 Aviation Boulevard
Santa Rosa, CA 95403

Attention: Jessica Martini-Lamb

Dear Ms. Martini-Lamb:

We are writing to you regarding the proposed Estuary Project that is being developed, and specifically the Environmental Impact Report which was ordered by the National Marine Fisheries Service.

Monte Rio Recreation and Park District (MRRPD) is very concerned that the EIR does not take into consideration issues of health and safety risks that are likely to occur by developing the planned barrier at the mouth of the River. Based on the empirical findings of the 2009 Russian River Photo report, it is our understanding that the *Estuary Project* will cause water to back up as far as Vacation Beach and may cover as much as 25% of the Monte Rio beach itself (the full account is available at www.rwpc.org). The many concerns cited in the report include bank erosion; decline in public safety (water depth increase, causing loss of beach front and increased hazardous swimming conditions); stagnant/brackish water which will erode native plants both within the river and on its banks; a disruptive increase in algae bloom, and the continued rapid growth of the invasive *Ludwigia* plant. Upon these disconcerting revelations, MRRPD held a special workshop in April of 2010 which only bolstered the findings of the RR Photo report. Featuring U.C. Davis Invasive Plant Expert, Dr. Brenda Greewell, who discussed the negative implications the *Ludwigia* plant has on the beaches ecosystem by reducing light below the mat, displacing native vegetation and disrupting recreation activities.

L_MRRPD-1

L_MRRPD-2

Our summer beach rental business is essential to our financial health and well-being, and is also our largest source of revenue throughout the year. The loss of any portion of our beach in Monte Rio would mean that we would not be able to utilize our boardwalks or place our concession stand and boat rental stand in a safe and convenient location for people wishing to rent canoes, kayaks and tubes. This will place a tremendous hardship on our small entity and only add to the immense pressures now faced by small local entities.

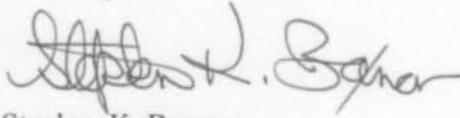
L_MRRPD-3

Comment Letter L_MRRPD

MRRPD looks forward to starting an open dialogue with your agency and would like to invite you to come out and tour our beaches and meet with our Directors. You can reach us by contacting our Administrator, Roberta Pollard at, 707-865-2487.

L_MRRPD-4

Sincerely,



Stephen K. Baxman
Board Chair

Monte Rio Recreation and Park District, Stephen Baxman, February 14, 2011

- L_MRRPD-1 Please refer to **Master Response 2.4, Water Quality, and Master Response 2.6, Recreational Impacts, Socioeconomic Impacts, and Mitigation Feasibility**, in **Chapter 2, Master Responses** for discussions of recreation and water quality impacts.
- L_MRRPD-2 Please refer to **Master Response 2.4, Water Quality**, in **Chapter 2, Master Responses** for a discussion of water quality impacts, sedimentation, algal growth, and *Ludwigia*.
- L_MRRPD-3 Please refer to **Master Response 2.6, Recreational Impacts, Socioeconomic Impacts, and Mitigation Feasibility**, in **Chapter 2, Master Responses** for a discussion regarding CEQA requirements relevant to potential socioeconomic impacts.
- L_MRRPD-4 The MRRPD will be notified of information relevant to the Estuary Management Project.

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COPY



NORTHERN
SONOMA COUNTY
AIR POLLUTION CONTROL DISTRICT

ORIGINAL DOCUMENT
SONOMA COUNTY WATER AGENCY

FEB -9 2011

150 Matheson Street, Healdsburg, CA 95448 • PH: (707) 433-5911 • FX: (707) 433-4823

February 8, 2011

To: Jeane; Martini-Lamb

CF/45-5.1-2.1 Russian River Estuary Management Project -
Correspondence

Jessica Martini-Lamb
Sonoma County Water Agency
404 Aviation Blvd.
Santa Rosa, CA 95403

RE: Comments on the Water Agency's Russian River Estuary Management Project

Dear Jessica,

Thank you for the opportunity to comment on the subject project. The Northern Sonoma County Air Pollution Control District (NSCAPCD, or District) has reviewed the project draft environmental impact report and wishes to submit the following comment for the Water Agency's consideration.

For most construction projects, the District's primary concerns are on-road and off-road vehicle emissions, airborne dust generated during construction, and potential disturbance of rock containing naturally-occurring asbestos. Given the Russian River Estuary Management Project's nature and location, airborne dust and naturally-occurring asbestos are not issues for this project.

L_NSCAPCD-1

Regarding vehicle emissions, the District is in agreement that the on-site equipment and transport vehicles necessary to implement the project would not result in a significant impact to air quality. The District does recommend that the Water Agency conduct vehicle activities in keeping with the laws of the State of California; specifically, the off-road heavy-duty diesel vehicle regulation. Mainly, this regulation requires owners of off-road equipment to label the equipment and report the equipment to the California Air Resources Board; the regulation also limits equipment idling time to cut down on unnecessary diesel emissions. A fact sheet containing the most up-to-date information for off-road diesel equipment is enclosed for your reference. The District also recommends that should any portable equipment (e.g. portable generators or compressors) be utilized during estuary management, such equipment should either be permitted with the District or registered under the California Air Resources Board Statewide Portable Equipment Registration Program.

L_NSCAPCD-2

COPY

Comment Letter L_NSCAPCD

The District appreciates your willingness to consider these issues in your review of the Russian River Estuary Management Project. We look forward to working with you in the future. If you have any questions about our comments, please contact either Barbara Lee (the District's Air Pollution Control Officer), or me, at 707-433-5911.

Best regards,



Jessica DePrimo
Air Quality Specialist III

Encl: off-road diesel equipment fact sheet

FACTS ABOUT

Off-Road Diesel Vehicle Regulation Compliance Requirements Summary

January 14, 2011

On July 26, 2007, the California Air Resources Board (ARB) approved and subsequently adopted a regulation to reduce diesel particulate matter (PM) and oxides of nitrogen (NO_x) emissions from in-use (existing) off-road heavy-duty diesel vehicles in California. At its December 2010 hearing, the Board considered and made findings on the need for amendments to the regulation.¹ This fact sheet describes the December 2010 amendments. For general information about the regulation, see the off-road regulation knowledge center at <http://www.arb.ca.gov/msprog/ordiesel/knowcenter.htm>.

Who must comply with the off-road regulation?

Any person, business, or government agency that owns or operates diesel-powered off-road vehicles in California (except for agricultural or personal use, or for use at ports or intermodal railyards) with engines with maximum power of 25 horsepower (hp) or greater are subject to the regulation. The regulation applies to vehicles commonly used in construction, mining, rental, airport ground support and other industries. Out-of-state companies doing business in California are also subject to the regulation.

What types of vehicles are subject to the off-road regulation?

The regulation applies to self-propelled diesel-fueled vehicles that cannot be registered and licensed to drive on-road, as well as two-engine vehicles that drive on-road, with the limited exception of two-engine sweepers. Examples include loaders, crawler tractors, skid steers, backhoes, forklifts, airport ground support equipment, water well drilling rigs, and two-engine cranes. The regulation does not apply to stationary equipment or portable equipment such as generators.

What changes to the off-road regulation do the December 2010 amendments include?

- A four year delay from the original timeline for all fleets, making the first compliance deadline January 1, 2014, for large fleets (over 5,000 hp), January 1, 2017, for medium fleets (2,501-5,000 hp), and January 1, 2019, for small fleets (2,500 hp or less).
- A dramatic reduction and simplification in the annual requirements for fleets, and fleet average structure. Fleets now have only one fleet average target to meet based on their NO_x emissions; if they cannot meet the fleet average target, they are required to clean up 5 to 10 percent of their horsepower annually, as opposed to the previous requirement of 28 to 30 percent.
- Making exhaust retrofits no longer mandatory.
- Raising the low use threshold to 200 hours per year instead of 100 hours.
- Overall, staff estimates that these amendments reduce the compliance costs by more than 95 percent during the first five years and more than 70 percent during the entire span of the regulation, compared to the regulation before the amendments.

What do I need to do now?

The off-road regulation as initially adopted requires reporting and labeling, limits unnecessary idling, and requires disclosure of the regulation upon vehicle sale. These requirements are not affected by the December 2010 amendments, and enforcement actions for these requirements are ongoing, with fines of up to \$10,000 per day possible for each vehicle that is in violation.

¹ The Board delegated to the ARB Executive Officer responsibility to complete the regulatory process and make a final determination on whether the amendments should be adopted.

If a fleet has not done so already, it should report all applicable vehicles to ARB as soon as possible and label its vehicles appropriately. Fleets should also comply with the five-minute idling limit and maintain a written idling policy as required. When selling an affected vehicle, the seller should notify the vehicle buyer of the regulation.

Although the December 2010 amendments include a significant delay of the regulation's first compliance dates, planning now could reduce or spread out future compliance costs. Fleets could earn credit for taking early actions to reduce emissions, such as repowering or replacing their older, dirtier vehicles, and installing exhaust retrofits.

What reporting and labeling does the regulation require?

The regulation required fleets to initially report all applicable vehicles to ARB in 2009. After reporting, fleets had to label their vehicles with the Equipment Identification Numbers (EINs) assigned by ARB.

After the initial reporting and labeling, fleets must report any additions to their fleet or retirements from their fleet within 30 days. Fleets must also submit annual guarantees that they are in compliance on March 1. Large fleets must submit such affirmations each year through 2023, medium fleets each year from 2016-2023, and small fleets each year from 2018-2028.

For more information on reporting, please call 1-877-59DOORS (1-877-593-6677).

What limits does the regulation place on idling?

Vehicles subject to this regulation may not idle for more than five consecutive minutes. However, the idling limit does not apply to necessary idling such as idling to verify that a vehicle is in safe operating condition, for testing, serving, repairing, or diagnostic purposes, or to accomplish work for which the vehicle was designed. Medium and large fleets are also required to have a written idling policy made available to the operators of the vehicles that informs them of this five-minute idling limit.

What are the off-road regulation's performance requirements and when do they take effect?

The off-road regulation's performance requirements are based on a fleet's average NOx emissions. If a fleet cannot meet the NOx fleet average target, it must comply with the regulation's Best Available Control Technology (BACT) requirements by cleaning up 5 to 10 percent of its fleet each year it cannot meet the target. A fleet may satisfy the BACT requirements either by turnover or applying exhaust retrofits.

Under the December 2010 amendments, the performance requirements would take effect on January 1, 2014, for large fleets, January 1, 2017, for medium fleets, and January 1, 2019, for small fleets. The performance requirements continue every year through January 1, 2023, for large and medium fleets and January 1, 2028, for small fleets.

Does the off-road regulation require installing exhaust retrofits?

No, under the December 2010 amendments, fleets will be able to comply with the performance requirements of the off-road regulation solely through turning over or repowering their vehicles. However, retrofitting may be your lowest cost compliance option. Applying exhaust retrofits can help fleets meet the fleet average targets and comply with the annual BACT requirements. Retrofits installed early can earn double credit and exempt a vehicle from further actions for the life of the regulation.

Am I exempt from the regulation if I only have one or two off-road vehicles?

No, but a new compliance option will make it easier to comply. Fleets with 500 horsepower or less will be able to comply by simply phasing out their oldest, dirtiest vehicles starting in 2019.

Where can I find more information about the off-road regulation?

Comment Letter L_NSCAPCD

Additional information and other fact sheets are available at: www.arb.ca.gov/ordiesel or by calling ARB's diesel hotline at (866) 6DIESEL (866-634-3735).

Northern Sonoma County Air Pollution Control District, Jessica DePrimo, February 8, 2011

L_NSCAPCD-1 No response or text modification required.

L_NSCAPCD-2 Commenter concurs with Draft EIR determination of no significant impact associated with transport vehicles required for project implementation. The Water Agency will comply with all applicable state laws relevant to operation of heavy machinery. The fact sheet is included in the record. No response or text modification required.

Comment Letter RRRPD

Russian River Recreation and Park District

P.O. BOX 195 • GUERNEVILLE • CALIFORNIA • 95446

February 4, 2011



ORIGINAL DOCUMENT
SONOMA COUNTY WATER AGENCY

FEB - 7 2011

Sonoma County Water Agency
Attn: Jessica Martini-Lamb
404 Aviation Blvd
Santa Rosa, Ca 95403

To: Jeane: Martini-Lamb
CF/45-5.1-2.1 Russian River Estuary Management Project -
Correspondence

Dear Ms. Martini-Lamb

The Russian River Recreation & Park District wishes to express its concerns about the "Russian River Estuary Management Project: Draft Environmental Impact Report" released on December 15, 2010. Please put our name and address on your notification list for all meetings and documents related to this project.

L_RRRPD-1

The District is concerned about the separation of the Estuary Project from the "Fish Habitat flows and Water Rights Project". The stated purposes of both projects is to fulfill requirements of the Biological Opinion (BO), which assumes that river flows must be managed to allow formation of an estuary lagoon to provide habitat for threatened fish. CEQA requires that the entire project be considered in one environmental document. "Low Flow" is inexorably linked to the Estuary Project through the BO. It is wrong to segregate the process.

L_RRRPD-2

Our preferred project maintains estuary levels at 8'. No buildings would be flooded at this level, making low flow unnecessary for this purpose.

L_RRRPD-3

Our District provides several river side parks and installs two summer recreation dams in the lower river for residents and visitors to enjoy swimming, fishing, kayaking, canoeing, and other forms of recreation. The District was established in 1941 to install summer dams for summer enjoyment of the Russian River by locals and tourists.

L_RRRPD-4

The District is concerned about the impact to water quality from decreased water flow; including possible added pollution from nutrients, regulated and emerging toxins, bacteria, temperature, and invasive species. Reducing the flow will seriously impede the enjoyment of the river by residents and visitors to our riverside parks.

L_RRRPD-5

The District is concerned that water quality monitoring studies in 2009 were inadequate, and that data for 2010 has not been made available to the Water Quality Control Board or the public. The outcome of water quality studies will not be available until the EIR on "low flow project" is released in 1.5 years. This is unacceptable.

L_RRRPD-6

The District is also concerned because in 2009 several locations along the lower river tested positive for enterococcus. During the last 10 years of bacteriological testing of the river there was only one positive test at Johnson's Beach in Guerneville. The test was in July 2002, the water tested positive for ecoli, but there was a documented sewage spill from Santa Rosa at the time.

L_RRRPD-7

Comment Letter RRRPD

Again, our preferred project maintains estuary level at 8'. No buildings would be flooded at this level, making low flow unnecessary for this purpose.

I L_RRRPD-8

Sincerely,



Russian River Recreation & Park District Board of Directors
rec.park@gmail.com
(707)869-9184

Cc: 5th District Supervisor, Efren Carrillo

Russian River Recreation and Park District, Dana Zimmerman, February 4, 2011

- L_RRRPD-1 Commenter is included on notification list.
- L_RRRPD-2 For a discussion of the relationship of the Estuary Management Project to the Fish Habitat Flows and Water Rights Project, **please refer to Master Response 2.1, Relationship to Other Biological Opinion Elements, and 2.7, CEQA Statutes: Adequacy of EIR Analysis, in Chapter 2, Master Responses.**
- L_RRRPD-3 For a discussion of the relationship of the Estuary Management Project to the Fish Habitat Flows and Water Rights Project, and a discussion relevant to the comment's assertion that the change in minimum flows is intended to prevent flooding, please refer to **Master Responses 2.1, Relationship to Other Biological Opinion Elements, in Chapter 2, Master Responses.** Commenter is expressing preference for the Reduced Project Alternative. The Estuary Management Project proposes a target elevation of 7 feet with a 9 foot maximum; the Reduced Project Alternative includes an 8 foot maximum. Under the Reduced Project Alternative (8 foot maximum water level), structures would still be affected. As determined in the Draft EIR (Chapter 6.0, Alternatives Analysis, Section 6.7), the Reduced Project Alternative is identified as the environmentally superior alternative compared to the proposed project. It is not necessarily the "preferred alternative." Similarly, an Alternative Flood Control Alternative is presented and evaluated in Draft EIR Chapter 6.0, Alternatives Analysis. For additional discussion, refer to **Master Response 2.5, Alternative Analysis, in Chapter 2, Master Responses.**
- L_RRRPD-4 Comment is not directed to Draft EIR analysis; no response or text changes are necessary.
- L_RRRPD-5 For a discussion of the relationship of the Estuary Management Project to the Fish Habitat Flows and Water Rights Project, **please refer to Master Response 2.1, Relationship to Other Biological Opinion Elements, in Chapter 2, Master Responses.** For a discussion related flows refer to **Master Response 2.4, Water Quality in Chapter 2, Master Responses.** Draft EIR Chapter 5.0, Cumulative Analysis concludes that recreational and water quality impacts associated with the Estuary Management Project, considered in conjunction with foreseeable effects associated with reducing minimum instream flows, could result in cumulatively considerable impacts. The Draft EIR reviews and discloses potential impacts to water quality associated with implementation of the Estuary Management Project (Section 4.3, Water Quality).
- L_RRRPD-6 For a discussion of water quality, and analysis of best available data, please refer to **Master Response 2.4, Water Quality, in Chapter 2, Master Responses.**

Contrary to the comment, all data gathered by the Water Agency regarding water quality monitoring in the Estuary has been and is being made available to the Regional Board.

L_RRRPD-7 As stated in Impact 4.3.3, Estuary Management Project implementation would not alter water quality inputs for bacteria or nutrients into the Estuary. Additionally the Water Agency does not have the authority to control inputs from other discharges. Refer to **Master Response 2.4, Water Quality**, in **Chapter 2, Master Responses**.

L_RRRPD-8 Commenter is expressing preference for Reduced Project Alternative. See response to comment L_RRRPD-3. No response or revision to the Draft EIR text is necessary.