

Hemphill Diversion Structure EIR Scoping Meeting - September 21, 2020 Transcription

Tonia Tabucchi
Herrera:

Good evening everybody, thank you for joining us for this online public scoping meeting. [If you wouldn't mind going ahead], we're just going to pull up the presentation.

This is the online public scoping meeting for the Hemphill Diversion Structure Project, Environmental Impact Report. I'm Tonia Tabucchi Herrera, Project Manager for this particular Project. Also in the room is Doug Roderick, Engineering Manager. We also have online from ECORP, Chris Stabenfeldt, Mike Martin, and Rick Hansen.

At this point, I'd like to turn it over to Chris, and Chris, you can take it away.

Chris
Stabenfeldt,
ECORP:

Alright, thank you Tonia. Hi, my name is Chris Stabenfeldt. I'm with ECORP Consulting, we have been retained by NID to prepare the Environmental Impact Report for the project. I'm going to be providing a little overview of the project prior to accepting comments.

First of all, I want to just go over the purpose of the meeting. We're going to provide some background information to you on the purpose and need for the project. We're going to describe the proposed project alternatives that are being considered in the Environmental Impact Report. I'll provide a little explanation of the environmental review process as proposed for this project and then, finally, the main purpose of the meeting, which is to solicit input from the public on the scope and content of the environmental review document. [you can go ahead and take to the next one]

Here is an overview of the environment view review process as proposed. As you can see, we circulated a Notice of Preparation and Initial Study on September 3rd. I want to note that the purpose of the Initial Study is to help focus the EIR on critical issues, so please, do look through the Initial Study, and if you have any thoughts, suggestions on content, you can use that as a guide. This is obviously the public scoping meeting today, the 21st of September. We're going to be closing the NOP comment period on October 5th of 2020. We have a target date for release of the Draft EIR for public viewing comment of April of 2021, and then following that, we will have a public meeting during the Draft EIR comment period so there'll be another opportunity for the public to comment, and then, obviously, during that review period, you'll be able to provide written comments as well. Following the end of the comment period, we will prepare written responses to comments on the Draft EIR and prepare the Final EIR, which will then be provided to NID for consideration of certification of the Final EIR, and the attached Mitigation Monitoring Reporting Plan, and make recommendations, and take action on a preferred alternative. [you can go to the next]

Alright, so as I just indicated, you know we have an opportunity today to comment, you can raise your hand, use the raise-your-hand function, or you can press "star 9" to notify us that you want to provide a comment. We would strongly encourage you to provide written comments as well. We will be recording this session so we'll be able to summarize all comments received, but it's always helpful if we can also get direct written comments from you. At the end of this presentation, we'll provide you with an email address and a mailing address where you can send your comments by October 5th. [go ahead and move on]

So first of all, just a general project location, I think many of the people on this are probably familiar with the project, but the Hemphill Diversion is located on Auburn Ravine just northeast the City of Lincoln, as shown on this area. The structure diverts water from Auburn Ravine

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into the Hemphill Canal, which is located south of the ravine and which is then delivered to NID raw water customers in the City of Lincoln and adjacent to the City of Lincoln.

A little background on the project, the Hemphill Diversion Structure has been operated by NID since 1933. The diversion is a concrete structure approximately eight feet high with an approximate 40-foot long concrete apron extending downstream.

During the irrigation season, which is typically mid-April through mid-October, the District puts in three-foot flashboards on top of the structure to divert the flow into Hemphill Canal, which is located just upstream of the diversion structure along the south bank of Auburn Ravine.

Auburn Ravine upstream of Hemphill Diversion is a salmon and steelhead habitat stream, and this structure has been identified as a barrier to fish passage. The District proposes this project specifically to eliminate this barrier by either removing the structure or constructing a fish passage facility around the structure.

As we will go into more detail, NID is considering four alternatives to achieve this goal. We're going to go into a little bit more detail about the project alternatives. The four alternatives that were being considered include a Riverbank Infiltration Gallery alternative, a fish passage alternative, a pipeline alternative, and abandonment of the Hemphill Canal alternative.

It's worth noting that alternatives one, three, and four include removal of the diversion. Alternative-two includes modification of the diversion. The alternatives vary as far as construction attributes and areas of potential disturbance. All these alternatives are designed to allow for fish passage beyond the Hemphill Diversion structure in Auburn Ravine. [we can go to the next one]

So the first alternative is the riverbank infiltration gallery alternative. The riverbank infiltration alternative would remove the Hemphill Diversion and construct an infiltration gallery which would be sub-surface, obviously with the north or south bank of Auburn Ravine to facilitate continued water deliveries down hill. If it was selected to be on the north bank, there would be need to extend a pipeline across the ravine, just for your edification, the gallery is anticipated to be approximately 75-feet downstream of the existing diversion structure. Under this alternative, flows in Auburn Ravine would stay similar to undercurrent conditions.

I think the next is a graphic showing, I guess, no oh it's after Alternative-two, sorry about that. Alternative-two is the fish passage alternative. This alternate would install a fish ladder within Auburn Ravine. There was a feasibility analysis of this approach completed back in 2009 by Placer County. They considered four alternatives. Of the four alternatives, two were year-round passage, or included year-round passage for fish, through either a bypass or a two-stage fish ladder.

Because Auburn Ravine is identified as both a fall run salmon and steelhead stream, selection in one of the two year-round passages would improve anadromous fish migration conditions. The two-stage fish ladder is more desirable as it does not significantly increase the footprint of NID's operations. Due to the existing condition of the diversion, it is possible that the existing diversion may need replacement or modification to actually construct a viable fish ladder facility. The project team has been engaged to do additional feasibility analyses of the fish ladder alternative to help better inform the project description, and to help us in the analysis in

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the EIR. So that is an ongoing process with the sub-consultant to ECORP. NHC is doing that work. [you can go to the next]

This shows the general area potential effect with both of these alternatives. You can see approximate location of the infiltration gallery and the approximate location of the fish ladder. We encompassed a fair area around the diversion to allow for staging and access, and any other work that might need to be done. So we are doing technical studies evaluating resource issues within this area of potential effect to make sure you have complete coverage to support the EIR. [you can go on to the next slide]

The third alternative is a pipeline alternative. This alternative would remove the existing diversion structure and construct an underground pipeline that would extend from existing NID facilities on the Gold Hill Road to the Hemphill Canal. This alternative includes installation the 24-inch, raw water pipeline in Fruitvale Road, Fowler Road, and Virginiatown Road right-of-ways. They'll be in the right-of-way.

This alternate would also construct an above ground stream crossing downstream and west of the existing diversion. Under this alternative water would be diverted at NID's Placer yard instead of the Hemphill Diversion, resulting in decreased flows in Auburn Ravine from the Gold Hill to the Hemphill Diversion during the irrigation season that will be considered as part of the environmental analysis.

[We go on]

This is a graphic showing the alignment of the pipeline, the other areas shown are potential staging areas. As part of the analysis, at this point we're doing kind of a constraints level evaluation of all the potential staging areas to identify preferred ones that have fewer resource issues related to them, and that will be part of the environmental document. Our environmental analysis, we're not doing site visits on these facilities, but we're doing desktop review and also doing from the road right of way getting a look at all the staging areas so we can determine which ones may have problems. [you can go ahead]

The fourth alternative is abandonment of the Hemphill Canal alternative. This alternative would remove the Hemphill Diversion structure and decommission Hemphill Canal. This alternative would fill the canal with soil through the leveling of existing berms, or the importing of soil to level off the canal area, if fill is requested by adjacent property owners. The fill would extend from Auburn Ravine to SR-193. South of SR-193, the canal is underground, so there would be no need for alterations to the canals currently configured.

During the preparations Draft EIR, we will be looking at alternate opportunities for continuing to provide raw water delivery to this area. We're still in the process of determining alternatives that can be viable, but they will be included in the in the EIR. Additionally, the impacts of the reduced flows in Auburn Ravine is similar to the to the other alternative, the pipeline alternative, during the irrigation season will be evaluated as part of this alternative. [alright you can go on]

So this shows the canal, and all four alternatives obviously have impacts in the area of the diversion. So the area of potential effect for all four alternatives includes that larger area around the diversion, and will be included in the analysis.

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Alright, just a quick overview of key issues, construction-related impacts, implementing any of these alternatives are going to have impacts to air quality, cultural resources, biological resources, paleontological resources, greenhouse gas emissions, noise, and tribal resources.

So we are moving forward with a lot of technical work at the moment to be able to inform those analyses in the document. Long-term impacts depending on which alternative selected are obviously include biological resource impacts within Auburn Ravine itself based on changes in flow and operations, hydrology, and water quality issues as well. And then obviously water supply. Some of the key issues that will be evaluated in depth in the EIR. [you can go to the next one]

This provides the mailing address if you'd like to draft a letter and send it in the mail, you can send it to this email, or to this mail address and then we also have an email address that you can send comments to as well. At the end of the comment period we'll be compiling all of the comments. The project team will be reviewing the comments to make sure that our analysis or response is responsive to any concerns raised by the public, or agencies, as part of the process, and the EIR will include a summary of public scoping that was completed in support of the environmental document.

As I noted earlier you can raise or press "star 9" if you'd like to provide us with a comment during the call. We're not intending to have a dialogue necessarily about the project, but we are willing to be happy to answer any clarification questions that might come up during the conversation.

And with that I'll put it back over to the folks over there.

Tonia Tabucchi
Herrera:

Okay, we do we have we have a few attendees, so what we'll do is we will call on you. If you have a question or comment please use the "raise your hand" function or "star 9". We haven't been, oh that's okay. Again, if anybody has a question, please feel free to, or comment, please feel free to raise your hand, either "raise your hand" function or "star 9".

Alright, okay, yes, so we're going to unmute you Chris. Chris, yes, go ahead.

Chris Shutes,
CSPA

Can you hear me? A couple of things, the fish passage alternative number two does not appear to have a fish screen included as part of it that I think would not meet agency criteria, and also would not really meet the overall purpose. So I would ask that you modify the alternative number two to include a screen or something that functionally does the same thing. I believe that the technical committees working on this looked at a number of options and I would recommend that you evaluate some of those and see what all people recommended or discussed in that context. Also it seems to me that it may be appropriate to have more than one fish passage alternative, or some sub-alternatives. There may be several different designs. I'm not sure what the best CEQA way to go about doing that might be, but it does seem like limiting it to one alternative might unnecessarily limit the options, and then make you have to back up. I think that having gone through this, and having watched this evolve for many years it would be in everyone's interests to try to get this complete the first time. And make sure that whatever CEQA documentation you have covers a range of options, that one of which is going to be feasible for you all to construct. One other comment I think that is important, is that when you're looking at the impacts of Alternative-three, the pipeline, it's important to consider the hydrology impacts, assuming not only that the existing use of the

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Auburn Ravine for water conveyance by Placer County Water Agency continues, but in the event that it doesn't. That might have much more significant impacts. It's my understanding, and I may be incorrect, that NID doesn't have customers downstream of Hemphill, and so if the diversion for Hemphill were discontinued and Placer County Water Agency were to find that it was no longer economic, or there was no longer demand for water downstream, the impacts would be very different than they are under the current delivery regimen that exists today. That's all I have for now. I may have some other things as the discussion comes up, thanks for the opportunity to talk.

Tonia Tabucchi
Herrera: Thank you. Thanks Chris,
Okay, James Haufler, we're gonna unmute you now. Hi Jim if you can unmute.

James Haufler,
Friends of
Auburn Ravine: Okay you have to unmute me and I have to unmute me too. Okay, understood.
So regarding the riverbank infiltration gallery as it was described, has it been decided that, in fact, the infiltration gallery would be truly in the river bank? The reason I ask that is that in the documentation in the Initial Study, the diagram of the infiltration gallery shows it extending about halfway into the stream bed, about halfway across the stream bed.

Tonia Tabucchi
Herrera: So it will be, the majority of it will be featured within the bank, but there is some improvements within the stream bed that would have to be made just as shown on that diagram.

James Haufler: Yes, okay, alright, thank you. That was my first question. I may have others later on but I'll let somebody else get in there.

Tonia Tabucchi
Herrera: Thank you.

Kris Stepanian: Ricki Heck has her hand raised, she might be asking a question about meeting so I guess.

Tonia Tabucchi
Herrera: What are the rules regarding that, it is a public meeting, but I also see that Laura is online.

Kris Stepanian: I know.

Tonia Tabucchi
Herrera: Ricki we might be in a little bit of an awkward situation, I'm not sure if there's any other Board Members online aside from Laura. Is this a question about viewing participants, was it a question that you typed to Kris about being able to view participants?

Ricki Heck: Yes, that was one question, the other one was I just didn't understand how a canal on option four allows for fish passage and so I just would like that explained to me that's all, and if that's not appropriate questions this time that's cool. But why don't we get to see the participants?

Tonia Tabucchi
Herrera: So with regard to the...

Kris Stepanian: It's a webinar, and with webinar's you cannot see the participants.

Tonia Tabucchi
Herrera: Were you able to hear Kris's answer Ricki?

Kris Stepanian

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The webinar is not a meeting, so you don't see all the names.

Ricki Heck: This is a different process than I thought it was going to be, okay.

Tonia Tabucchi Herrera: So and then your question with alternative four, could you repeat that question please?

Ricki Heck: I just didn't understand how a canal that goes around as it was described, would actually, where would the fish go, would they go in the canal? I don't understand how that achieves the goal of fish passage.

Tonia Tabucchi Herrera: With the alternative four, we would remove the diversion structure, so that would meet the goal for the fish passage. With alternative four though, we would fill in the canal, so there would be no water going down Hemphill canal, and service would either be from Auburn Ravine through private pump accounts, or we would look at other potential avenues to make sure that our existing customers have some sort of raw water service.

Ricki Heck: So again, what happens to the fish in that?

Tonia Tabucchi Herrera: They would be within the ravine, within Auburn Ravine Natural. So the fish, the barrier, the Hemphill Diversion, would be removed in that alternative. So that would open up that section of Auburn Ravine Natural for fish passage.

Ricki Heck: Okay, but then you're talking about NID would take its water, right, and so we would not be putting water in the ravine, the water would be coming from whatever natural sources, is that what I'm understanding?

Tonia Tabucchi Herrera: We would, depending on what, if, there's individual pumps, it can help. We would potentially no longer be importing water into Auburn Ravine Natural in order to feed Hemphill Canal, because Hemphill Canal would no longer exist.

Ricki Heck: I see, okay, thank you. I'll step back, you can mute me, I'm just listening.

Tonia Tabucchi Herrera: Thank you, okay, yes I can, so Steve Hubbard we're gonna unmute you next.

Steve Hubbard: Okay can you hear me okay /we can/ okay great I'd just like to follow up on one of Chris's statements, and that is with the suggestion that as you look at alternatives for number two and the actual structure that a fish ladder might take, that you might take a look at the project that NID completed in 2012 in Lincoln. At the Lincoln gauging station there's a fish passage, and it's not mentioned in the document at all, but it's something that I would suggest you might take a look at to see if it has any bearing at all on your plans for the Hemphill project.

Tonia Tabucchi Herrera: Okay, do you have an additional comment?

Steve Hubbard: No, that's it, thanks.

Tonia Tabucchi Herrera: Okay, thank you. Okay we're gonna move to a phone number, it's ending four-seven-one-five, we're unmuting you now. You have to press "star 6" to unmute, if you're on your phone now,

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phone number ending four-seven-one-five. Oh, hi, hi there, I'm sorry say your name one more time please.

Ron Otto,
SARSAS: Yes, this is Ron Otto calling.

Tonia Tabucchi
Herrera: Hi Ron, hey how are you?

Ron Otto: I have a question, I guess at this point it's almost more procedural, just trying to get my arms around how you folks arrived at the four alternatives? An example would be Alternative-three, the pipeline. Which agencies and experts were contacted and what were their responses to this that was, that were considered, you know, in the alternative selection, things such as concerns or recommendations. What level of feedback did you get?

Tonia Tabucchi
Herrera: The alternatives first started, there was a few studies done, one of which was done by Kleinschmidt back in 2017. There was also some work done within a Technical Advisory Committee, and those those reports, and those committees framed basic alternatives for the District to look at and determine the feasibility. We did a feasibility analysis internally to determine which alternatives to go forward with a preparation of a Draft EIR. The level of agencies really was just the TAC Committee. We have not gone into formal consultation with any particular agency as we progress through this draft process. I mean we're reaching out now for a public scoping meeting, we have provided notification at the office of, oh my goodness I'm blanking the state office, we provide notification so that that particular office can actually distribute to the different agencies, so that they can review the alternatives and provide feedback to the District as we prepare this Draft EIR.

Ron Otto,
SARSAS: So, basically after the TAC, that you have not worked more with say, NMFS or Fish and Wildlife, or anybody as far as honing your selection process or anything.

Tonia Tabucchi
Herrera: We've entered, now we've entered into the CEQA process at this point, so with this, with the CEQA process, that does engage the agencies for comment.

Ron Otto,
SARSAS: Correct, okay that's it at this point for me. Thanks.

Tonia Tabucchi
Herrera: Okay thank you Ron. Okay, Beth Lawson.

Beth Lawson,
CDFW: Hi can you hear me, /yes
Hi, my name is Beth Lawson, from the California Department of Fish and Wildlife, and I just had a couple questions about, we were active participants in that TAC process through the public grant that was done for some of the last phases of work, in large part was used to develop some background modeling and some of the infiltration gallery concepts that are here. And throughout that process we've been submitting some questions and comments about fish screen criteria, and the sediment transport study, and how that could be used to inform future thought about how, and where to place an infiltration gallery. And how to think about the infiltration gallery and its effectiveness long term. Are those going to be, are the questions that we've already submitted going to be considered in your documentation going forward, or should we expect to resubmit the same comments that we've had on your infiltration gallery concepts, in this NOP comment period ?

Tonia Tabucchi
Herrera: You should resubmit them in our NOP comment period. With the grant project, we, I was under the understanding that we have satisfied comments received when we finalized the

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Grant. So if you have outstanding concerns, please do submit them.

Beth Lawson: Okay, and similarly for the concepts are the comments that were submitted as a part of the TAC process about the infiltration gallery concepts, should we resubmit those comments?

Tonia Tabucchi
Herrera: Any comments that you made during the TAC meeting, yes, resubmit them.
Okay thank you, do you have any more comments Beth, before we move on?

Beth Lawson: Not right now thank you okay thank you

Tonia Tabucchi
Herrera: Steve Hubbard I'm unmuting you.

Steve Hubbard: Alright, thank you, hey I have a informational question related to the process, and I was wondering at which stage in this process are you going to evaluate the fiscal impact of these various alternatives on the ratepayers of NID? That's my question.

Tonia Tabucchi
Herrera: Aside from the CEQA process we are going to be doing an internal investigation of the cost for each of these projects. We will be reporting on that.

Steve Hubbard: Thank you.

Tonia Tabucchi
Herrera: You're welcome
We have Jack Sanchez, we're unmuting you. Jack if you could unmute yourself please, oh where'd he go?

Robert Hane /
Jack Sanchez: Yeah, hello, my name is Robert Hane, and I'm here with Jack Sanchez, can you hear me /yes we can/
Thank you, okay, one of the things that I would like to talk to you about is, I actually live next to a project that was done with a two-foot pipe. It was started back in 2011, it was approved by Gary King on 4-1-2011 and it's called the Mount Vernon Road Siphon Pipeline, could I talk about that for a few minutes?

Doug Roderick: I'm just curious how it's relevant to to this project, I guess if it's just a history of a previous project, I'm not sure it's relevant to the discussion tonight.

Robert Hane /
Jack Sanchez: Well, I think it would be relevant because what it has to do, is the failure of this two-foot pipe that runs basically from Atwood Road to Mount Vernon, and up the other side, and ongoing problems that we've had with it since it's been installed, and the abandonment of part of that pipe to get water to Box 1941, which we've been buying water from you guys for like 45 years. So if you don't want me to talk about it we can talk about it later. Wouldn't want it to be an embarrassment for anybody, or infringe on anybody's capabilities, but in the actual drawing...

Doug Roderick: So Jack, I think that, /this is Robert /this is Robert/ Robert, so yeah, I would appreciate that we have this discussion at a different time, and that we stick to the comments related to this project here, appreciate it.

Robert Hane /
Jack Sanchez: Hold on, this is for feedback from the public, if you'll just have the courtesy to listen, you'll see how germane what Robert has to say is, so please LISTEN okay?

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Doug Roderick: I'm not gonna discuss it, it's a completely different project, and it's a siphon versus a pipeline, and again I don't believe it's relevant to this project.

Robert Hane / Jack Sanchez: So please okay to listen to it, forget it, forget it, it's totally ridiculous, this is a public input gathering...

Doug Roderick: For a specific project.

Robert Hane / Jack Sanchez: ...pipeline project, geez

Doug Roderick: I would recommend that you submit those written comments, and we can take a look at it.

Robert Hane / Jack Sanchez: So you're refusing to listen to input from the public. What's the purpose of this meeting, to shut up the public and and prevent input from the public that's germane to the pipeline? Is that your goal?

Doug Roderick: No it is not. Do you have any specific comments to this project, other than this other project that was completed a couple years ago by the District? We'd be happy to listen to it.

Robert Hane / Jack Sanchez: Okay, I do, I do, I do, here okay. What I'd like to comment on is the fact that basically you're talking about putting in a two-foot pipe, taking it down the road, drop an elevation of roughly 200-feet. It's not going to be fed by a pond, just gonna be fed by whatever NID 1 would come down to your yard and then go underground in a pipe. So, it's basically a pipe that is going to have Venturi effect. I know you guys are talking about selling water down the line. Venturi effects will not allow water to flow out of it, which I've witnessed, and so that's all I was trying to do is make you aware of the fact that there might be an inherited problem that maybe Board members, or people senior in NID, might not be aware of the problem of a pipeline. And so it is called a siphon, but it's identical to what you're talking about, so I just want to raise that point. And again I would like to talk about the financial impact to ratepayers, like myself. I've heard figures of 8 to 10 million dollars to put this pipe in, and I consider that to be out of the ballpark when there's methods and analogies that can be studied to get fish over, stop entrainment, and to address the fact that you guys have been taking natural water out of Auburn Ravine for many years, for free, and those things need to be addressed. And I guess that's all I have to say, thank you.

Tonia Tabucchi Herrera: James Haufler, would you unmute yourself please?

James Haufler: I had a question about the pipeline as well. I did see on one of the diagrams in the Initial Study, various parcels, indicated with little dots, that those could be potential new customers if the pipeline was put along in that particular route, there would be some potential for new customers along that route. So when thinking about the pipeline, and how that would achieve the possibility of delivery to those customers, I was thinking and this is really a question, as to whether or not I'm thinking clearly, that I would assume, therefore, that the pipeline would be under pressure so that there could be service points along the pipeline where the pressure in the pipeline, of the water, would allow water to flow out to particular customers, is that correct?

Tonia Tabucchi Herrera: Well, yes, there would be some pressure in the pipeline.

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James Haufler: Okay, thank you very much. Another question, and then I'll let somebody else ask a question. It has been documented that there are Pacific Lamprey in Auburn Ravine. We've observed them and photographed them in both life stages, in their youth, you might say, and as older spawning adults. Will the passage designs accommodate Pacific Lamprey.

Tonia Tabucchi Herrera: I can't answer that right now. We'll have to investigate that in the document.

James Haufler: Thank you.

Tonia Tabucchi Herrera: I do not see any hands raised at the moment.

Oh, here we go, sorry, okay Jim go ahead and unmute yourself.

James Haufler: Okay, I'll start over, so Jim Haufler here, you can hear me now? Okay very good.

James Haufler: So, regarding the pipeline, it's noted in the Initial Study that the pipeline would begin at the NID maintenance yard, I think it's near the intersection of Gold Hill and Fruitvale right? So where does that water come from?

Tonia Tabucchi Herrera: We'll be looking at, and this is something that we'll figure out with final design, but where the water would be coming from is still Auburn Ravine. However, it's diverted up at what's called the Gold Hill Diversion and it goes into Auburn Ravine-one. So our canal system Auburn Ravine-one.

James Haufler: So, will that be part of the analysis? The impact on that particular canal, that you know, maintenance of the canal, the ability of the canal to handle that much volume safely.

Tonia Tabucchi Herrera: The analysis of Auburn Ravine-one being able to handle it safely?

James Haufler: Yeah because it's going to be increased flow there so you have a potential maintenance issue and a safety issue.

Tonia Tabucchi Herrera: We will talk about the increased flows in Auburn Ravine-one. We'll also talk about the decreased flows in Auburn Ravine Natural.

James Haufler: Gotcha. And then another question related to the pipeline and the intake there at Auburn Ravine1, NID 1, Gold Hill Dam, as it's called, that increased flow into that diversion would probably have an impact on fish in that area that might be entrained into that diversion. Some already are, you know you can observe fish in that canal frequently. With increased flow that would potentially increase entrainment. Will NID be considering screening that particular intake because of that issue?

Tonia Tabucchi Herrera: I can't answer that one, it's something that we could look at in in the Draft EIR as a potential impact.

James Haufler: Thank you, I'll be quiet for a second to see if anybody else has questions.

Tonia Tabucchi Herrera: Okay, Steve Hubbard, we're gonna, you can go ahead and unmute yourself.

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- Steve Hubbard: Hi, thank you, I had a quick question. Somewhere referred to that there's some uncertainty about the Hemphill Dam, and its structural integrity, given its age, and how it was constructed. And so, I was wondering, throughout this process, when and how are you going to evaluate that, you know, how what's the soundness of the dam, and what bearing that might have upon the eventual project? Thanks.
- Tonia Tabucchi Herrera: Yes, we currently have, ECORP has a sub-consultant, NHC, that is going to be evaluating the dam. We are just in that early stages of that process right now, and we'll be reporting on that condition.
- Steve Hubbard: Thanks
- Tonia Tabucchi Herrera: Two more hands, okay, alright, so Beth Lawson, you can go ahead and unmute yourself.
- Beth Lawson: Hi, just one more question. I just wanted to ask a little bit about some of the other alternatives that were considered during the TAC process. We sort of went back and forth about the option of using cone screens at this location. Many people are probably familiar with the cone screens that are down at Pleasant Grove, and we had kind of gone back and forth after a site visit to the location about whether or not there would be adequate depth and adequate sweeping velocities for a cone screen. I think we corrected the record that the sweeping velocities are not needed, but is this an alternative that was further looked at before you got to the NOP, and has already been dismissed in consideration, or is this the type of thing that we should be submitting in our comments for further consideration?
- Tonia Tabucchi Herrera: Please ,yeah, please submit that in your comments for further consideration.
- Beth Lawson: Okay so was it already considered in preparation for this document?
- Tonia Tabucchi Herrera: So the work that was done in TAC with with my predecessor on this project, you mentioned that it was put into the record. I'm not sure what record you're referring to.
- Beth Lawson: Oh, no, there was emails back and forth about it, there wasn't an official record.
- Tonia Tabucchi Herrera: Okay yeah I would I would highly recommend, if there was a potential project that was discussed in the TAC, please do indicate it in comments here with the scoping meeting, email exchanges back and forth with my predecessor, it's it's out outside of any project record that that I am aware of unfortunately.
- Beth Lawson: Okay thank you that's helpful
- James Haufler: Okay unmuted. I had a question about the existing sewer pipe that runs from north Auburn through various pathways and also down Virginiatown Road, it actually crosses underneath Auburn Ravine just maybe a couple hundred yards upstream from the Hemphill Dam. And reading the sediment study, I did I become concerned that possible reformation of the creek bed upstream from the existing dam, might dig down kind of deep, so I would suggest that the ECORP team and NID double check on that just to make sure how deep that existing sewer

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pipe is. We were told at one point that it was going to be bored through bedrock underneath the creek bed and if that in fact was done that's probably a pretty good sign, but if not there might be some concern as to danger to that underground pipe. I'll take the silence okay go ahead thank you.

Tonia Tabucchi Herrera: Yes, we did talk to Stantec about that crossing. I do have as-builts. We will actively talk to City of Lincoln with regards to that crossing.

James Haufler: Okay and a question about the pipeline crossing, in the presentation this afternoon it was mentioned that the pipeline would cross overheads above Auburn Ravine . In the Initial Study, it also mentioned underground. Is underground still being considered?

Tonia Tabucchi Herrera: Underground is still a consideration. Yeah.

James Haufler: Okay thank you. I'll be quiet for a while.

Tonia Tabucchi Herrera: Okay Steve, we're going to go ahead, and you can go ahead and unmute yourself.

Steve Hubbard: Yeah, I didn't get the unmute button can you hear me /yes we can hear you/ okay great

Steve Hubbard: I had a process related question, and you said that you're going to look at the structures structural soundness of the current dam and you'd be reporting on that, and I was wondering is that reporting going to take place in the EIR documentation, or just how are you going to handle that reporting out to the public, or to groups like us? Thanks .

Tonia Tabucchi Herrera: Yeah, it will be made public I can't answer right now whether or not it'll be made public during the Draft EIR process, or if we'll make the report public ahead of time. I'm not sure honestly.

Steve Hubbard: So if it were the latter case, then how would we go about ensuring that we're staying current with the information and the reports that you might publish on issues like this?

Tonia Tabucchi Herrera: When they are finalized, we will release them to the public on the website.

Chris, Chris Shutes, unmute yourself.

Chris Shutes: I think I'm unmuted thank you. I have a comment and a recommendation. In the past I think there's been a lot of concern expressed by NID, and others, regarding the regulatory framework in which this project would have to, would be constructed and developed. I would recommend that you be very thorough and careful about describing the regulatory setting in your CEQA document. I think in the past there has been some concerns that may not have been as warranted as some people may have thought they were. And I think it would be helpful and instructive to the public, and people reading these documents to get it, to be very thorough and stepwise in your description of the regulatory setting. I will say that I'm hopeful that different entities are seeking to get this done and want to cooperate. I know that on the Lincoln fish passage project, that was accomplished a number of years ago, in the end there was a lot of regulatory cooperation that came together and that's not to say that people won't do the things that they're supposed to do, but I think a good solid description of the regulatory settings and if there are any options or paths that would be more advantageous or

Tonia Tabucchi Herrera:

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more efficient, if you all can lay those out in your document, I think that would help everyone. Thanks very much.

Thank you. Jim you can go ahead and unmute yourself.

James Haufler: Okay, another question about the pipeline route. On one of the diagrams, one of the aerial maps, with the pipeline route indicated on it, it looks like there's like a double line at a certain section of Virginiatown Road, so it kind of looks to me like there's really kind of like, one route that's being considered, with one possible alternative to the route along Virginiatown Road, but I didn't understand the meaning of that. It might be that one route would go in that section of Virginiatown Road would go down Virginiatown Road like under the pavement and the other one might go through nearby property, do I have that right?

Tonia Tabucchi Herrera: Yes, that's correct.

James Haufler: Okay thank you I may have another question a minute but you can mute me now.

Tonia Tabucchi Herrera: Okay, star nine or raise your hand if you like to make a comment.

I'll take this opportunity right now to read some comments that we received from Laura Peters.

Tonia Tabucchi Herrera, reading comments from Laura Peters
"First, on Alternative-three, this alternative was investigated in the April 2016, Kleinschmidt Alternative Analysis. See their conclusion below from page 20 of that report.
5.7, Option 6, Lincoln Canal-Auburn Ravine-one connection, another option for providing water to the Hemphill Canal in the event of the removal of the diversion structure includes providing flow via a pipeline from nearby canals such as the Lincoln Canal-Auburn Ravine-one. While simple on paper, an extensive study would be required to ensure that the adequate flow is available in the supply canal. Current demand for the Lincoln Canal indicates that it does not currently have sufficient capacity. Modifications to expand carrying capacity in the Lincoln Canal would be needed in order to consider this a possible options. Construction of the pipeline, and the required permitting could greatly increase costs, and these would also be major factors in assessing the viability. So questions from that: Have the necessary studies been completed to confirm this is a viable, feasible alternative?"

Second question: "Why wasn't this segment of property, or excuse me segment of the project, necessary to get water to the NID Placer yard, included in the Alternative-3 project description? Then she had a comment on the Initial Study section 2-1, the last sentence regarding Alternative-3 notes that in quotes "so those parts of the pipeline west of Virginiatown Road are actually in the City" end quote. Virginiatown Road runs east to west. Do you mean west of Fowler Road, please clarify?"

Tonia Tabucchi Herrera: And we talked a little bit about this before the meeting. Just to to clarify that comment. Yes, Virginiatown Road does run east to west, but then it makes a turn going north to south. And so that area west, is actually within the City of Lincoln. So and hopefully, with maps that we come out with in the future, that will make that clear.

Tonia Tabucchi Herrera, reading comments from Laura Peters
2-10, the second paragraph notes that historically NID's goal is to keep the customer whole. With modifications, projects such as these. Questions: How does this alternative propose

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provide access to the ravines to facilitate pump accounts for existing customers not adjacent to it?

Tonia Tabucchi Herrera: And that's something we'll look at in the Draft EIR.

Tonia Tabucchi Herrera, reading comments from Laura Peters: 4-35, the first paragraph states that, additionally, implementation of Alternative-3 would result in the diversion of creek water at NID Placer yard on Gold Hill Road. Note that the creek is not adjacent to NID Placer yard, thus it would not be direct diversion. Question one, what is the what is the proposed alignment from the creek to the Placer yard? Question two the impact of the diversion point as well as the selected alignment proposed to transport the water from the creek to the Placer yard needs to be analyzed.

Tonia Tabucchi Herrera: So in the description earlier we're going to be diverting the water, not from the creek in the Placer yard, rather Auburn Ravine-one, most likely, in the Placer yard, if that project goes forward to design. The impacts to the diversion point, we said that we would look at that in the Draft EIR, during this meeting.

Tonia Tabucchi Herrera: There's any other comments or questions star 9. Hey James, you can go ahead and unmute yourself.

James Haufler: Okay yeah, I had a question about page 4-54. On that page, part of the Q&A, this part of the package, there's a statement made that telecommunication facilities would not be needed at that particular site. I would suggest that that be reconsidered because, whatever change is made at that site to allow for fish passage, it would be a really good idea to have some way to count the fish. And modern fish passage technologies similar to what we, Friends of Auburn Ravine, use in downtown Lincoln at the Lincoln gauging station work best when you have a combination of A/C power and telecommunication facilities. So I'd suggest that that be changed to include that capability at that site, so you can quantify the benefits of all the work you do.

I think I'll go on and ask make another couple of statements. All the questions, question on page 2-1-3, there's a list of agency approvals, and I didn't see Placer County Flood Control on the list. I think there was another flood control agency, but not Placer County, so I won't tell them they were left off, but I'd suggest that maybe they should be involved.

On the page 2-1-4, of course I know this was written some time ago, there's a statement about the Placer County Conservation Program, whether as whether or not it was actually approved. But it has now been approved, so I think everybody's aware of that, but just for the record we should note that that has been approved.

Also, you know we at Friends of Auburn Ravine we like to try to take care of the humans as well as the fish, so that caused us to think about some potential impacts to the golf course. One, of course, as you guys mentioned earlier, is the size of that staging area which would be right next to the golf course. And the result in noise and potentially dust, and so forth. But then also if any of the solutions involve a pump, there might be some noise from the pump. Of course we know that like a self-cleaning conical screen the pump is under water and there's very little noise from that but there might be other solutions that would involve noise for the golfers. And if there is an over head bridge going across there, there might be a visual impact

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for the golf course, because one of the holes of the golf course is right near that Empire Canal. That's all I have for right now.

Tonia Tabucchi
Herrera: Okay, thank you. Laura ,we went, go ahead and mute yourself.

Laura Peters: Thank you, hi this is Laura Peters. I just never I didn't hear the answer to my first question about the studies that were in 2016. They wanted to make sure that that we did studies to make this sure this was a viable project, this Alternative-3. And I didn't hear the answers to questions one and two of my general questions.

Tonia Tabucchi
Herrera: So, Alternative-3 you were talking specifically about Lincoln Canal. We did do an internal investigation on that one, and that's something that we'll talk about in the Draft EIR. Of the alternatives not considered, we will cover that in the Draft EIR. And let's see, why wasn't this segment of a project necessary to get... So Lincoln, can you please elaborate on your question number two "why wasn't this segment of the project necessary to get water to the NID Placer yard included in the Alternative-3 project descriptions"? Are you talking about the Auburn Ravine-one or Auburn Ravine Natural?

Laura Peters: The Auburn Ravine-one, in the 2016 document, they spoke about both either the Lincoln Canal or AR1 and they said "while an extensive study would have to be required..." well when, in this particular Initial Study, it said the boundary of the project began at Placer yard, but most of the impacts are at the diversion to get water out of the creek and to the Placer yard. But that does not seems to be part of the project description. And so I'm wondering, why we didn't start at the beginning of the project? In order to meet the objective of the problem we would need to get water into that pipeline that we're going to start from the Placer Yard.

Tonia Tabucchi
Herrera: And as part of the Draft EIR, we will look at the impacts.

Laura Peters: So you'll expand the boundary of the project, of that alternative, I mean?

Tonia Tabucchi
Herrera: Well, it's looking at the the impacts that that project potentially causes, so yes we'll investigate whatever impacts that we need to.

Laura Peters: And I would just like to make sure that the project starts where the water starts. That's my point.

Tonia Tabucchi
Herrera: We will investigate all the impacts including impacts upstream of the actual physical construction of the project, so that means looking at impacts at the Gold Hill diversion.

Laura Peters: And that should be included in the alternative boundary?

Tonia Tabucchi
Herrera: That will be discussed in the Draft EIR.

Laura Peters: Thank you.

Tonia Tabucchi
Herrera: You're welcome.

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Jim you can unmute yourself.

James Haufler: I'm referring now to the sediment study, sediment transport study done by Balanced Hydraulics, Hydrologics, I should say. They mentioned in there that they didn't have access to year-round flow data, just because mainly Nevada Irrigation District keeps data on irrigation season flows, but not Wintertime flows. I'd like to point out that the Lincoln wastewater treatment plant west of Lincoln does collect data all year long, because they need that data for their mix ratios when they discharge water into Auburn Ravine down there west of Lincoln so there's a good potential source of data there, it doesn't go back decades because that facility is not quite that old but it would give some better information. That being said the estimates that I saw in the sediment transport study looked to me to be pretty reasonable, they did a pretty good analysis of the catchment area, you might say the area of the watershed that flows into Auburn Ravine, and took into account the rain events that we do have. We need to always remember that Auburn Ravine can go from six cubic feet per second at Lincoln, up to 600 overnight. If you get two to three inches of rain in two to three days it's going at least 600 cfs at Lincoln, which is very similar to what would be at Hemphill just a mile and a half upstream. That's all for now.

Tonia Tabucchi
Herrera: Thank you.

"Star 9" or raise your hand function if you'd like to indicate a comment or question.

Jim unmute yourself.

James Haufler: The good news is I'm almost done [Laughter]. You know in reading the sediment study, they talked about various alternatives for how to deal with the sediment. And they talked about the idea of reducing the seal of the dam down two feet, maybe five feet, maybe first two feet, then five feet before eventual, total removal, that sort of thing. They also talked about what they call, sediment management, where they describe the idea that they would actually dig a new channel for the creek upstream from the dam, removing eight thousand cubic feet of material, so as to produce a new, smooth, continuous gentle slope all the way from the upstream end of that new channel, down to the Hemphill Dam. That has some charm to it, but obviously very expensive option. But one of the good things about that is it avoids a situation you get sometimes when you remove a dam and there's a whole bunch of sediment, you get a situation where over a period of time there's a break what I call "the Niagara Falls problem", where you get a drop as the creek eats away at that sediment, you'll have a precipitous point where it's almost like a, you know, a 90 degree angle where the creek goes over, falls down four or five feet, in this case, maybe a little bit more, and then proceeds on downstream, and then gradually that break point moves upstream as the creek eats away at the sediment. So that's something I think should be considered. The sediment study didn't talk about fish passage. They said that right up front. But some of the sediment, some of the design alternatives, would result in potential sediment behavior, that could create a new fish passage impediment for some period of years upstream from the dam, as that break point moves back upstream until the channel is totally reformed. So just a suggestion there for something to consider.

Tonia Tabucchi
Herrera: Thank you,

I'm not sure what she's referring to for that question is this question, yeah.

Doug Roderick:

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If there's something that we need to have them answer we'd be happy to but so far I haven't seen any that requires that.

Maybe explain a little bit about how we'll move forward, I guess at this point.

Tonia Tabucchi
Herrera:

In terms of wrapping up the ...

Doug Roderick:

We're gonna continue to stay online until six o'clock.

Tonia Tabucchi
Herrera:

We are going to be available online until 6 p.m., for the duration of the scoping meeting for your questions and your comments. For folks that may have joined us and missed the presentation we'll start that again.

Kris Stepanian:

I may have one person

Tonia Tabucchi
Herrera:

Oh okay, alright okay, so yeah we'll restart the presentation here in five minutes. But we're here to take any comments that you may have. The whole purpose of the scoping meeting is to help us really flush out a potential project, the potential impacts, and develop a document that going to address concerns.

Gary you can go ahead and unmute yourself. Gary can you hear me?

Gary Mapa:

Yes. The question that I kind of like to get answered, that maybe may not be applicable, but is there data available, or will there be data available, applicable to how many new customers you'd have to acquire along that pipeline to justify that expense? And what effort being put out forward to market, to get confirmation from individuals that genuinely want water service. I look at cost and return, and how long does it take to recapture. I know in Penn Valley they've got a water system that I think a hookup fee approaches almost 30 grand. So how these people are going to reimburse for the installation of [inaudible]

Tonia Tabucchi
Herrera:

I'm sorry we lost the last half of your question Gary.

Gary Mapa:

I wonder what the last half is?

Tonia Tabucchi
Herrera:

Yeah we heard that, we heard about 30 grand, and how are folks gonna...

Gary Mapa:

Right, but did you hear I made a comment about Penn Valley?

Tonia Tabucchi
Herrera:

Yes we heard the comment about Penn Valley folks being charged 30 grand.

Gary Mapa:

What kind of reimbursement is going to be set up to compensate NID and the ratepayers for the installation of a six to eight million dollar pipeline?

Tonia Tabucchi
Herrera:

Okay that's, yeah that's not something we could look into that's not a question we can address right now

Gary Mapa:

Right, but I would like it to be looked into because if you can't afford to do it, it shouldn't even be a consideration?

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- Tonia Tabucchi Herrera: Yes, understood, and part of, or separate from the CEQA process, we are going to be doing an investigation of the potential costs for each alternative, and we will be reporting on that.
- Gary Mapa: Thank you.
- Tonia Tabucchi Herrera: You're welcome.
Jim tim you can go ahead and unmute yourself
- James Haufler: Okay yeah, I think I might have misspoke when I was talking about the sediment transport management plan where the new channel will be dug upstream from the dam I think I said 8,000 cubic feet I meant to say 8,000 cubic yards. Okay, I just wanted to correct myself on that. And then another thing in the sediment transport model, where was oh shoot I lost my notes now. I think I got to put you back on hold for a second while I get that particular item back in my head here.
- Tonia Tabucchi Herrera: Okay, no worries.
We'll go ahead, and Jack Sanchez, you can now unmute yourself please.
- Jack Sanchez: Okay, there are (inaudible) two things that I wondered if you've considered, in one Auburn Ravine, when you take this large amount of water out, and put it in a pipe, no aquatic (inaudible) survive in a pipe, and there should be some relationship established by NID to cover that. And secondly, when you take water out of the Auburn Ravine and send it down pipe, you're doing is minimizing the groundwater recharge for which Camp Far West dam was built. Because it's a necessity to increase the groundwater recharge in the Sacramento Valley. Has NID considered either these, or do you have plans to consider the effect of the pipeline on aquatic life, and the weakening of groundwater recharge?
- Tonia Tabucchi Herrera: Okay, your question broke up a little bit there. I understood it to be, "are we going to look at the impact of aquatic life by putting water into a pipeline, and then if we were going to look at groundwater recharge. Yeah we'll investigate the impacts in the draft document.
- If I misunderstood your question, please, definitely submit it in writing, because I had a bunch of feedback.
- You're still unmuted you can continue Jack
- Jack Sanchez: No, you understand, no you went in quickly. I'm just concerned about the effect of aquatic life by taking so much water out of the Auburn Ravine. No aquatic animal can live in a pipe, and secondly I want to know what water I'm putting in a pipe picking up out of the Auburn Ravine what's the impact on ground water recharge? Those are the two questions, I think you have those pretty clear.
- Tonia Tabucchi Herrera: Okay great thank you.
Jim you can go and unmute yourself.
- James Haufler:

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Funny, it just took a while for that to show up on the screen so I could do that but.. Just two items the public review period mentioned in the Notice of Preparation that we got, the two-page document, said September 3rd through October 2nd. But then I think I heard you say through October 5th today, so I want to make sure which one it was.

Tonia Tabucchi
Herrera:

It's October 5th, Monday.

James Haufler:

Okay very good. And then the other thing regarding the potential decommissioning of the Hemphill Canal of course, in that diagram that you showed earlier, the Hemphill Canal goes from Hemphill dam, you know out across, what's now called, Village One within the City of Lincoln, and then eventually gets over towards Sun City-Lincoln Hills where it goes underground. But then it does come up above ground and actually flows into Orchard Creek, and Orchard Creek flows out near the casino, the Thunder Valley Casino, and serves the black angus rancher out there. Another thing about Orchard Creek is that when the casino was put in, there were special provisions made to provide nesting sites for a particular type of swallow. So if the water into Orchard Creek was reduced dramatically by decommissioning the canal, that might have an impact on the swallows as well. So just something to watch out for on that particular alternative. Thank you very much for your time today.

Tonia Tabucchi
Herrera:

Thank you. Okay, did we want to run through the presentation one more time for the folks, Chris?

Chris
Stabenfeldt:

Yeah, be happy to do that.

Kris Stepanian:

One more time, how about that, alright thank you there we go, oh it's at the very end, okay close your eyes, this get busy.
Alright thank you [Laughter],

Chris
Stabenfeldt:

Okay, you can probably advance this to the third slide, yeah, there we go.

Chris
Stabenfeldt:

I'll go ahead and run through it again. Once again, very encouraged to have so much participation. So we really appreciate you taking the time to join us today to help us understand concerns that you have about this potential project.

Once again, our purpose of the meeting tonight is to provide some background information on the purpose and need for this project. Also to describe the proposed project alternatives that are going to be considered in the EIR. I will note, also just based on some of the comments received, that we will be describing a full range of alternatives that weren't considered and describing why they haven't been considered further. So there'll be a robust discussion of alternatives, you know narrowing down to the ones that are being evaluated in the EIR. And also, I think it's worth noting, that the project description that will be supporting the EIR will be more detailed, more robust, and some of the concerns and issues raised today will be incorporated into that document to make sure that it covers all potential issues.

The third purpose is to explain the environmental review process, and how we're proceeding with the project. And then finally, the most important, is to get your input on the potential scope and content of the EIR.

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So here is the environmental review process. We circulated a Notice of Preparation - Initial Study on September 3rd. We're having this public scoping meeting to accept comment today. And the close of the NOP period is on October 5th. We put it on Monday so it wouldn't end on the weekend, to give people a little more time. We will be certain we're focused on getting this document ready new comment at target of April 2021. It will be out for public review for at least 45 days, and we will have a public meeting during that Draft EIR to accept additional public comment on the project.

Following the end of the comment period, we'll be preparing written responses to comments on the Draft EIR, and putting together final EIR which will include a Mitigation Monitoring and Reporting Plan for certification by the Nevada Irrigation District Board. And in support of considering our preferred alternative. [go ahead]

If we have anyone new on the call, you probably you can provide comments right here in the Meeting, you can hit the raise your hand function or press "star 9" to notify us that you'd like to provide additional comment. And you can also provide written comments via email or mail to Nevada Irrigation District which we have an address that will be provided at the end of the presentation.

Okay, alright, just an overview project location. Hemphill diversion is located on Auburn Ravine, northeast of the City of Lincoln. The structure diverts water from Auburn Ravine into Hemphill Canal, located south of the ravine for delivery to NID raw water customers [go ahead]

A little background on the diversion; it's been operated by NID since it was purchased in 1933. The diversion structure is concrete, and approximately eight-feet high. It has approximately a 40-foot long concrete apron extending downstream. During irrigation season, which is typically mid-April through mid-October, the District places three-foot flashboards on top of the structure to divert flows into Hemphill Canal, which is located just upstream of the diversion structure along the south bank of Auburn Ravine.

Auburn Ravine upstream of Hemphill diversion is a salmonid stream and provides salmonid habitat, and the structure has historically been identified as a barrier to fish passage. The District proposes to eliminate this barrier by either removing the structure, or constructing a fish passage facility around the structure while continuing to provide service.

With that in mind, NID is considering four alternatives to achieve this goal. [go to the next one]

The four alternatives being considered are a riverbank infiltration gallery alternative, a fish passage alternative, a pipeline alternative, and potential abandonment of the Hemphill Canal as an alternative.

Alternatives one, three, and four include removal of the diversion. Alternative-two includes modification of the diversion. The alternatives vary as far as construction attributes and areas of potential disturbance, which I'll go into a little more detail about as we continue through this presentation. All of these alternatives are designed to allow for fish passage beyond Hemphill diversion structure and Auburn Ravine.

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The first alternative is the riverbank infiltration gallery alternative. This would involve removing the Hemphill diversion structure, and constructing an infiltration gallery within the north or south bank of Auburn Ravine to facilitate continued water deliveries to Hemphill Canal. The gallery would be located approximately 75-feet downstream of the existing diversion structure, and there's a little more detail provided in the Initial Study with regard to the design of this facility.

Alternative-two includes the fish passage alternative. We could install a fish ladder within Auburn Ravine, as noted there was a feasibility analysis of several approaches completed by Placer County in 2009. It considered four alternatives. Of the four alternatives, two provided year-round passage for fish, either a bypass or two-stage fish ladder. As Auburn Ravine is identified for both fall run salmon and steelhead, selection of one of the two year-round passages would improve anadromous fish migration conditions. The two-stage fish ladder is considered more desirable as it does not significantly increase the footprint of NID's operation. Due to the existing condition of the diversion structure, it is possible the existing Hemphill Diversion structure may need replacement, or modification to construct a viable fish ladder facility.

And as we noted previously, ECORP's sub-consultant, NHC is doing some additional feasibility analysis of previous studies that have been done, and looking at the diversion itself for its condition to help inform the EIR and expand the project description that will be included in the EIR.

The next slide shows a graphic of the general project area. I think it's worth noting that in this area of potential effect, there isn't going to be significant construction within this area, but it's a little broader area of potential effect, just to make sure we capture access, potential staging areas, and any other improvements that might need to be completed to implement the project. Just so you know, it's not all going to be modified, or degraded, or anything, but just provide us a broader area that we can make sure we cover all issues.

As you can see, the infiltration gallery and fish ladder are shown, approximate location are shown, on the graphic as well.

Alright. Alternative-three is the pipeline alternative. Pipeline alternative would remove the existing diversion structure, construct an underground pipeline extending from existing NID facilities on Gold Hill Road to Hemphill Canal. The alternative would install 24-inch raw water pipeline at Fruitvale Road, Fowler Road, and Virginiatown Road right-of-way. This alternative would also construct an above ground stream crossing downstream and west of the existing diversion. One comment made earlier noted that there was discussion of a below stream crossing as well, and I believe that will be analyzed in the document.

It's also worth noting that there are a number of potential staging areas that are being considered along the alignment. One has not been selected this time, but as part of the effort, ECORP is evaluating constraints on individual parcels along the alignment that could serve as a staging area. That will be further flushed out in the EIR.

Under this alternative, water would be diverted at actually NID's Auburn-one diversion, and then would be piped from the Gold Hill maintenance yard to the Hemphill diversion as described above. As noted by a couple callers as well, this would result in decreased flows in Auburn Ravine from the Auburn-one diversion to the Hemphill diversion during the irrigation

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season, and impacts on both the conveyance from the Auburn one diversion to the Gold Hill facility at the Placer yard, and decreased flows in Auburn Ravine from that diversion down the Hemphill diversion, will be considered in the EIR.

Okay, this shows the pipeline alignment, and also shows some of the sites that are being considered as potential staging areas along that pipeline alignment.

Alright. Finally, Alternative-four, abandonment of Hemphill Canal. Abandonment alternative would remove the diversion structure and decommission Hemphill Canal. This alternative would abandon the canal, and the canal would be filled with soil, if desired by adjacent property owners. The fill would extend from Auburn Ravine to SR-193. South of SR-193, the canal is undergrounded, so no leveling of the canal is required beyond that point. We will be considering any outflows at the end, and ultimately discharged to Orchard Creek, and what kind of changes might occur under this alternative.

During the preparation the Draft EIR, we will be evaluating and considering other alternatives for raw water delivery. That will be part of the analysis to keep the existing water rights holders of the water, I mean the water users, along the canal, allow them to have service. Additionally this alternative will impact reduced flows into Auburn Ravine during irrigation season, or actually the flows may be reduced in Auburn Ravine during the irrigation season. So we will be considering those impacts as well.

The next graphic shows the approximate alignment of the canal down to SR-193, and includes the area around the diversion where some improvement work and removal would occur.

Okay, just kind of on a high level, but we're going to be considering everything, construction-related impacts, a number of them were raised today, air quality, cultural resources, biological resources, paleontological resources, greenhouse gas emissions, noise, and tribal resources, are issues that are anticipated to be impacted by construction and implementation of the four alternatives that would be considered in detail in the EIR. In addition long-term issues related to biological resource impacts within the ravine itself during operations, of which alternative whichever, ultimately was selected, will be considered, along with hydrology and water quality implications, and implications to water supply, including any potential impacts to groundwater associated with changes in flows in Auburn Ravine.

Finally, we have two options for you to provide additional comment. You can either mail your comments to the address listed, or you can email your comments. And with that we will open it back up for additional comment. If anybody has any additional comments or questions they'd like to raise.

Tonia Tabucchi
Herrera:

Raise your hand or "star 9", for a question or a comment.
The presentation has been made available under the project documents. This meeting here will also be available on our website, on the meeting and minutes page, under Committees, other Committees, miscellaneous.

Doug Roderick:

Do we have an idea when those we think we'll have those posted?

Kris Stepanian:

The video? Tomorrow.

Tonia Tabucchi
Herrera:

Hemphill Diversion Structure EIR Scoping Meeting - September 21, 2020 Transcription

The presentation should currently be posted.

Doug Roderick: This meeting, this presentation recording will be available, probably by tomorrow, by end of day tomorrow.

We're here until six o'clock so if anybody has any questions between now and then, otherwise it might be just kind of a lot of silence for the next few minutes. We want to make sure we stay until six because we said we'd be here until six.

Tonia Tabucchi
Herrera: There you go. Okay Jim, you can go ahead and unmute yourself.

James Haufler: I just have a little bit of good news to report. You know we operate our one overhead camera, and three underwater cameras in Auburn Ravine, right near downtown Lincoln. In fact, at the Lincoln gauging station. Thank you very much to NID for letting us do that since the fall of 2016. And we have the good news to report that for the 2019-2020 season, in other words October 2019 through April 2020, we've so far counted over 60, 6-0, 60 fall run chinook salmon right there going through Lincoln. So that's a pretty good number that matches up with some numbers we've had in some years over the past, you know, six or eight years. It's a little low compared to our top year. Our top year was the 2016-2017 season when we had 302 come through Lincoln. There was another year when it was about 200, that's based on Cal Fish and Wildlife estimate, based on counting reds, and then we had some other years, one was like 25, a couple of years around 60. So we're pretty happy, really, that we got 60 this season, because if you count back four years, that was the middle of the drought. Bad ocean conditions, bad river conditions, here we are four years later with pretty good returns at the midpoint of the typical life cycle, anywhere from three to five years. And we'll be putting the salmon cameras back in the creek on October 15, and hoping for a lot of rain this season.

Tonia Tabucchi
Herrera: Cool, thank you.

Okay, Gary you can go ahead and unmute yourself.

Gary Mara: I want to thank you all for hosting this meeting. I'm going to go ahead and leave. Thank you, have a good evening.

Tonia Tabucchi
Herrera: Thank you. You have a good evening too, thank you.

Is that a new Q & A on the bottom?

We need to have the anonymous attendees identify themselves please.

We received a comment through our Question & Answer. This is a public scope meeting.

Tonia Tabucchi
Herrera: The question is, "why is part of the considered pipeline along Virginiatown Road on private property? Will the reduced flows affect the current user farms? Will agricultural impacts be considered in the EIR?"

Reading written
comments from
D. Moore

So the first question, "why is the part of the considered pipeline along Virginiatown Road on private property?"

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That's something that we wanted to explore for the purposes of cost savings. Generally it's more cost effective to construct in the dirt, because we don't have the pavement restoration required and pavement.

Let's see, the next question, "Will the reduced flows affect the current user farms?"

I believe you're talking about the Alternative-four. If we eliminated the service, we will investigate that impact in the Draft EIR. If that's not your question, please expand on it so we can capture that in the Draft EIR.

And then, "will agricultural effects impacts be considered in the Draft EIR?"

Yes we will be looking at all those particular... am I on the wrong track here? I mean we do look at all the potential impacts. Yes please do Mike, am I on the wrong track?

Mike Martin: Yeah, the environmental, or agricultural impacts were actually all considered less an impact, and are less-than-significant in the Initial Study. However if people do think that's wrong, they can make comments on it, we can re-evaluate it in the EIR, if it's that way.

Tonia Tabucchi
Herrera: Okay thank you for clarifying that.

Mike Martin: So the consultants actually do get to talk once in a while.

Tonia Tabucchi
Herrera: I believe it did, as Mike indicated, if they feel like we should be looking at the agricultural impact, please, they need to comment on that because in the Initial Study we determined that was less-than-significant.

Is that little bar hiding, or does it only come up when there's a comment?
Okay we don't know how to do Q & A's. I don't know if it shows yeah

Doug Roderick: So it could be just for folks that are remaining online, obviously we're going to post the entire meeting on our website, and maybe what we can do is put a little summary of comments and questions. While you are more than welcome to stay on the line for the next 20 minutes, we can put a little something on the website, so if we do receive any comments or questions between now and six o'clock, you'll know that, so you'll be able to view that online on the document. But again you're welcome to stay on the line, but we'll try to identify anybody that comes in the next 20 minutes. So if you have other things you can do you won't necessarily have to sit through half an hour's worth of quiet time, you'll be able to know that there's some comments between now and six.

Mike Martin: Also, one other thing to note, is we do actually address, or summarize comments made during the scoping meeting in the EIR, so they'll be in there as well.

Tonia Tabucchi
Herrera: Looks like we have another Q & A. Two more Q & A.

Just to cover, for the consideration of agricultural impacts, those were covered in the Initial Study, as Mike had indicated, those were considered less-than-significant, so we will not be considering them further in the Draft EIR, unless the public comments and says we missed something.

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Doug Roderick: You might want to expand a little bit too, and maybe ECORP could help with this, with regards to the ag component. Whether the less-than-significant for agricultural, was specific to the folks on the Hemphill, or just in our service area in general to the impact. Because clearly existing customers, other than those particularly on Hemphill, would not be affected or impacted by anything that we do. For those that have received water will continue to receive water, regardless of the alternative that we choose.

Mike Martin: Yeah, I could expand on that. CEQA requires you to answer certain questions as part of the, what they call, guidelines, for CEQA review. And those are based on the type of agricultural land that a project may be developed on. There's only certain, there's only three different categories, one is, that's actually supposed to be considered significant impacts, they're called, one is prime farmland, which is very good farmland, basically. Unique farmland, or farmland that has statewide significance, or importance. What you have to do is, you have to analyze how your project may affect those particular types of farmlands. If you have grazing land or lands that are not within those categories, it's not considered as significant impact. In this case, none of the sites that the pipeline, or the other alternatives go through, are considered prime farmland, unique farmland, or farmland of statewide significance or importance. So that's why they're all considered less-than-significant, as far as that's concerned.

There are other categories as well. Is the land going to affect a Williamson Act parcel or contract parcel, which in this case none of them do, because there's none located adjacent to it. Or the addition of a pipeline in a roadway doesn't actually affect a Williamson Act or a contract land, so that's considered less-than-significant as well. Another one is, will affect existing zoning that's for lands that are zoned for either forest land or agricultural land. The addition of a pipeline will not affect any of that. The removal of diversion structure would not affect that as well, because it doesn't exist, it doesn't affect the zoning on that land. You can still use that land for ag land, or forest lands, basically. And let's see, the last one was, the result in the conversion of forest land, like it is agricultural land, while there is no identified forest land, zoned forest land, within the project areas, or the alternative areas. So that's also, actually no impact in that case. And the last one is, will the changes due to the location result in conversion of farmland to non-agricultural land, and in this case, that's not the case either.

The removal of the diversion dam, or the inclusion of the pipeline, will not result in the conversion of ag land to some other use. So that's why they're all considered either less-than-significant, or to or having no impact at all on agricultural land. But like we said before, if you disagree with this, you can certainly write a comment on that or we can expand on it in the EIR.

Rick Hansen To expand on that a bit too, Mike, that the issues that you were just talking about largely relate to a project's effect on the conversion of prime ag land. Direct conversion through the creation or construction of a project. I think the issue that the commenter was referring to is, will the effect of the project on water supply delivered to existing customers, result in a loss of the use of existing farmland, and that's kind of a separate issue in terms of water supply and we will be looking at the impact of the project on water supply and that could affect agricultural users as well.

Tonia Tabucchi Herrera: Can we go back to the questions, yeah that first one, we received a Q & A I'd like to read:

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"It's nice to know that a sixth generation farm, 108-year old, agricultural business, and the largest ag producer of Placer County, is less significant"

Tonia Tabucchi Herrera: Can the person that made that anonymous comment please identify yourself for the record?

Okay can we go to the other remaining Q & A.

From Ricki, "Did I understand the consultant to say the impacts to the ag/raw water were not part of the Draft EIR unless someone asked that to be included? Seems like it should be included. I think Mike probably addressed that in your summary Ricki, if if not please, please let me know.

Chris Stabenfeldt: Yeah, with the clarification from Rick, as well, that we are considering, you know, impact, potential impacts on water supply that may impact agricultural uses. That is included in the scope of the EIR as currently proposed.

Tonia Tabucchi Herrera: I believe, it looks like maybe, D. Moore made that comment regarding the 100-year, 108-year property. They also expanded to say you might want to actually talk to a farmer to discuss what the land is used for, look into crop rotation.

Okay, I believe we responded to all, well the two comments, we were taking as comments from D. Moore. But the other two, the one from Laura about confirming Ag impacts we responded to. And I believe we also responded to the one from Ricki.

Chris Stabenfeldt: If there's something we're missing, if there's a direct impact that we're not aware of that you know, please bring it to our attention. That's the whole purpose of this scoping process is to make sure we cover all the bases. So we appreciate the input.

Tonia Tabucchi Herrera: Okay Jim, do you want to go ahead and unmute yourself.

James Haufler: Unmuted. One of those questions prompted me to ask something I think I know, but I wanted to double check with you guys I think this project will have some effect on how and where, could have impact on how and where, Nevada Irrigation District delivers water. But it would not have an impact on how and where PCWA delivers water, is that correct?

Tonia Tabucchi Herrera: That is correct.

James Haufler: Okay, and it's my understanding that Nevada Irrigation District, at the present time, at least for the last few years, doesn't deliver any water via Auburn Ravine downstream from Hemphill dam. Is that correct?

Tonia Tabucchi Herrera: Yeah, Auburn Ravine Natural downstream of Hemphill. I don't know that.

Doug Roderick: I'm not aware of any but, we can we'll follow up and look into that and make sure we include that in the comments.

James Haufler: Yeah, so I'm pretty sure that it's entirely PCWA water anywhere west of Hemphill dam, downstream of Hemphill dam. That water that's delivered to farmers and ranchers down there

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comes from PCWA, And nothing on this discussion relates to PCWA changing their plans. They may have some plans to make some changes, but I sure haven't heard of them.

Tonia Tabucchi
Herrera:

Okay, thank you.

Tonia Tabucchi
Herrera:

Okay, from D. Moore.

Reading written
comments from
D. Moore

"You're missing speaking with the farmer. You can call Fowler Nursery and ask for D. Moore to discuss I would be more than happy to tell you about our less-than-significant operations."

Tonia Tabucchi
Herrera:

We will definitely contact you We're not trying to trivialize your operation at all. When we talk about, and perhaps the consultant can actually better address this, when we talk about constructing projects and the impacts to ,we're looking at the impacts of our construction, our project, to these particular checklist items through the IS, or through the Initial Study. It's not to say that your operation is less-than-significant. It's that our particular project would not have an effect, or less-than-significant effect, on that particular identified checklist item.

Mike Martin:

Right, that's that's absolutely correct. We are not saying the farm is less-than-significant, we're saying the project has a less-than-significant impact on agricultural land in the area basically. And as far as water is concerned, we do look at water supply, like Rick said, and how it will Affect any agricultural land that the wateris being supplied to currently. And if it does have an effect, that's going to be a water supply effect, not an agricultural effect.

Tonia Tabucchi
Herrera:

We have another Q & A comment from Laura Peters.

Reading
comments from
Laura Peters

"How will the pipeline alternative affect future groundwater replenishment as part of the west Placer GSA, /excuse me/ as a participant in the west Placer GSA.

That's something we can take a look at in the Draft EIR.

Mike Martin:

Groundwater recharge is looked at under hydrology. Which is a full section in the EIR, and we'll look at that as well as, not just stream flow, but also groundwater recharge, and the water supply area. We'll look at **green** groundwater use as well because if these Hemphill Canal users no longer get water from that, we have to determine where they're going to possibly get water from. And a lot of it could be from groundwater, so we'll look at that as well.

Tonia Tabucchi
Herrera:

Jim, you can go ahead and unmute yourself.

James Haufler:

Regarding the water diversion at Hemphill dam as it presently stands, that water flows into the Hemphill Canal, and serves various customers along that canal. Lincoln Crossing Community Association, a couple of golf courses, the Black Angus farmer out there by the casino, maybe some other folks I'm unaware of. Upstream from there, upstream from Hemphill dam is where Fowler Nursery is. So I would think that NID would still have the option to continue to send enough water down Auburn Ravine to where Fowler Nursery, right by Fowler Road, where they are, so they still could get their water is that correct?

Doug Roderick:

I don't know Jim, what the Fowler Nursery, where they receive the water,because there's also a canal that runs through portions of their property. So I can't specifically answer to that, as to

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where they get their water. But obviously that water that would be delivered to them, should they be taking it from Auburn Ravine, would be taken prior to the Hemphill Diversion, so I would assume that that water would continue to flow to them if they have some type of account in the ravine itself.

James Haufler: Thank you.

Doug Roderick:

Tonia Tabucchi
Herrera: I think we have a new attendee if you like to make a comment please use the raise your hand function or the "star 9"

Yes, so the presentation that we showed today is located on our website, under the Hemphill Diversion project in, the project documents. And that this meeting this meeting here will also be made available by the end of the day tomorrow. That would be under our Other Meeting section, in Meetings & Minutes.

Looks like we have another Q & A down there.

Tonia Tabucchi
Herrera:

From Tony Frayji

Reading
comment from
Tony Frayji

Hi, do you know if the raw water flow in the Hemphill Canal that goes through 193 and Village-one will be changed at all, or should we assume the same flow will continue after this is constructed?

Tonia Tabucchi
Herrera:

The Hemphill master plan flow, the Hemphill Canal master plan flow, will not change as a result of this project.

Doug Roderick:

I think he's talking about an alternative, so these alternatives, are they going to affect water service for our Hemphill Canal customers.

Tonia Tabucchi
Herrera:

If you're talking about alternative for the abandonment of the canal, it does have the potential to affect the customers. We have to investigate alternative ways to supply raw water to our customers.

Doug Roderick:

The other alternatives that are proposed would continue to make deliveries to our existing customers on the Hemphill Canal.

Tonia Tabucchi
Herrera:

Laura, can you unmute yourself please?

Laura Peters:

I just want to thank all of you for your diligence and persistence hard work. This is a good project. We gotta, we just have to get across the finish line, and so, I do appreciate your work and thank you for holding this meeting.

Tonia Tabucchi
Herrera:

Thank you. Thanks Laura.

Laura Peters:

I'm going to sign off now.

Tonia Tabucchi
Herrera:

Okay, thank you.

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Transcription**

Tonia Tabucchi
Herrera:

We have got about two minutes left, yeah we have about two minutes until six. Would you mind, Kris, putting the last page up. You can still submit comments with the scoping meeting through October 5th. Here's our contact information for any and all written comments.

Can you check to make sure nobody else is raising their hand please? Thank you.

We'll also be posting a summary of the comments and questions received on our website as well.

Alright, Thank you all for attending.

Scan - CF
NDP-15 public comment
7032



NATIVE AMERICAN HERITAGE COMMISSION

September 2, 2020

Tonia M. Tabucchi Herrera
Nevada Irrigation District
1036 Main Street
Grass Valley, CA 95945

Re: 2020090032, NID Hemphill Diversion Structure Project, Nevada County

Dear Ms. Tabucchi Hererra:

The Native American Heritage Commission (NAHC) has received the Notice of Preparation (NOP), Draft Environmental Impact Report (DEIR) or Early Consultation for the project referenced above. The California Environmental Quality Act (CEQA) (Pub. Resources Code §21000 et seq.), specifically Public Resources Code §21084.1, states that a project that may cause a substantial adverse change in the significance of a historical resource, is a project that may have a significant effect on the environment. (Pub. Resources Code § 21084.1; Cal. Code Regs., tit.14, § 15064.5 (b) (CEQA Guidelines § 15064.5 (b)). If there is substantial evidence, in light of the whole record before a lead agency, that a project may have a significant effect on the environment, an Environmental Impact Report (EIR) shall be prepared. (Pub. Resources Code §21080 (d); Cal. Code Regs., tit. 14, § 5064 subd.(a)(1) (CEQA Guidelines § 15064 (a)(1)). In order to determine whether a project will cause a substantial adverse change in the significance of a historical resource, a lead agency will need to determine whether there are historical resources within the area of potential effect (APE).

CEQA was amended significantly in 2014. Assembly Bill 52 (Gatto, Chapter 532, Statutes of 2014) (AB 52) amended CEQA to create a separate category of cultural resources, "tribal cultural resources" (Pub. Resources Code §21074) and provides that a project with an effect that may cause a substantial adverse change in the significance of a tribal cultural resource is a project that may have a significant effect on the environment. (Pub. Resources Code §21084.2). Public agencies shall, when feasible, avoid damaging effects to any tribal cultural resource. (Pub. Resources Code §21084.3 (a)). **AB 52 applies to any project for which a notice of preparation, a notice of negative declaration, or a mitigated negative declaration is filed on or after July 1, 2015.** If your project involves the adoption of or amendment to a general plan or a specific plan, or the designation or proposed designation of open space, on or after March 1, 2005, it may also be subject to Senate Bill 18 (Burton, Chapter 905, Statutes of 2004) (SB 18). **Both SB 18 and AB 52 have tribal consultation requirements.** If your project is also subject to the federal National Environmental Policy Act (42 U.S.C. § 4321 et seq.) (NEPA), the tribal consultation requirements of Section 106 of the National Historic Preservation Act of 1966 (154 U.S.C. 300101, 36 C.F.R. §800 et seq.) may also apply.

The NAHC recommends consultation with California Native American tribes that are traditionally and culturally affiliated with the geographic area of your proposed project as early as possible in order to avoid inadvertent discoveries of Native American human remains and best protect tribal cultural resources. Below is a brief summary of portions of AB 52 and SB 18 as well as the NAHC's recommendations for conducting cultural resources assessments.

Consult your legal counsel about compliance with AB 52 and SB 18 as well as compliance with any other applicable laws.

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Chumash

COMMISSIONER
[Vacant]

COMMISSIONER
[Vacant]

EXECUTIVE SECRETARY
Christina Snider
Pomo

NAHC HEADQUARTERS
1550 Harbor Boulevard
Suite 100
West Sacramento,
California 95691
(916) 373-3710
nahc@nahc.ca.gov
NAHC.ca.gov

AB 52 has added to CEQA the additional requirements listed below, along with many other requirements:

- 1. Fourteen Day Period to Provide Notice of Completion of an Application/Decision to Undertake a Project:** Within fourteen (14) days of determining that an application for a project is complete or of a decision by a public agency to undertake a project, a lead agency shall provide formal notification to a designated contact of, or tribal representative of, traditionally and culturally affiliated California Native American tribes that have requested notice, to be accomplished by at least one written notice that includes:

 - a. A brief description of the project.
 - b. The lead agency contact information.
 - c. Notification that the California Native American tribe has 30 days to request consultation. (Pub. Resources Code §21080.3.1 (d)).
 - d. A "California Native American tribe" is defined as a Native American tribe located in California that is on the contact list maintained by the NAHC for the purposes of Chapter 905 of Statutes of 2004 (SB 18). (Pub. Resources Code §21073).

- 2. Begin Consultation Within 30 Days of Receiving a Tribe's Request for Consultation and Before Releasing a Negative Declaration, Mitigated Negative Declaration, or Environmental Impact Report:** A lead agency shall begin the consultation process within 30 days of receiving a request for consultation from a California Native American tribe that is traditionally and culturally affiliated with the geographic area of the proposed project. (Pub. Resources Code §21080.3.1, subds. (d) and (e)) and prior to the release of a negative declaration, mitigated negative declaration or Environmental Impact Report. (Pub. Resources Code §21080.3.1(b)).

 - a. For purposes of AB 52, "consultation shall have the same meaning as provided in Gov. Code §65352.4 (SB 18). (Pub. Resources Code §21080.3.1 (b)).

- 3. Mandatory Topics of Consultation If Requested by a Tribe:** The following topics of consultation, if a tribe requests to discuss them, are mandatory topics of consultation:

 - a. Alternatives to the project.
 - b. Recommended mitigation measures.
 - c. Significant effects. (Pub. Resources Code §21080.3.2 (a)).

- 4. Discretionary Topics of Consultation:** The following topics are discretionary topics of consultation:

 - a. Type of environmental review necessary.
 - b. Significance of the tribal cultural resources.
 - c. Significance of the project's impacts on tribal cultural resources.
 - d. If necessary, project alternatives or appropriate measures for preservation or mitigation that the tribe may recommend to the lead agency. (Pub. Resources Code §21080.3.2 (a)).

- 5. Confidentiality of Information Submitted by a Tribe During the Environmental Review Process:** With some exceptions, any information, including but not limited to, the location, description, and use of tribal cultural resources submitted by a California Native American tribe during the environmental review process shall not be included in the environmental document or otherwise disclosed by the lead agency or any other public agency to the public, consistent with Government Code §6254 (r) and §6254.10. Any information submitted by a California Native American tribe during the consultation or environmental review process shall be published in a confidential appendix to the environmental document unless the tribe that provided the information consents, in writing, to the disclosure of some or all of the information to the public. (Pub. Resources Code §21082.3 (c)(1)).

- 6. Discussion of Impacts to Tribal Cultural Resources in the Environmental Document:** If a project may have a significant impact on a tribal cultural resource, the lead agency's environmental document shall discuss both of the following:

 - a. Whether the proposed project has a significant impact on an identified tribal cultural resource.
 - b. Whether feasible alternatives or mitigation measures, including those measures that may be agreed to pursuant to Public Resources Code §21082.3, subdivision (a), avoid or substantially lessen the impact on the identified tribal cultural resource. (Pub. Resources Code §21082.3 (b)).

- 7. Conclusion of Consultation:** Consultation with a tribe shall be considered concluded when either of the following occurs:
- a.** The parties agree to measures to mitigate or avoid a significant effect, if a significant effect exists, on a tribal cultural resource; or
 - b.** A party, acting in good faith and after reasonable effort, concludes that mutual agreement cannot be reached. (Pub. Resources Code §21080.3.2 (b)).
- 8. Recommending Mitigation Measures Agreed Upon in Consultation in the Environmental Document:** Any mitigation measures agreed upon in the consultation conducted pursuant to Public Resources Code §21080.3.2 shall be recommended for inclusion in the environmental document and in an adopted mitigation monitoring and reporting program, if determined to avoid or lessen the impact pursuant to Public Resources Code §21082.3, subdivision (b), paragraph 2, and shall be fully enforceable. (Pub. Resources Code §21082.3 (a)).
- 9. Required Consideration of Feasible Mitigation:** If mitigation measures recommended by the staff of the lead agency as a result of the consultation process are not included in the environmental document or if there are no agreed upon mitigation measures at the conclusion of consultation, or if consultation does not occur, and if substantial evidence demonstrates that a project will cause a significant effect to a tribal cultural resource, the lead agency shall consider feasible mitigation pursuant to Public Resources Code §21084.3 (b). (Pub. Resources Code §21082.3 (e)).
- 10. Examples of Mitigation Measures That, If Feasible, May Be Considered to Avoid or Minimize Significant Adverse Impacts to Tribal Cultural Resources:**
- a.** Avoidance and preservation of the resources in place, including, but not limited to:
 - i.** Planning and construction to avoid the resources and protect the cultural and natural context.
 - ii.** Planning greenspace, parks, or other open space, to incorporate the resources with culturally appropriate protection and management criteria.
 - b.** Treating the resource with culturally appropriate dignity, taking into account the tribal cultural values and meaning of the resource, including, but not limited to, the following:
 - i.** Protecting the cultural character and integrity of the resource.
 - ii.** Protecting the traditional use of the resource.
 - iii.** Protecting the confidentiality of the resource.
 - c.** Permanent conservation easements or other interests in real property, with culturally appropriate management criteria for the purposes of preserving or utilizing the resources or places.
 - d.** Protecting the resource. (Pub. Resource Code §21084.3 (b)).
 - e.** Please note that a federally recognized California Native American tribe or a non-federally recognized California Native American tribe that is on the contact list maintained by the NAHC to protect a California prehistoric, archaeological, cultural, spiritual, or ceremonial place may acquire and hold conservation easements if the conservation easement is voluntarily conveyed. (Civ. Code §815.3 (c)).
 - f.** Please note that it is the policy of the state that Native American remains and associated grave artifacts shall be repatriated. (Pub. Resources Code §5097.991).
- 11. Prerequisites for Certifying an Environmental Impact Report or Adopting a Mitigated Negative Declaration or Negative Declaration with a Significant Impact on an Identified Tribal Cultural Resource:** An Environmental Impact Report may not be certified, nor may a mitigated negative declaration or a negative declaration be adopted unless one of the following occurs:
- a.** The consultation process between the tribes and the lead agency has occurred as provided in Public Resources Code §21080.3.1 and §21080.3.2 and concluded pursuant to Public Resources Code §21080.3.2.
 - b.** The tribe that requested consultation failed to provide comments to the lead agency or otherwise failed to engage in the consultation process.
 - c.** The lead agency provided notice of the project to the tribe in compliance with Public Resources Code §21080.3.1 (d) and the tribe failed to request consultation within 30 days. (Pub. Resources Code §21082.3 (d)).

The NAHC's PowerPoint presentation titled, "Tribal Consultation Under AB 52: Requirements and Best Practices" may be found online at: http://nahc.ca.gov/wp-content/uploads/2015/10/AB52TribalConsultation_CalEPAPDF.pdf

SB 18

SB 18 applies to local governments and requires local governments to contact, provide notice to, refer plans to, and consult with tribes prior to the adoption or amendment of a general plan or a specific plan, or the designation of open space. (Gov. Code §65352.3). Local governments should consult the Governor's Office of Planning and Research's "Tribal Consultation Guidelines," which can be found online at: https://www.opr.ca.gov/docs/09_14_05_Updated_Guidelines_922.pdf.

Some of SB 18's provisions include:

1. **Tribal Consultation:** If a local government considers a proposal to adopt or amend a general plan or a specific plan, or to designate open space it is required to contact the appropriate tribes identified by the NAHC by requesting a "Tribal Consultation List." If a tribe, once contacted, requests consultation the local government must consult with the tribe on the plan proposal. **A tribe has 90 days from the date of receipt of notification to request consultation unless a shorter timeframe has been agreed to by the tribe.** (Gov. Code §65352.3 (a)(2)).
2. **No Statutory Time Limit on SB 18 Tribal Consultation.** There is no statutory time limit on SB 18 tribal consultation.
3. **Confidentiality:** Consistent with the guidelines developed and adopted by the Office of Planning and Research pursuant to Gov. Code §65040.2, the city or county shall protect the confidentiality of the information concerning the specific identity, location, character, and use of places, features and objects described in Public Resources Code §5097.9 and §5097.993 that are within the city's or county's jurisdiction. (Gov. Code §65352.3 (b)).
4. **Conclusion of SB 18 Tribal Consultation:** Consultation should be concluded at the point in which:
 - a. The parties to the consultation come to a mutual agreement concerning the appropriate measures for preservation or mitigation; or
 - b. Either the local government or the tribe, acting in good faith and after reasonable effort, concludes that mutual agreement cannot be reached concerning the appropriate measures of preservation or mitigation. (Tribal Consultation Guidelines, Governor's Office of Planning and Research (2005) at p. 18).

Agencies should be aware that neither AB 52 nor SB 18 precludes agencies from initiating tribal consultation with tribes that are traditionally and culturally affiliated with their jurisdictions before the timeframes provided in AB 52 and SB 18. For that reason, we urge you to continue to request Native American Tribal Contact Lists and "Sacred Lands File" searches from the NAHC. The request forms can be found online at: <http://nahc.ca.gov/resources/forms/>.

NAHC Recommendations for Cultural Resources Assessments

To adequately assess the existence and significance of tribal cultural resources and plan for avoidance, preservation in place, or barring both, mitigation of project-related impacts to tribal cultural resources, the NAHC recommends the following actions:

1. Contact the appropriate regional California Historical Research Information System (CHRIS) Center (http://ohp.parks.ca.gov/?page_id=1068) for an archaeological records search. The records search will determine:
 - a. If part or all of the APE has been previously surveyed for cultural resources.
 - b. If any known cultural resources have already been recorded on or adjacent to the APE.
 - c. If the probability is low, moderate, or high that cultural resources are located in the APE.
 - d. If a survey is required to determine whether previously unrecorded cultural resources are present.
2. If an archaeological inventory survey is required, the final stage is the preparation of a professional report detailing the findings and recommendations of the records search and field survey.
 - a. The final report containing site forms, site significance, and mitigation measures should be submitted immediately to the planning department. All information regarding site locations, Native American human remains, and associated funerary objects should be in a separate confidential addendum and not be made available for public disclosure.
 - b. The final written report should be submitted within 3 months after work has been completed to the appropriate regional CHRIS center.

3. Contact the NAHC for:
 - a. A Sacred Lands File search. Remember that tribes do not always record their sacred sites in the Sacred Lands File, nor are they required to do so. A Sacred Lands File search is not a substitute for consultation with tribes that are traditionally and culturally affiliated with the geographic area of the project's APE.
 - b. A Native American Tribal Consultation List of appropriate tribes for consultation concerning the project site and to assist in planning for avoidance, preservation in place, or, failing both, mitigation measures.

4. Remember that the lack of surface evidence of archaeological resources (including tribal cultural resources) does not preclude their subsurface existence.
 - a. Lead agencies should include in their mitigation and monitoring reporting program plan provisions for the identification and evaluation of inadvertently discovered archaeological resources per Cal. Code Regs., tit. 14, § 15064.5(f) (CEQA Guidelines § 15064.5(f)). In areas of identified archaeological sensitivity, a certified archaeologist and a culturally affiliated Native American with knowledge of cultural resources should monitor all ground-disturbing activities.
 - b. Lead agencies should include in their mitigation and monitoring reporting program plans provisions for the disposition of recovered cultural items that are not burial associated in consultation with culturally affiliated Native Americans.
 - c. Lead agencies should include in their mitigation and monitoring reporting program plans provisions for the treatment and disposition of inadvertently discovered Native American human remains. Health and Safety Code § 7050.5, Public Resources Code § 5097.98, and Cal. Code Regs., tit. 14, § 15064.5, subdivisions (d) and (e) (CEQA Guidelines § 15064.5, subds. (d) and (e)) address the processes to be followed in the event of an inadvertent discovery of any Native American human remains and associated grave goods in a location other than a dedicated cemetery.

If you have any questions or need additional information, please contact me at my email address: Nancy.Gonzalez-Lopez@nahc.ca.gov.

Sincerely,



Nancy Gonzalez-Lopez
Cultural Resources Analyst

cc: State Clearinghouse

STATE CLEARINGHOUSE
RECEIVED

NEVADA IRRIGATION DISTRICT
ENGINEERING

SEP 10 2020

RECEIVED

From: James Haufler [REDACTED]

Sent: Sunday, September 13, 2020 4:17 PM

To: Ricki Heck <division1@nidwater.com>; Chris Bierwagen <division2@nidwater.com>; Scott Miller <division3@nidwater.com>; Laura Peters <division4@nidwater.com>; Nick Wilcox <division5@nidwater.com>; Greg Jones <jonesg@nidwater.com>; Doug Roderick <roderick@nidwater.com>

Cc: Brad Cavallo <bcavallo@fishsciences.net>; Heath Wakelee [REDACTED]; Steve Hubbard [REDACTED]

Subject: Hemphill Dam - Note from Friends of Auburn Ravine

CAUTION: This email originated from outside your organization. Exercise caution when opening attachments or on clicking links from unknown senders.

Ms. Heck, Mr. Bierwagen; Mr. Miller, Ms. Peters, Mr. Wilcox, Mr. Jones, Mr. Roderick:

The Board of Directors of Friends of Auburn Ravine believes that the following goals should be addressed as part of the effort to improve the Hemphill water diversion facility:

1. Provide for continued delivery of untreated water to NID's customers that are presently served by the Hemphill canal, including some capacity to increase delivery of untreated water in the area served by the canal, if needed.
2. Minimize the risk of unplanned interruptions of water delivery to NID's customers.
3. Minimize the potential for increased expenses for NID's customers.
4. Avoid unnecessary negative impacts to NID's financial position.
5. Provide for unimpeded upstream and downstream passage of adult and juvenile salmonids, including Central Valley steelhead and Chinook salmon.
6. Provide for unimpeded upstream and downstream passage of Pacific Lamprey.
7. Prevent entrainment of juvenile salmonids into the Hemphill diversion, or other diversions impacted by any design alternative.
8. Avoid adverse impacts on other important aspects and functions related to the Auburn Ravine watershed and in-stream flows.
9. Conform to relevant state and federal regulatory requirements and

guidelines.

10. Complete the project by mid-October 2022.

Thank you,

Jim

James Haufler – President
Friends of Auburn Ravine



Web site: www.auburnravine.org

9/17/20

DEAR TONIA:

This is a copy of a letter sent to N.I.D. Board members, the Acting General Manager, & Chief Engineer.

A fellow board member of S.A.R.S.A.S recommended that I forward a copy to you for your consideration

Respectfully yours,
Tom Beattie
SAR SAS Board member



Learn more about the Lakota (Sioux) culture at stjo.org/culture.

NEVADA IRRIGATION DISTRICT
ENGINEERING

SEP 30 2020

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SARSAS (Save Auburn Ravine Salmon and Steelhead) Inc.

Mission Statement: to return salmon and steelhead to the entire length of the Auburn Ravine

www.sarsas.org

August 6, 2020

Nevada Irrigation District Business Center
1036 West Main Street
Grass Valley, California 95945

Re: Fish Passage at the Hemphill Dam

Dear Board Member:

With the recent settlement of the Water Audit law suit and the acquisition of new general manager, the District now has the opportunity to re-examine a resolution to the perennial problem of fish passage at the Hemphill dam.

Several years ago the District in collaboration with various governmental agencies succeeded in installing a model construction for fish passage at the Lincoln Gauging Station. We submit that the District might now review its success with the L.G.S. in light of alternatives which would be both economical and effective in facilitating fish passage at the Hemphill dam. Current Hemphill construction projects under consideration by the District may or may not meet this two fold test.

Of equal concern are the provisions of the stipulation which concluded Water Audit's recent law suit with the District. As you know, the stipulation requires the District to employ its best efforts to accomplish various tasks within specified deadlines. It must: (1) issue a draft CEQA by April of 2021 (just nine months from now); (2) certify an EIR and adopt a project by fall of 2021; and (3) award a construction project within 10 months of adopting a project. Coincidentally, the stipulation's "best efforts" requirement corresponds with the provisions of section 12025.1 of the Fish and Game Code which imposes a daily fine of \$8,000 for the bad faith violation of section 5901, which in turn prohibits the maintenance of obstructions to fish passage. There appears to be no dispute that Hemphill's obstruction to fish passage constitutes an ongoing and daily violation of section 5901.

Section 12025.1 notwithstanding, time is of the essence. By the Water Audit stipulation, the District has agreed to a series of time constraints designed to alleviate the obstruction to salmon and steelhead migration over the Hemphill dam. The District's timely, economical, and effective resolution of the fish passage problem at Hemphill is therefore paramount.

To promote the resolution of this longstanding problem, the undersigned submits that the District should resume T.A.C. (Technical Advisory Committee) meetings on a regular basis. The conduct of T.A.C. meetings, which was a requirement of the grant received by N.I.D. in December 2016, provides useful

Jack L. Sanchez Volunteer Coordinator P.O. Box 4269 Auburn, CA 95604 530-888-0281



SARSAS (Save Auburn Ravine Salmon and Steelhead) Inc.

Mission Statement: to return salmon and steelhead to the entire length of the Auburn Ravine

www.sarsas.org

information and insights by citizen groups and private individuals concerned with the obstruction to fish migration at the Hemphill dam.

Given the decrease of salmon and steelhead populations in recent years, the impediments to fish habitats such as the Hemphill dam must be addressed in a timely and effective manner. Presently, Hemphill dam blocks fish passage to upstream stretches of the Auburn Ravine which are critical to fish reproduction. We believe that the District wants to resolve the Hemphill dam issue as much as we do. That being the case, now is the time to reflect once again on the historical success of the L.G.S. and to devise a timely solution which is reliable, economical, effective, and maintainable.

Respectfully yours,

15/

Thomas Beattie, SARSAS Board Member, by and for the SARSAS Board

cc. Greg Jones, Acting General Manager
Doug Roderick, Chief Engineer

Scott Johnson
Registered Piano Technician



REGISTERED PIANO TECHNICIAN

September 23, 2020

Regarding: "Hemphill Diversion Structure Project"

To the attention of:

Kris Stepanian, Board Secretary, at Nevada Irrigation District
1036 W Main Street, Grass Valley, CA 95945
stepianiak@nidwater.com

I urge the NID Board of Directors to adopt the Fish Passage Alternative 2, including an in-stream "riffle and pool" system similar to what was done at the Lincoln Gauging Station in 2012 combined with a self-cleaning conical screen at the intake to the Hemphill canal."

Sincerely

Scott Johnson

Member of and volunteer newsletter editor for Save Auburn Ravine Salmon and Steelhead



Natural Resources Agency
DEPARTMENT OF FISH AND WILDLIFE
North Central Region
1701 Nimbus Road, Suite A
Rancho Cordova, CA 95670-4599
916-358-2900
www.wildlife.ca.gov

GAVIN NEWSOM, Governor
CHARLTON H. BONHAM, Director



October 1, 2020

Tonia M. Tabucchi Herrera
Senior Engineer
Nevada Irrigation District
1036 West Main Street
Grass Valley, CA 95945
herrera@nidwater.com

Subject: Hemphill Diversion Structure Project
Notice of Preparation
SCH# 2020090032

Dear Ms. Tabucchi Herrera:

The California Department of Fish and Wildlife (CDFW) received and reviewed the Notice of Preparation (NOP) of an Environmental Impact Report (EIR) from Nevada Irrigation District (NID) for the Hemphill Diversion Structure Project (Project) in Placer County pursuant the California Environmental Quality Act (CEQA) statute and guidelines.¹

Thank you for the opportunity to provide comments and recommendations regarding those activities involved in the Project that may affect California fish, wildlife, plants, and their habitats. Likewise, we appreciate the opportunity to provide comments regarding those aspects of the Project that CDFW, by law, may need to exercise its own regulatory authority under the Fish and Game Code (Fish & G. Code).

CDFW ROLE

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

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

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

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

PROJECT DESCRIPTION SUMMARY

The Hemphill Diversion Structure is located on Auburn Ravine northeast of the City of Lincoln, California. The structure diverts water from Auburn Ravine into the Hemphill Canal located south of the ravine for delivery to NID raw water customers. The structure is located at latitude 38.896731° and longitude -121.251885°.

NID proposes to remove or replace the existing diversion structure to allow for anadromous fish passage upstream within Auburn Ravine. The proposed Project includes four potential alternatives that will be analyzed in the EIR including: 1) Riverbank Infiltration Gallery Alternative, 2) Fish Passage Alternative, 3) Pipeline Alternative, and 4) Abandonment of Hemphill Canal Alternative. These alternatives vary as far as construction attributes and areas of potential disturbance. It is intended by NID that all these alternatives are designed to allow for fish passage beyond the Hemphill Diversion Structure.

The Project description in the EIR should include the whole action as defined in the CEQA Guidelines § 15378 and should include appropriate detailed exhibits disclosing the Project area including temporary impacted areas such as equipment stage area, spoils areas, adjacent infrastructure development, staging areas and access and haul roads if applicable.

As required by § 15126.6 of the CEQA Guidelines, the EIR should include an appropriate range of reasonable and feasible alternatives that would attain most of the basic Project objectives and avoid or minimize significant impacts to resources under CDFW's jurisdiction.

COMMENTS AND RECOMMENDATIONS

During 2017 NID was awarded a Proposition 1 Watershed Restoration Grant for Phase 2 of the Hemphill Diversion Assessment. CDFW staff participated in a technical advisory committee (TAC) alternative development process associated with this grant and submitted comments to NID for consideration. Some of the comments below reflect

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those interactions with NID staff during the TAC meetings for the purpose of compiling a complete alternatives analysis in the EIR.

CDFW offers the comments and recommendations presented below to assist NID in adequately identifying and/or mitigating the Project's significant, or potentially significant, impacts on biological resources. The comments and recommendations are also offered to enable CDFW to adequately review and comment on the proposed Project with respect to impacts on biological resources. CDFW recommends that the forthcoming EIR address the following:

Assessment of Biological Resources

Section 15125(c) of the CEQA Guidelines states that knowledge of the regional setting of a project is critical to the assessment of environmental impacts and that special emphasis should be placed on environmental resources that are rare or unique to the region. To enable CDFW staff to adequately review and comment on the Project, the EIR should include a complete assessment of the flora and fauna within and adjacent to the Project footprint, with emphasis on identifying rare, threatened, endangered, and other sensitive species and their associated habitats. CDFW recommends that the EIR specifically include:

1. An assessment of all habitat types located within the Project footprint, and a map that identifies the location of each habitat type. CDFW recommends that floristic, alliance- and/or association-based mapping and assessment be completed following *The Manual of California Vegetation*, second edition (Sawyer et al. 2009). Adjoining habitat areas should also be included in this assessment where site activities could lead to direct or indirect impacts offsite. Habitat mapping at the alliance level will help establish baseline vegetation conditions.
2. A general biological inventory of the fish, amphibian, reptile, bird, and mammal species that are present or have the potential to be present within each habitat type onsite and within adjacent areas that could be affected by the Project. CDFW recommends that the California Natural Diversity Database (CNDDDB), as well as previous studies performed in the area, be consulted to assess the potential presence of sensitive species and habitats. A nine United States Geologic Survey (USGS) 7.5-minute quadrangle search is recommended to determine what may occur in the region, larger if the Project area extends past one quad (see *Data Use Guidelines* on the Department webpage www.wildlife.ca.gov/Data/CNDDDB/Maps-and-Data). Please review the webpage for information on how to access the database to obtain current information on any previously reported sensitive species and habitat in the vicinity of the Project. CDFW recommends that CNDDDB Field Survey Forms be completed and submitted to CNDDDB to document survey results. Online forms can be obtained and submitted at: <https://www.wildlife.ca.gov/Data/CNDDDB/Submitting-Data>.

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Please note that CDFW's CNDDDB is not exhaustive in terms of the data it houses, nor is it a substitute for site-specific species surveys. CDFW recommends that it be used as a starting point in gathering information about the *potential presence* of species within the general area of the Project site. Other sources for identification of species and habitats near or adjacent to the Project area should include, but may not be limited to, State and federal resource agency lists, California Wildlife Habitat Relationship (CWHR) System, California Native Plant Society (CNPS) Inventory, agency contacts, environmental documents for other projects in the vicinity, academics, and professional or scientific organizations.

3. A complete, recent inventory of rare, threatened, endangered, and other sensitive species located within the Project footprint and within offsite areas with the potential to be affected, including California Species of Special Concern and California Fully Protected Species (Fish & G. Code § 3511). Species to be addressed should include all those which meet the CEQA definition (CEQA Guidelines § 15380). The inventory should address seasonal variations in use of the Project area and should not be limited to resident species. The EIR should include the results of focused species-specific surveys, completed by a qualified biologist, and conducted at the appropriate time of year and time of day when the sensitive species are active or otherwise identifiable. Species-specific surveys should be conducted in order to ascertain the presence of species with the potential to be directly, indirectly, on or within a reasonable distance of the Project activities. CDFW recommends the lead agency rely on survey and monitoring protocols and guidelines available at: www.wildlife.ca.gov/Conservation/Survey-Protocols. Alternative survey protocols may be warranted; justification should be provided to substantiate why an alternative protocol is necessary. Acceptable species-specific survey procedures should be developed in consultation with CDFW and the U.S. Fish and Wildlife Service, where necessary. Some aspects of the Project may warrant periodic updated surveys for certain sensitive taxa, particularly if the Project is proposed to occur over a protracted time frame, or in phases, or if surveys are completed during periods of drought or deluge.
4. A thorough, recent (within the last two years), floristic-based assessment of special-status plants and natural communities, following CDFW's *Protocols for Surveying and Evaluating Impacts to Special Status Native Plant Populations and Natural Communities* (see www.wildlife.ca.gov/Conservation/Plants).
5. Information on the regional setting that is critical to an assessment of environmental impacts, with special emphasis on resources that are rare or unique to the region (CEQA Guidelines § 15125[c]).

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Analysis of Direct, Indirect, and Cumulative Impacts to Biological Resources

The EIR should provide a thorough discussion of the Project's potential direct, indirect, and cumulative impacts on biological resources. To ensure that Project impacts on biological resources are fully analyzed, the following information should be included in the EIR:

1. The EIR should define the threshold of significance for each impact and describe the criteria used to determine whether the impacts are significant (CEQA Guidelines, § 15064, subd. (f)). The EIR must demonstrate that the significant environmental impacts of the Project were adequately investigated and discussed and it must permit the significant effects of the Project to be considered in the full environmental context.
2. A discussion of potential impacts from lighting, noise, human activity, and wildlife-human interactions created by Project activities especially those adjacent to natural areas, exotic and/or invasive species occurrences, and drainages. The EIR should address Project-related changes to drainage patterns and water quality within, upstream, and downstream of the Project site, including: volume, velocity, and frequency of existing and post-Project surface flows; polluted runoff; soil erosion and/or sedimentation in streams and water bodies; and post-Project fate of runoff from the Project site.
3. A discussion of potential indirect Project impacts on biological resources, including resources in areas adjacent to the Project footprint, such as nearby public lands (e.g. National Forests, State Parks, etc.), open space, adjacent natural habitats, riparian ecosystems, wildlife corridors, and any designated and/or proposed reserve or mitigation lands (e.g., preserved lands associated with a Conservation or Recovery Plan, or other conserved lands).
4. A cumulative effects analysis developed as described under CEQA Guidelines section 15130. The EIR should discuss the Project's cumulative impacts to natural resources and determine if that contribution would result in a significant impact. The EIR should include a list of present, past, and probable future projects producing related impacts to biological resources or shall include a summary of the projections contained in an adopted local, regional, or statewide plan, that consider conditions contributing to a cumulative effect. The cumulative analysis shall include impact analysis of vegetation and habitat reductions within the area and their potential cumulative effects. Please include all potential direct and indirect Project-related impacts to riparian areas, wetlands, wildlife corridors or wildlife movement areas, aquatic habitats, sensitive species and/or special-status species, open space, and adjacent natural habitats in the cumulative effects analysis.

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Project Alternatives

Alternative 1 – Riverbank Infiltration Gallery Alternative

Alternative 1 proposes a subsurface streambed/bank infiltration gallery and removal of the existing diversion structure. CDFW recommends that the EIR utilize the results of the October 2018 Geotechnical Engineering and Hydraulics Report for the Hemphill Diversion Structure and May 2020 Auburn Ravine-Hemphill Diversion Assessment Sediment Transport Study to determine the amount of sedimentation or scour that could be expected to affect the infiltration gallery site. Although the proposed design of the infiltration gallery depicted in the NOP contemplates a back-flushing system, the EIR should also analyze whether the amount of sedimentation could be effectively and consistently cleared using these design components. The EIR should also discuss whether materials used to construct the infiltration gallery have a likelihood of scour during high flow events and could cause additional erosion or downcutting of the stream at this location.

The CDFW fish screen criteria that are included in Appendix S of the California Salmonid Stream Restoration Manual (document can be found at <https://nrm.dfg.ca.gov/FileHandler.ashx?DocumentID=22610&inline>) do not cover infiltration galleries or experimental technology. For this reason, CDFW recommends that the following National Oceanic and Atmospheric Administration Fisheries' (NOAA Fisheries) Salmonid Passage Design (document can be found at <https://www.fisheries.noaa.gov/resource/document/anadromous-salmonid-passage-facility-design>) criteria for siting of infiltration galleries be considered when analyzing the current project proposal in Alternative 1.

CDFW recommends that the EIR include a discussion of the monitoring and maintenance activities that would be implemented post-construction to determine consistency with NOAA's infiltration gallery siting criteria, as well as the long-term monitoring and maintenance necessary to maintain pumping and fish protection functionality.

Alternative 2 – Fish Passage Alternative

Alternative 2 proposes the installation of a fish ladder at the existing dam/diversion structure site. The NOP states that this alternative could require modification or replacement of the existing diversion structure to construct a viable fish ladder as proposed in this alternative. CDFW recommends that the EIR include analysis of whether existing bypass flows would be sufficient to provide for safe and timely adult upstream fish passage in both sections of the two-stage ladder throughout the salmonid migration period. CDFW recommends that the EIR also analyze inclusion of a fish

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screen at the diversion as a part of this alternative to minimize the entrainment risk to juvenile salmonids and resident fish species.

Alternative 3 – Pipeline Alternative

Alternative 3 proposes to remove the existing diversion structure, decommission Hemphill Canal, and construct a 24-inch pipeline from NID's Placer Yard on Gold Hill Road to the Hemphill Canal. The canal is currently master planned for 18 cubic feet per second (cfs) with six existing service boxes on the canal that have a peak summer delivery of 12 cfs. Salmonid surveys and monitoring conducted in recent years have indicated that western Placer County streams, including Auburn Ravine, support in-river life stages (spawning and rearing) of naturally reproducing salmonids that contribute toward species recovery in the Central Valley (Maslin et. al, 1998; Titus 2003, 2013; and Healey 2014). This alternative could reduce the flows in Auburn Ravine by up to 12 cfs downstream from the Gold Hill diversion during the irrigation season. CDFW recommends that the EIR analyze the impacts to juvenile salmonids and resident fish populations due to the reduction in flows within Auburn Ravine (i.e. warmer water temperatures and less available habitat) associated with this alternative. Additionally, CDFW recommends that the proposed alternative considers the inclusion of a fish screen at the Gold Hill diversion to minimize the entrainment risk to resident fish species associated with the Project alternative.

Alternative 4 – Abandonment of Hemphill Canal Alternative

Alternative 4 proposes to remove the existing diversion structure and decommission Hemphill Canal, requiring the individual property owners to operate and maintain smaller diversion pump systems. Unscreened irrigation diversions have long been identified as having potential for causing harm to resident and migratory fish, mainly through entrainment (Poletto, et al. 2015). If Alternative 4 includes or would result in the installation of multiple unscreened diversions, CDFW recommends that the EIR analyze the impacts of unscreened diversions to adult and juvenile salmonids and resident fish species, including entrainment. Additionally, CDFW encourages the consolidation of diversions to reduce the potential impacts on adult and juvenile salmonids and other resident fish species.

Other Alternatives not Described in the NOP

The EIR should describe the rationale for selecting the alternatives to be discussed. The EIR should also identify any alternatives that were considered by the lead agency but were rejected as infeasible during the scoping process and the reasons underlying that determination (CEQA Guidelines, § 15126.6, subd. (c)). Other dam removal and fish screening alternatives were considered by NID during the 2018/2019 TAC process. One alternative discussed at the August 13, 2019, TAC meeting was dam removal and site grade restoration through a nature-like fishway or series of concrete weirs (similar to the Highway 65 gaging station ladder) coupled with the installation of conical fish screens at the diversion point to Hemphill Canal. Accordingly, CDFW recommends that NID consider Project alternatives in the EIR that include traditional fish screening practices

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at the existing diversion structure location that could feasibly accomplish most of the basic objectives of the Project and could avoid or substantially lessen one or more of the significant effects. If these alternatives were rejected as infeasible the EIR should describe the rationale for that determination.

Placer County Conservation Program

The Placer County Conservation Program (PCCP) was approved by the Placer County Board of Supervisors on September 1, 2020, and the South Placer Regional Transportation Authority Board of Directors on September 23, 2020. It is anticipated that the PCCP will be approved by the remaining PCCP Permittees with subsequent permits/approvals issued by the associated state/federal regulatory agencies during fall of 2020. The PCCP comprises three planning documents published by Placer County: the Western Placer County Habitat Conservation Plan and Natural Community Conservation Plan (HCP/NCCP), the Western Placer County Aquatic Resources Program, and the Western Placer County In-Lieu Fee Program.

CEQA Guidelines section 15125(d) states that EIRs must discuss any inconsistencies between projects and applicable plans (including habitat conservation plans/natural community conservation plans). Because the PCCP is close to being implemented, CDFW recommends that the EIR include a discussion of each Project alternative's consistency with the PCCP and how NID will ensure that implementation of the Project alternatives do not impede the PCCP's ability to meet its biological goals and objectives.

The HCP/NCCP Conservation Strategy identifies the need to form private partnerships to remove high-priority fish passage barriers identified within the Plan Area, including Hemphill Dam (see HCP/NCCP Section 5.3.2.3.3, CM2 RAR-2, *Removal and/or Modification of Barriers to Fish Passage*). The CDFW recommends that the EIR evaluate the various Project alternatives' potential to form a partnership with the Placer County Authority (PCA) to implement the barrier modification/removal as a Covered Activity under the HCP/NCCP. If the proposed Project were able to proceed as a Covered Activity under the HCP/NCCP in partnership with the PCA, the Project would benefit from obtaining take coverage for applicable state/federally protected species as well as streamlined/programmatic permitting for impacts to state and federally protected aquatic resources. The final PCCP documents can be found at: www.placer.ca.gov/3362/Placer-County-Conservation-Program.

Mitigation Measures for Project Impacts to Biological Resources

The EIR should include appropriate and adequate avoidance, minimization, and/or mitigation measures for all direct, indirect, and cumulative impacts that are expected to occur as a result of the construction and long-term operation and maintenance of the Project. CDFW also recommends that the environmental documentation provide scientifically supported discussion regarding adequate avoidance, minimization, and/or mitigation measures to address the Project's significant impacts upon fish and wildlife and their habitat. For individual projects, mitigation must be roughly proportional to the level of impacts, including cumulative impacts, in accordance with the provisions of

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CEQA (Guidelines § § 15126.4(a)(4)(B), 15064, 15065, and 16355). In order for mitigation measures to be effective, they must be specific, enforceable, and feasible actions that will improve environmental conditions. When proposing measures to avoid, minimize, or mitigate impacts, CDFW recommends consideration of the following:

1. *Fully Protected Species*: Fully Protected Species (Fish & G. Code sections 3511, 4700, 5050, and 5515) have the potential to occur within or adjacent to the Project area. Fully protected species may not be taken or possessed at any time. Project activities described in the EIR should be designed to completely avoid any fully protected species that have the potential to be present within or adjacent to the Project area. CDFW also recommends that the EIR fully analyze potential adverse impacts to fully protected species due to habitat modification, loss of foraging habitat, and/or interruption of migratory and breeding behaviors. CDFW recommends that the Lead Agency include in the analysis how appropriate avoidance, minimization and mitigation measures will reduce indirect impacts to fully protected species.
2. *Sensitive Plant Communities*: CDFW considers sensitive plant communities to be imperiled habitats having both local and regional significance. Plant communities, alliances, and associations with a statewide ranking of S-1, S-2, S-3, and S-4 should be considered sensitive and declining at the local and regional level. These ranks can be obtained by querying the CNDDDB and are included in *The Manual of California Vegetation* (Sawyer et al. 2009). The EIR should include measures to fully avoid and otherwise protect sensitive plant communities from Project-related direct and indirect impacts.
3. *Mitigation*: CDFW considers adverse Project-related impacts to sensitive species and habitats to be significant to both local and regional ecosystems, and the EIR should include mitigation measures for adverse Project-related impacts to these resources. Mitigation measures should emphasize avoidance and reduction of Project impacts. For unavoidable impacts, onsite habitat restoration and/or enhancement should be evaluated and discussed in detail. If onsite mitigation is not feasible or would not be biologically viable and therefore not adequately mitigate the loss of biological functions and values, offsite mitigation through habitat creation and/or acquisition and preservation in perpetuity should be addressed.

The EIR should include measures to perpetually protect the targeted habitat values within mitigation areas from direct and indirect adverse impacts in order to meet mitigation objectives to offset Project-induced qualitative and quantitative losses of biological values. Specific issues that should be addressed include restrictions on access, proposed land dedications, long-term monitoring and management programs, control of illegal dumping, water pollution, increased human intrusion, etc.

Nevada Irrigation District

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4. *Habitat Revegetation/Restoration Plans*: Plans for restoration and revegetation should be prepared by persons with expertise in the regional ecosystems and native plant restoration techniques. Plans should identify the assumptions used to develop the proposed restoration strategy. Each plan should include, at a minimum: (a) the location of restoration sites and assessment of appropriate reference sites; (b) the plant species to be used, sources of local propagules, container sizes, and seeding rates; (c) a schematic depicting the mitigation area; (d) a local seed and cuttings and planting schedule; (e) a description of the irrigation methodology; (f) measures to control exotic vegetation on site; (g) specific success criteria; (h) a detailed monitoring program; (i) contingency measures should the success criteria not be met; and (j) identification of the party responsible for meeting the success criteria and providing for conservation of the mitigation site in perpetuity. Monitoring of restoration areas should extend across a sufficient time frame to ensure that the new habitat is established, self-sustaining, and capable of surviving drought.

CDFW recommends that local onsite propagules from the Project area and nearby vicinity be collected and used for restoration purposes. Onsite seed collection should be initiated in the near future in order to accumulate sufficient propagule material for subsequent use in future years. Onsite vegetation mapping at the alliance and/or association level should be used to develop appropriate restoration goals and local plant palettes. Reference areas should be identified to help guide restoration efforts. Specific restoration plans should be developed for various Project components as appropriate. Restoration objectives should include protecting special habitat elements or re-creating them in areas affected by the Project. Examples may include retention of woody material, logs, snags, rocks, and brush piles. Fish and Game Code sections 1002, 1002.5 and 1003 authorize CDFW to issue permits for the take or possession of plants and wildlife for scientific, educational, and propagation purposes. Please see our website for more information on Scientific Collecting Permits at www.wildlife.ca.gov/Licensing/Scientific-Collecting#53949678-regulations-.

5. *Nesting Birds*: Please note that it is the Project proponent's responsibility to comply with all applicable laws related to nesting birds and birds of prey. Migratory non-game native bird species are protected by international treaty under the federal Migratory Bird Treaty Act (MBTA) of 1918, as amended (16 U.S.C. 703 *et seq.*). CDFW implemented the MBTA by adopting the Fish and Game Code section 3513. Fish and Game Code sections 3503, 3503.5 and 3800 provide additional protection to nongame birds, birds of prey, their nests and eggs. Sections 3503, 3503.5, and 3513 of the Fish and Game Code afford protective measures as follows: section 3503 states that it is unlawful to take, possess, or needlessly destroy the nest or eggs of any bird, except as otherwise provided by the Fish and Game Code or any regulation made pursuant thereto; section 3503.5 states that it is unlawful to take, possess, or destroy any birds in the orders Falconiformes or Strigiformes (birds-of-prey) or to take, possess, or destroy the nest or eggs of any such bird except as otherwise provided by the

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Fish and Game Code or any regulation adopted pursuant thereto; and section 3513 states that it is unlawful to take or possess any migratory nongame bird as designated in the MBTA or any part of such migratory nongame bird except as provided by rules and regulations adopted by the Secretary of the Interior under provisions of the MBTA.

Potential habitat for nesting birds and birds of prey is present within the Project area. The EIR should disclose all potential activities that may incur a direct or indirect take to nongame nesting birds within the Project footprint and its vicinity. Appropriate avoidance, minimization, and/or mitigation measures to avoid take must be included in the EIR.

CDFW recommends that the EIR include specific avoidance and minimization measures to ensure that impacts to nesting birds do not occur. Project-specific avoidance and minimization measures may include, but not be limited to: Project phasing and timing, monitoring of Project-related noise (where applicable), sound walls, and buffers, where appropriate. The EIR should also include specific avoidance and minimization measures that will be implemented should a nest be located within the Project site. If pre-construction surveys are proposed in the EIR, CDFW recommends that they be required no more than three (3) days prior to vegetation clearing or ground disturbance activities, as instances of nesting could be missed if surveys are conducted earlier.

6. *Moving out of Harm's Way*: The Project is anticipated to result in the clearing of natural habitats that support native species. To avoid direct mortality, the lead agency may condition the EIR to require that a qualified biologist with the proper permits be retained to be onsite prior to and during all ground- and habitat-disturbing activities. The qualified biologist with the proper permits may move out of harm's way special-status species or other wildlife of low or limited mobility that would otherwise be injured or killed from Project-related activities. Movement of wildlife out of harm's way should be limited to only those individuals that would otherwise be injured or killed, and individuals should be moved only as far as necessary to ensure their safety (i.e., CDFW does not recommend relocation to other areas). It should be noted that the temporary relocation of onsite wildlife does not constitute effective mitigation for habitat loss.
7. *Translocation of Species*: CDFW generally does not support the use of relocation, salvage, and/or transplantation as the sole mitigation for impacts to rare, threatened, or endangered species as these efforts are generally experimental in nature and largely unsuccessful.

The EIR should incorporate mitigation performance standards that would ensure that impacts are reduced to a less-than-significant level. Mitigation measures proposed in the EIR should be made a condition of approval of the Project. Please note that obtaining a permit from CDFW by itself with no other mitigation proposal may constitute mitigation deferral. To avoid deferring mitigation in this way, the EIR should describe

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avoidance, minimization and mitigation measures that would be implemented should the impact occur.

California Endangered Species Act

CDFW is responsible for ensuring appropriate conservation of fish and wildlife resources including threatened, endangered, and/or candidate plant and animal species, pursuant to the California Endangered Species Act (CESA). Fish and Game Code section 86 defines “take” as “hunt, pursue, catch, capture, or kill, or attempt to hunt, pursue, catch, capture, or kill.” If Project activities have the potential to cause take of state-listed species during construction or through operations and maintenance over the life of the Project, a CESA Incidental Take Permit (ITP) may be obtained to provide coverage in the event that take occurs. A CESA ITP may also be obtained to provide coverage for rare and endangered plants listed under the Native Plant Protection Act (Fish & G. Code §1900 *et seq.*).

To issue an ITP, CDFW must demonstrate that the impacts of the authorized take will be minimized and fully mitigated (Fish & G. Code §2081 (b)). To facilitate the issuance of an ITP, if applicable, the EIR should disclose the potential of the Project to take state-listed species and include measures to minimize and fully mitigate the impacts to those species. Please note that mitigation measures that are adequate to reduce impacts to a “less-than significant” level to meet CEQA requirements may not be enough to minimize and fully mitigate impacts to the extent required for the issuance of an ITP. Therefore, CDFW encourages early consultation with staff to determine appropriate measures to facilitate future permitting processes and to engage with the U.S. Fish and Wildlife Service and/or National Marine Fisheries Service to coordinate specific measures if both State and federally listed species may be present within the Project vicinity.

State-listed species with the potential to occur in the area include, but are not limited to: the State threatened Swainson’s hawk (*Buteo swainsoni*), tricolored blackbird (*Agelaius tricolor*), California black rail (*Laterallus jamaicensis coturniculus*), and foothill yellow-legged frog – Northern Sierra clade (*Rana boylei*).

Native Plant Protection Act

The Native Plant Protection Act (NPPA) (Fish & G. Code §1900 *et seq.*) prohibits the take or possession of state-listed rare and endangered plants, including any part or product thereof, unless authorized by CDFW or in certain limited circumstances. Take of state-listed rare and/or endangered plants due to Project activities may only be permitted through an ITP or other authorization issued by CDFW pursuant to California Code of Regulations, Title 14, section 786.9 subdivision (b).

Lake and Streambed Alteration Program

The EIR should identify all perennial, intermittent, and ephemeral rivers, streams, lakes, other hydrologically connected aquatic features, and any associated biological resources/habitats present within the entire Project footprint (including access and

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staging areas). The EIR should analyze all potential temporary, permanent, direct, indirect and/or cumulative impacts to the above-mentioned features and associated biological resources/habitats that may occur because of the Project. If it is determined that the Project will result in significant impacts to these resources the EIR shall propose appropriate avoidance, minimization and/or mitigation measures to reduce impacts to a less-than-significant level.

Fish and Game Code section 1602 requires an entity to notify CDFW prior to commencing any activity that may do one or more of the following: substantially divert or obstruct the natural flow of any river, stream or lake; substantially change or use any material from the bed, channel or bank of any river, stream, or lake; or deposit debris, waste or other materials that could pass into any river, stream or lake. Please note that "any river, stream or lake" includes those that are episodic (i.e., those that are dry for periods of time) as well as those that are perennial (i.e., those that flow year-round). This includes ephemeral streams and watercourses with a subsurface flow. It may also apply to work undertaken within the flood plain of a body of water.

Upon receipt of a complete notification, CDFW will determine if the Project activities may substantially adversely affect existing fish and wildlife resources and whether a Lake and Streambed Alteration (LSA) Agreement is required. An LSA Agreement will include measures necessary to protect existing fish and wildlife resources. CDFW may suggest ways to modify the Project that would eliminate or reduce adverse impacts to fish and wildlife resources.

CDFW's issuance of an LSA Agreement is a "project" subject to CEQA (see Pub. Resources Code 21065). To facilitate issuance of an LSA Agreement, if one is necessary, the EIR should fully identify the potential impacts to the lake, stream, or riparian resources, and provide adequate avoidance, mitigation, and monitoring and reporting commitments.

Please note that other agencies may use specific methods and definitions to determine impacts to areas subject to their authorities. These methods and definitions often do not include all needed information for CDFW to determine the extent of fish and wildlife resources affected by activities subject to Notification under Fish and Game Code section 1602. Therefore, CDFW does not recommend relying solely on methods developed specifically for delineating areas subject to other agencies' jurisdiction when mapping lakes, streams, wetlands, floodplains, riparian areas, etc. in preparation for submitting a Notification of an LSA.

CDFW recommends lead agencies coordinate with us as early as possible, since potential modification of the proposed Project may avoid or reduce impacts to fish and wildlife resources and expedite the Project approval process. For more information on LSA notification, please go to <https://www.wildlife.ca.gov/Conservation/LSA>.

CDFW relies on the lead agency environmental document analysis when acting as a responsible agency issuing an LSA Agreement. Addressing CDFW's input and

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comments during project planning helps the EIR appropriately address Project impacts and facilitates the issuance of an LSA Agreement.

The following information will be required for the processing of an LSA Notification and CDFW recommends incorporating this information into the EIR to avoid subsequent CEQA documentation and Project delays:

1. Mapping and quantification of lakes, streams, and associated fish and wildlife habitat (e.g., riparian habitat, freshwater wetlands, etc.) that will be temporarily and/or permanently impacted by the Project, including impacts from access and staging areas. Please include an estimate of impact to each habitat type.
2. Discussion of specific avoidance, minimization, and mitigation measures to reduce Project impacts to fish and wildlife resources to a less-than-significant level. Please refer to section 15370 of the CEQA Guidelines.

CDFW recommends that the EIR fully identify the Project's potential impacts to Auburn Ravine and any other stream and/or associated vegetation and/or wetlands that may be affected by the Project.

ENVIRONMENTAL DATA

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

FILING FEES

The Project, as proposed, would have an effect on fish and wildlife, and assessment of filing fees is necessary. Fees are payable upon filing of the Notice of Determination by the Lead Agency and serve to help defray the cost of environmental review by CDFW. Payment of the fee is required in order for the underlying project approval to be operative, vested, and final. (Cal. Code Regs, tit. 14, § 753.5; Fish & G. Code § 711.4; Pub. Resources Code, § 21089.)

CONCLUSION

Pursuant to Public Resources Code sections 21092 and 21092.2, CDFW requests written notification of proposed actions and pending decisions regarding the Project. Written notifications shall be directed to: California Department of Fish and Wildlife North Central Region, 1701 Nimbus Road, Rancho Cordova, CA 95670.

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CDFW appreciates the opportunity to comment on the NOP of the EIR for the Hemphill Diversion Structure Project and recommends that the NID address CDFW's comments and concerns in the forthcoming EIR. CDFW personnel are available for consultation regarding biological resources and strategies to minimize impacts.

If you have any questions regarding the comments provided in this letter or wish to schedule a meeting and/or site visit, please contact Patrick Moeszinger, Senior Environmental Scientist (Specialist) at (916) 767-3935 or Patrick.Moeszinger@wildlife.ca.gov.

Sincerely,

DocuSigned by:

778EDA8AE45F4C9...

Kelley Barker
Environmental Program Manager

ec: Patrick Moeszinger, Senior Environmental Scientist (Specialist)
patrick.moeszinger@wildlife.ca.gov

Juan Torres, Senior Environmental Scientist (Supervisory)
juan.torres@wildlife.ca.gov

Tanya Sheya, Senior Environmental Scientist (Specialist)
tanya.sheya@wildlife.ca.gov

Beth Lawson, Senior Hydraulic Engineer
beth.lawson@wildlife.ca.gov
Department of Fish and Wildlife

Office of Planning and Research, State Clearinghouse, Sacramento

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Central Valley Regional Water Quality Control Board

28 September 2020

Tonia M. Tabucchi Herrera
Nevada Irrigation District
1036 Main Street
Grass Valley, CA 95945

COMMENTS TO REQUEST FOR REVIEW FOR THE NOTICE OF PREPARATION FOR THE DRAFT ENVIRONMENTAL IMPACT REPORT, NID HEMPHILL DIVERSION STRUCTURE PROJECT, SCH#2020090032, NEVADA COUNTY

Pursuant to the State Clearinghouse's 1 September 2020 request, the Central Valley Regional Water Quality Control Board (Central Valley Water Board) has reviewed the *Request for Review for the Notice of Preparation for the Draft Environmental Impact Report* for the NID Hemphill Diversion Structure Project, located in Nevada County.

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

I. Regulatory Setting

Basin Plan

The Central Valley Water Board is required to formulate and adopt Basin Plans for all areas within the Central Valley region under Section 13240 of the Porter-Cologne Water Quality Control Act. Each Basin Plan must contain water quality objectives to ensure the reasonable protection of beneficial uses, as well as a program of implementation for achieving water quality objectives with the Basin Plans. Federal regulations require each state to adopt water quality standards to protect the public health or welfare, enhance the quality of water and serve the purposes of the Clean Water Act. In California, the beneficial uses, water quality objectives, and the Antidegradation Policy are the State's water quality standards. Water quality standards are also contained in the National Toxics Rule, 40 CFR Section 131.36, and the California Toxics Rule, 40 CFR Section 131.38.

The Basin Plan is subject to modification as necessary, considering applicable laws, policies, technologies, water quality conditions and priorities. The original Basin Plans were adopted in 1975, and have been updated and revised periodically as required, using Basin Plan amendments. Once the Central Valley Water Board has adopted a Basin Plan amendment in noticed public hearings, it must be approved by the State Water Resources Control Board (State Water Board), Office of Administrative Law (OAL) and in some cases, the United States Environmental

KARL E. LONGLEY SCD, P.E., CHAIR | PATRICK PULUPA, ESQ., EXECUTIVE OFFICER

Protection Agency (USEPA). Basin Plan amendments only become effective after they have been approved by the OAL and in some cases, the USEPA. Every three (3) years, a review of the Basin Plan is completed that assesses the appropriateness of existing standards and evaluates and prioritizes Basin Planning issues. For more information on the *Water Quality Control Plan for the Sacramento and San Joaquin River Basins*, please visit our website:

http://www.waterboards.ca.gov/centralvalley/water_issues/basin_plans/

Antidegradation Considerations

All wastewater discharges must comply with the Antidegradation Policy (State Water Board Resolution 68-16) and the Antidegradation Implementation Policy contained in the Basin Plan. The Antidegradation Implementation Policy is available on page 74 at:

https://www.waterboards.ca.gov/centralvalley/water_issues/basin_plans/sacsjr_2018_05.pdf

In part it states:

Any discharge of waste to high quality waters must apply best practicable treatment or control not only to prevent a condition of pollution or nuisance from occurring, but also to maintain the highest water quality possible consistent with the maximum benefit to the people of the State.

This information must be presented as an analysis of the impacts and potential impacts of the discharge on water quality, as measured by background concentrations and applicable water quality objectives.

The antidegradation analysis is a mandatory element in the National Pollutant Discharge Elimination System and land discharge Waste Discharge Requirements (WDRs) permitting processes. The environmental review document should evaluate potential impacts to both surface and groundwater quality.

II. Permitting Requirements

Construction Storm Water General Permit

Dischargers whose project disturb one or more acres of soil or where projects disturb less than one acre but are part of a larger common plan of development that in total disturbs one or more acres, are required to obtain coverage under the General Permit for Storm Water Discharges Associated with Construction and Land Disturbance Activities (Construction General Permit), Construction General Permit Order No. 2009-0009-DWQ. Construction activity subject to this permit includes clearing, grading, grubbing, disturbances to the ground, such as stockpiling, or excavation, but does not include regular maintenance activities performed to restore the original line, grade, or capacity of the facility. The Construction General Permit requires the development and implementation of a Storm Water Pollution Prevention Plan (SWPPP). For more information on the Construction General Permit, visit the State Water Resources Control Board website at:

http://www.waterboards.ca.gov/water_issues/programs/stormwater/constpermits.shtml

Phase I and II Municipal Separate Storm Sewer System (MS4) Permits¹

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

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

http://www.waterboards.ca.gov/centralvalley/water_issues/storm_water/municipal_permits/

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

http://www.waterboards.ca.gov/water_issues/programs/stormwater/phase_ii_municipal.shtml

Industrial Storm Water General Permit

Storm water discharges associated with industrial sites must comply with the regulations contained in the Industrial Storm Water General Permit Order No. 2014-0057-DWQ. For more information on the Industrial Storm Water General Permit, visit the Central Valley Water Board website at:

http://www.waterboards.ca.gov/centralvalley/water_issues/storm_water/industrial_general_permits/index.shtml

Clean Water Act Section 404 Permit

If the project will involve the discharge of dredged or fill material in navigable waters or wetlands, a permit pursuant to Section 404 of the Clean Water Act may be needed from the United States Army Corps of Engineers (USACE). If a Section 404 permit is required by the USACE, the Central Valley Water Board will review the permit application to ensure that discharge will not violate water quality standards. If the project requires surface water drainage realignment, the applicant is advised to contact the Department of Fish and Game for information on Streambed Alteration Permit requirements. If you have any questions regarding the Clean Water Act Section 404 permits, please contact the Regulatory Division of the Sacramento District of USACE at (916) 557-5250.

Clean Water Act Section 401 Permit – Water Quality Certification

If an USACE permit (e.g., Non-Reporting Nationwide Permit, Nationwide Permit, Letter of Permission, Individual Permit, Regional General Permit, Programmatic

¹ Municipal Permits = The Phase I Municipal Separate Storm Water System (MS4) Permit covers medium sized Municipalities (serving between 100,000 and 250,000 people) and large sized municipalities (serving over 250,000 people). The Phase II MS4 provides coverage for small municipalities, including non-traditional Small MS4s, which include military bases, public campuses, prisons and hospitals.

General Permit), or any other federal permit (e.g., Section 10 of the Rivers and Harbors Act or Section 9 from the United States Coast Guard), is required for this project due to the disturbance of waters of the United States (such as streams and wetlands), then a Water Quality Certification must be obtained from the Central Valley Water Board prior to initiation of project activities. There are no waivers for 401 Water Quality Certifications. For more information on the Water Quality Certification, visit the Central Valley Water Board website at:
https://www.waterboards.ca.gov/centralvalley/water_issues/water_quality_certification/

Waste Discharge Requirements – Discharges to Waters of the State

If USACE determines that only non-jurisdictional waters of the State (i.e., “non-federal” waters of the State) are present in the proposed project area, the proposed project may require a Waste Discharge Requirement (WDR) permit to be issued by Central Valley Water Board. Under the California Porter-Cologne Water Quality Control Act, discharges to all waters of the State, including all wetlands and other waters of the State including, but not limited to, isolated wetlands, are subject to State regulation. For more information on the Waste Discharges to Surface Water NPDES Program and WDR processes, visit the Central Valley Water Board website at:
https://www.waterboards.ca.gov/centralvalley/water_issues/waste_to_surface_water/

Projects involving excavation or fill activities impacting less than 0.2 acre or 400 linear feet of non-jurisdictional waters of the state and projects involving dredging activities impacting less than 50 cubic yards of non-jurisdictional waters of the state may be eligible for coverage under the State Water Resources Control Board Water Quality Order No. 2004-0004-DWQ (General Order 2004-0004). For more information on the General Order 2004-0004, visit the State Water Resources Control Board website at:
https://www.waterboards.ca.gov/board_decisions/adopted_orders/water_quality/2004/wqo/wqo2004-0004.pdf

Dewatering Permit

If the proposed project includes construction or groundwater dewatering to be discharged to land, the proponent may apply for coverage under State Water Board General Water Quality Order (Low Threat General Order) 2003-0003 or the Central Valley Water Board’s Waiver of Report of Waste Discharge and Waste Discharge Requirements (Low Threat Waiver) R5-2018-0085. Small temporary construction dewatering projects are projects that discharge groundwater to land from excavation activities or dewatering of underground utility vaults. Dischargers seeking coverage under the General Order or Waiver must file a Notice of Intent with the Central Valley Water Board prior to beginning discharge.

For more information regarding the Low Threat General Order and the application process, visit the Central Valley Water Board website at:
http://www.waterboards.ca.gov/board_decisions/adopted_orders/water_quality/2003/wqo/wqo2003-0003.pdf

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

https://www.waterboards.ca.gov/centralvalley/board_decisions/adopted_orders/waivers/r5-2018-0085.pdf

Limited Threat General NPDES Permit

If the proposed project includes construction dewatering and it is necessary to discharge the groundwater to waters of the United States, the proposed project will require coverage under a National Pollutant Discharge Elimination System (NPDES) permit. Dewatering discharges are typically considered a low or limited threat to water quality and may be covered under the General Order for *Limited Threat Discharges to Surface Water* (Limited Threat General Order). A complete Notice of Intent must be submitted to the Central Valley Water Board to obtain coverage under the Limited Threat General Order. For more information regarding the Limited Threat General Order and the application process, visit the Central Valley Water Board website at:

https://www.waterboards.ca.gov/centralvalley/board_decisions/adopted_orders/general_orders/r5-2016-0076-01.pdf

NPDES Permit

If the proposed project discharges waste that could affect the quality of surface waters of the State, other than into a community sewer system, the proposed project will require coverage under a National Pollutant Discharge Elimination System (NPDES) permit. A complete Report of Waste Discharge must be submitted with the Central Valley Water Board to obtain a NPDES Permit. For more information regarding the NPDES Permit and the application process, visit the Central Valley Water Board website at: <https://www.waterboards.ca.gov/centralvalley/help/permit/>

If you have questions regarding these comments, please contact me at (916) 464-4709 or Greg.Hendricks@waterboards.ca.gov.



Greg Hendricks
Environmental Scientist

cc: State Clearinghouse unit, Governor's Office of Planning and Research,
Sacramento

Hemphill Diversion Structure Project
 Notice of Preparation of Draft EIR
 Questions for 9/21/2020 Scoping Meeting
 Submitted by: Laura L. Peters

Page No.	Question/Comment
General	<p>Alternative 3: This alternative was investigated in the April 2016 Kleinschmidt Alternative Analysis. See their conclusion below from page 20 of that report: <i>"5.7 OPTION 6 - LINCOLN CANAL / AUGUST RAVINE 1 CONNECTION</i> <i>Another option for providing water to the Hemphill canal in the event of the removal of the diversion structure includes providing flow via a pipeline from nearby canals, such as the Lincoln canal / Auburn Ravine 1 (AR1). While simple on paper, an extensive study would be required to ensure that an adequate flow is available in the supply canal. Current data for the Lincoln canal indicate that it does not currently have sufficient capacity. Modifications to expand carrying capacity in the Lincoln canal would be needed in order to consider this a possible option. Construction of the pipeline and the required permitting could greatly increase costs, and these would also be major factors in assessing viability. "</i></p> <p>Questions: 1) Have the necessary studies been completed to confirm this is a viable and feasible alternative? 2) Why wasn't the segment of the project necessary to get water to the NID Placer Yard included in the Alternative 3 project description?</p>
2-1	<p>The last sentence regarding Alternative 3 notes that <i>"...; so those parts of the pipeline west of Virginiatown Road are actually in the City."</i> Virginiatown runs east-west. Do you mean west of Fowler Road? Please clarify.</p>
2-10	<p>The 2nd paragraph notes that <i>"Historically, NIDs goal is to keep the customer "whole" with modification projects such as these."</i> How does this alternative propose to provide access to the ravine to facilitate pump accounts for existing customers not adjacent to it?</p>
4-35	<p>The 1st paragraph states that <i>"Additionally, implementation of Alternative 3 would result in the diversion of creek water at NID's Placer Yard on Gold Hill Road."</i> Note that the creek is not adjacent to NID's Placer Yard, thus it would not be a direct diversion. 1) What is the proposed alignment from the creek to the Placer Yard? 2) The impacts at the diversion point, as well as to the selected alignment proposed to transport the water from the creek to the Placer Yard, need to be analyzed.</p>

October 2, 2020

Kris Stepanian
Nevada Irrigation District
1036 West Main Street
Grass Valley, CA 95945

via email: stepaniank@nidwater.com

Subject: Notice of Preparation of a Draft Environmental Impact Report for the NID Hemphill Diversion Structure

Dear Ms. Stepanian:

Placer County appreciates the opportunity to engage at this stage in the process. After reviewing the submitted information, the County offers the following comments for NID's consideration regarding the proposed project:

From the Engineering & Surveying Division and Department of Public Works and Facilities

GENERAL:

1. The EIR should address any proposed project phasing. Likewise, the proposed mitigations must be identified by the applicable phase.
2. The Placer County Flood Control and Water Conservation District should be included as responsible agencies.

ALTERNATIVES 1 AND 2:

1. The EIR should address whether the proposed project is within existing NID easements on the northeastern portion of the project boundary or if additional easements will need to be obtained.

GRADING:

1. The EIR should evaluate the grading required for all proposed alternatives, both on and off site, including waterline installation. The limits of the proposed grading, the potential grading impacts, and the appropriate mitigations should be discussed.
2. The EIR should include a preliminary grading plan prepared to an appropriate engineering scale so that accurate environmental impacts can be identified from the proposed improvements.
3. The EIR should indicate that either a Grading Permit and/or Improvement Plans/Encroachment Permit will be required for grading work within the County in excess of 250 cubic yards or within any County easements/right-of-way.

TRANSPORTATION/CIRCULATION

1. The existing access road to the Hemphill Diversion Structure is on Virginiatown Road within the City of Lincoln, close to the City of Lincoln and County boundary. The EIR should discuss if the existing access road will be improved or relocated, and if so, if it will remain within the City of Lincoln or be moved to the Placer County portion of Virginiatown Road. If moved into Placer County right-of-way, additional improvements and Improvement Plans/Encroachment Permit will be required.

WATER QUALITY/HYDROLOGY

1. The EIR should address that Placer County General Plan policy prohibits developing within a flood zone and policy states that the County shall attempt to maintain natural conditions within the 100-year floodplain of all rivers and streams. Discussion regarding compliance with Placer County Flood Control and Water Conservation District Stormwater Management Manual and the County Land Development Manual should also be included in the EIR.

ALTERNATIVE 3:

TRANSPORTATION/CIRCULATION

1. Impacts to County roads, both during and after construction, should be discussed in the EIR and appropriate mitigations included.
2. The EIR should identify that the applicant will be required to submit and obtain approval of Improvement Plans and Encroachment Permits for work proposed within the County right-of-way prior to the commencement of work.
3. The EIR should discuss that as part of the Improvement Plan/Encroachment Permit process, the applicant will be required to submit Traffic Control Plans per Caltrans Standard and that work hours will be limited to 8:30 AM to 3:30 PM.
4. The EIR should discuss that the segment of Virginiatown Road within Placer County from Gold Hill Road to Hungry Hollow Road was overlaid in Summer 2016 and the segment of Fruitvale Road from Gold Hill Road to Hungry Hollow Road was overlaid in Summer 2017 and Placer County has a 5-year moratorium on pavement cuts.

WATER QUALITY/HYDROLOGY

1. The EIR should identify and discuss any impacts to the wetland culvert crossings that are within the boundaries of Alternative 3.

UTILITIES

1. The EIR should discuss the potential impacts to any existing utilities within the Roadways and propose appropriate mitigation measures.

From the Placer County Flood Control and Water Conservation District

The proposed project has the potential to create the following impacts:

1. The potential to place structures and/or improvements within a 100-year Special Flood Hazard Area (SFHA) and regulatory floodway as mapped on Federal Emergency Management Agency (FEMA) Flood Insurance Rate Maps (FIRMs).
2. The potential to modify a 100-year SFHA as mapped on FEMA FIRMs. Please have the applicant note that modifications to this SFHA and regulatory floodway may require FEMA approval. Please have the applicant also list FEMA in Section 2.2.1 of the IS under other public agencies that may require approvals.

Future EIRs must specifically quantify the incremental effect of the above impacts due to this project, and propose mitigation measures where appropriate.

From the Planning Services Division

1. Section 2.3.4 - Placer County Conservation Program

The project site is located ~~in the area identified as being~~ within the Placer County Conservation Program (PCCP) Plan Area. The PCCP is a County-proposed solution to coordinate and streamline the permitting process by allowing local entities to issue state and federal permits. The proposed PCCP is a Habitat Conservation Plan (HCP) under the federal Endangered Species Act (ESA) and a Natural Community Conservation Plan (NCCP) under the California Natural Community Conservation Planning Act. As proposed, the PCCP would include the County Aquatic Resources Program (CARP) to issue permits establish standard avoidance, minimization, and mitigation measures and cover projects requiring permits related to the Sections 401-404 of the Federal Clean Water Act and the California Fish and Game Code. At this time, the PCCP has ~~not~~ been adopted by the Placer County Board of Supervisors (County) and the South Placer Regional Transportation Authority (SPRTA) Board and will be considered for adoption by the Lincoln City Council (City) and the Placer County Water Agency (PCWA) Board of Directors in October 2020. ~~is currently undergoing e~~ Environmental review under CEQA and National Environmental Policy Act (NEPA) has been completed. ~~† and the Final PCCP Environmental Impact Report/Environmental Impact Statement (EIR/EIS) is currently out of public review until June 22, 2020~~ has been certified by the County and SPRTA and will be considered for certification at the City of Lincoln and PCWA hearings mentioned noted above (Placer Conservation 2020). The PCCP has not yet been adopted

2. Section 4.4.2(f) – Biological Resources (IV) - Conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan?

The Project is located ~~in the area identified as being~~ within the PCCP Plan Area. The PCCP is a County-proposed solution to coordinate and streamline the permitting process by allowing local entities to issue state and federal permits. The proposed PCCP is an HCP under the Federal ESA and a NCCP under the California Natural Community Conservation Planning Act. ~~As proposed, the~~ The PCCP ~~would~~ includes the CARP to establish standard avoidance, minimization, and mitigation measures and cover issue permits projects requiring permits related to the sections 401-404 of the federal Clean Water Act and the California Fish and Game Code. At this time, ~~the~~ The PCCP has ~~not~~ been adopted by the Placer County Board of Supervisors (County) and the South Placer Regional Transportation Authority (SPRTA) Board and will be considered for adoption by the Lincoln City Council (City) and the Placer County Water Agency (PCWA) Board of Directors in October 2020. ~~and is currently undergoing e~~ Environmental review under CEQA and NEPA has been completed and has been certified by the County and SPRTA and will be considered for certification at the City of Lincoln and PCWA hearings mentioned noted above (Placer Conservation 2020). ~~The Final PCCP EIR/EIS is currently out for public review until June 22, 2020 (Placer Conservation 2020). While the PCCP has not yet been adopted, there is a potential for it to be adopted prior to approval of the Proposed Project. As such, †~~ This impact area will be discussed in the Hemphill Diversion Structure EIR.

3. Consistency with the PCCP's HCP/NCCP

A well-coordinated project, consistent with the requirements of the PCCP, could result in streamlined state and federal Incidental Take and programmatic Section 401-404 permit coverage under the PCCP. The list of Covered Activities in Chapter 2 of the PCCP provides for projects that will be proposed by a Participating Special Entity (e.g. a special district that is involved in the production, generation, storage, treatment, or transmission of water that may propose to build a project in the

City of Lincoln or the unincorporated County). NID may be considered as such an entity and, per section 2.6.5.3 (Water Supply Programs), partnering with the Placer Conservation Authority (PCA) and adhering to the requirements of the PCCP could result in a project that would be covered and significantly streamlined, including CEQA and NEPA programmatic coverage for state and federal agency permits.

The following sections of the PCCP should be referred to during the development of the Draft EIR:

1. Section 2.6.7.2.1 (Stream Barrier Modification Projects) - Speaks to the PCCP's conservation strategy providing for removal of fish passage barriers and other projects that improve fish passage, based on recommendations from the *Anadromous Fish Screening and Passage Opportunities in Western Placer County and Southern Sutter County* report (Bailey 2005). The Hemphill Dam is included in this list of projects and, as such, the construction of a fish ladder and/or removal of the dam and restoration of the riparian zone should be evaluated with each of the four proposed alternatives.
2. Section 6.2.3 (Application Process for Participating Special Entity Projects) - Describes the application process for Participating Special Entities who wish to receive coverage under the Plan.
3. Section 6.2.4 (HCP/NCCP Participation Package) - Outlines detailed requirements of the documentation necessary to compile an application to the PCA.
4. Section 8.9.4 (Take Authorization for Participating Special Entities) - Explains the ability for Special Entities to propose projects or activities within the Plan Area that could affect listed species and that may require take authorization from USFWS, NMFS, or CDFW.

In conclusion, it is the County's recommendation that NID work proactively with the state and federal wildlife and regulatory agencies on the project design and permitting strategy. The Draft EIR should acknowledge that if the PCCP receives its state and federal Incidental Take Permits and Programmatic Section 401-404 permits prior to submittal of Improvement Plans for this project, or prior to the project's own State and federal permits being obtained for effects associated with listed species and their habitats, waters of the State, and waters of the U.S., then mitigation measures may be replaced with the PCCP's mitigation fees and conditions on covered activities to address resource impacts and avoidance and minimization measures, as set forth in the PCCP implementation document, to the extent compliance with the PCCP provides equal or greater mitigation or reduction in the significance of impacts. If NID applies for coverage as a Participating Special Entity or is otherwise required by the state and federal agencies for permitting or as mitigation for one or more biological resource area impacts, then the PCCP avoidance, minimization, and mitigation measures shall apply to those species, habitat types, and waters that are covered by the PCCP.

Thank you again for the opportunity to comment on the Notice of Preparation of a Draft Environmental Impact Report for the NID Hemphill Diversion Structure project. Should you have any questions, please contact Leigh Chavez, Environmental Coordinator at lchavez@placer.ca.gov or 530-745-3077.

Sincerely,

A handwritten signature in blue ink, appearing to read "Leigh Chavez", is written over a horizontal line.

LEIGH CHAVEZ, PRINCIPAL PLANNER
ENVIRONMENTAL COORDINATOR



UNITED STATES DEPARTMENT OF COMMERCE
National Oceanic and Atmospheric Administration
NATIONAL MARINE FISHERIES SERVICE
West Coast Region
650 Capitol Mall, Suite 5-100
Sacramento, California 95814-4700

October 5, 2020

Kris Stepanian
Board Secretary
Nevada Irrigation District
1036 W. Main Street
Grass Valley, CA 95945

RE: Notice of Preparation for the Draft Environmental Impact Report for the Nevada Irrigation District's (NID) Hemphill Diversion Structure

The National Marine Fisheries Service (NMFS) has reviewed the Notice of Preparation for the Draft Environmental Impact Report for the Nevada Irrigation District's (NID) Hemphill Diversion Structure. Staff also attended the online presentation portion of the Public Scoping Meeting held on September 21, 2020.

The Proposed Project includes analysis of four potential alternatives including: 1) Riverbank Infiltration Gallery Alternative, 2) Fish Passage Alternative, 3) Pipeline Alternative, and 4) Abandonment of Hemphill Canal Alternative. We are encouraged by NID's reaffirmation of its longer-term commitment to improve fish passage at Hemphill Dam and the district's willingness to explore efforts to advance that goal and to accept NMFS's comments provided through this public process.

NMFS is responsible for the administration and enforcement of the Endangered Species Act of 1973 (ESA), as amended [16 U.S.C. 1531 *et seq.*] with regards to ESA listed anadromous fish species and their critical habitat. Listed species and critical habitat that the proposed activity will directly affect include federally threatened California Central Valley (CCV) steelhead (*Oncorhynchus mykiss*) and their designated critical habitat:

California Central Valley (CCV) steelhead distinct population segment (DPS)
Threatened (71 FR 834; January 5, 2006)
Designated critical habitat (70 FR 52488; September 2, 2005)

NMFS's Recovery Plan for Central Valley Chinook Salmon and Steelhead has identified Auburn Ravine as having CCV steelhead critical habitat and distribution, along with both spawning and rearing habitat within the system (NMFS 2014). Additionally, Auburn Ravine may also support the following Chinook salmon evolutionarily significant units (ESUs) a portion of the year, which include listed species with designated critical habitat downstream in the Sacramento River:



Fall-run and late-fall-run Chinook salmon ESU
Threatened CV spring-run (70 FR 37160; June 28, 2005)
Endangered Sacramento River winter-run (70 FR 37160, June 28, 2005)

Auburn Ravine contains essential fish habitat (EFH) for Pacific Coast Salmon to the current extent of anadromy at Gold Hill Dam.

CCV steelhead are known to use the habitat in the vicinity of Hemphill Dam as rearing habitat and a migration corridor habitat, and likely use nearby habitat in Auburn Ravine for spawning, particularly in the upper reaches (Bailey 2003). Based on the fish community surveys conducted by the California Department of Fish and Wildlife (CDFW) in 2004 and 2005, juvenile CCV steelhead have the potential to rear in this area throughout the year (Navicky 2008). Adult CCV steelhead generally migrate from the ocean to natal spawning grounds from October to May with peak spawning from January through March (Moyle 2002). However, on small streams such as Auburn Ravine, adult upstream migration is triggered by winter rainfall and increased instream flow. Therefore, NMFS generally expects adult CCV steelhead to be present in Auburn Ravine from December through May. Juvenile CCV steelhead emigrate as smolts between November and May, and peak in March and April (Jones and Stokes 2005).

During the 2004 and 2005 fish community surveys in November/December and April, respectively, CDFW found *O. mykiss* to be the most abundant species in all reaches in both years. An estimated average of 2,163 juvenile *O. mykiss* per mile were observed in the reach upstream of Hemphill Dam (Navicky 2008). Jones and Stokes (2005) estimated that CCV steelhead spawning habitat in Auburn Ravine could support approximately 1,594 redds.

Water temperatures in Auburn Ravine likely support rearing juvenile *O. mykiss* year-round, including at least part of the irrigation season (Bailey 2003). However, low stream flows in September and October substantially reduce the area of aquatic habitat available. Upstream migrating adult CCV steelhead passage is blocked at Hemphill Dam in most years, except during winter storm (December through March) events (Bailey 2003). Lack of access to upper reaches of Auburn Ravine has substantially reduced the quantity of migration and rearing habitat for CCV steelhead.

The “Salmon Spawning and Water Quality Surveys in Auburn Ravine” report (Helix 2019), suggests, “good water quality conditions suitable for salmonid passage and egg incubation in Auburn Ravine during the 2017 migratory period,” and “...water quality conditions in Auburn Ravine during the 2018 migratory period were suitable for salmonid passage and egg incubation.” The impacts to water quality should be analyzed for each alternative considered in the EIS. Anticipated impacts to temperature and dissolved oxygen should be quantified relative to applicable water quality objectives (from the Central Valley Regional and State Water Quality Control Board) and relevant benchmarks (U.S. Environmental Protection Agency 2003). Alternatives that affect the hydrologic regime of Auburn Ravine should be evaluated to determine their effects on flow conditions for salmonids.

The reach of Auburn Ravine of our primary focus is characterized by winter storms with spring-recession flows in mid-April, dry season in early June, a fall pulse in later October, and wet season centered in November (Lane *et al.* 2020, Yarnell *et al.* 2015). These functional flows overlap with the mid-April through mid-October irrigation season when the flashboards are installed on top of the dam. Selection of the preferred alternative should consider the functional flows necessary to support salmonid populations. Specifically, early fall storm events are key to attracting Chinook salmon into Auburn Ravine to spawn, stabilized spring flows support development of salmonid eggs and juveniles, and dry season minimum flows support important life history traits, especially for over-summering juveniles.

NMFS recommends all proposed alternatives meet the 2011 NMFS Anadromous Salmonid Passage Facility Design guidelines (or the most current criteria available) for safe, timely and effective fish passage.

Alternative #1:

The Riverbank Infiltration Gallery, in concept, may provide suitable fish passage conditions at a diversion site. However, if improperly sited, failure may occur that results in severe adverse habitat impacts and loss of habitat access in addition to the loss of the diversion. As such, any site proposed for an infiltration gallery must follow the experimental process described in section 16 of the 2011 Anadromous Salmonid Passage Facility Design document (NMFS 2011). Infiltration galleries are sensitive to a specific set of stream/river conditions, and due to their location, there is a mixing of shallow groundwater and surface water. One mode of infiltration gallery failure is plugging of the overlying porous material which subsequently reduces the overall effectiveness of the systems by reducing flow capacity, motivating the owner/operator to excavate and replace the buried sections to achieve full diversion rates, thereby impacting habitat.

Given the geologic conditions along Auburn Ravine, and the observed sediment accumulation, plugging of the infiltration gallery is considered likely. As stated in the NV5 Geotechnical Engineering and Hydraulics Report for the Hemphill Diversion Structure (Report) dated October 2018 and prepared for NID, a sediment transport model has not been prepared for the preliminary design raising concern on the potential plugging of the gallery due to the observed bank erosion and sediment accumulation in the vicinity of the proposed infiltration gallery (NV5 2018). The Report also states on Page 1, the low gradient of Auburn Ravine lacks the sufficient hydraulic characteristics to transport deposited material over time (NV5 2018). This validates the concern of plugging. It was stated at an October 23rd meeting with NID and the Technical Advisory Committee (TAC) the intent was to construct the infiltration gallery and operate it for one year before decommissioning the dam. This raises additional concerns of plugging for the infiltration gallery, as the sediment impounded behind the dam will be transported downstream once the dam is removed. Page 19 of the report states, “Upon removal of the Hemphill Diversion Structure, upstream degradation of the dam deposition material would be expected. It is anticipated that this sediment would be transported downstream and deposited.” Without an engineered regrading plan the river channel will be allowed to naturally find its quasi-equilibrium state of rest adjusting and re-adjusting to find a new balance. This could mean a significant amount of latent sediment would settle on the gallery. The plugging of the interstices of gallery materials would take the facility out of criteria and potentially cause hot spots with an increase in the maximum interstitial velocity.

Spawning has also been documented within the proposed area for the infiltration gallery. Operations of an infiltration gallery are generally ceased when redds are in the area, which may result in large periods of non-operation of the facility. The facility may cause take of juvenile fish if they are present during pumping operations. Take may become more likely if large volumes of sediment blockage cause the gallery to not operate as intended.

Placement of the gallery should be far enough away from the backwater hydraulic effects of existing impoundments so that the maximum available head to drive water into the infiltration gallery is the normal depth of the stream at any given flow without the benefit of check structures. Use of temporary or permanent impoundments, such as push-up berms, stacked rock and plastic and other dams to raise the water level, is not permitted.

NMFS places several limitations on the siting and operation of infiltration galleries, as follows:

- *Should spawning occur on an infiltration gallery or within the zone of gallery influence to hyporheic flow to the redd, then all diversion and backwashing activities should cease for 90 days or until the eggs hatch so that the first life stage's biological processes associated with spawning are not interrupted.*
- *When juvenile salmonids are present at or downstream from the gallery, backwashing should not be conducted.*
- *All diversions must be conducted in accordance with all laws and authorities on water withdrawals and protections for aquatic species.*
- *Major repairs to the infiltration gallery that would disrupt the streambed may not be approved during critical life stages. Performing preventative maintenance such as backwashing the system on a regular basis can minimize the need for major repairs.*
- *Failed infiltration galleries will not be approved by NMFS to be replaced in kind unless the failure mechanism has been identified and a subsequent design is provided that adequately addresses the failure.*
- *Scour Depth Limitation is when the porous streambed material has been scoured to the calculated scour depth, or 1/2 of the original overlying material has been removed, diversion rate should be reduced or maintenance of the facility is required to bring the level of protection back to original design specifications in consultation with your engineer and NMFS.*
- *Infiltration galleries should not be operated when the bed has scoured such that streambed material has been scoured to less than 25% of its design thickness, until facility maintenance has replaced the original thickness of overlying material.*

Recommendations: NMFS recommends the EIR include a design report addressing the above mentioned limitations and an Operation and Maintenance plan demonstrating the backwashing capability of the system to prevent clogging of the infiltration pipes for operation of the gallery under a variety of environmental conditions, the full range of water diversion operations, and the procedures for periodic inspection and maintenance required to achieve fish screening effectiveness over the life of the facility.

Alternative #2:

In general, NMFS appreciates the district's attempt at providing fish passage at Hemphill Dam. With this Fish Passage Alternative, however, this option does not address the unscreened diversion that could adversely affect downstream passage for juvenile salmonids.

Recommendations: NMFS encourages continued consideration of a passage solution looking at existing successful facilities, such as NID's Lincoln gauging station just downstream from Highway 65. This technology, coupled with fish screening at the diversion, could be a viable option for safe, timely and effective fish passage.

Alternative #3:

The proposed Pipeline Alternative consists of removing the existing Hemphill Dam and taking the diversion water from the existing Auburn Ravine 1 (AR1) diversion at Gold Hill Dam. This would reduce flows within the 6.25 mile section from Gold Hill Dam to Hemphill Dam during the irrigation season from April 15 to October 15, potentially causing an effect on water temperatures. As previously mentioned, the current water temperatures in Auburn Ravine likely support rearing juvenile *O. mykiss* year-round, including at least part of the irrigation season (Bailey 2003). Reductions in flow may result in severe adverse habitat impacts and loss of habitat access due to poor flows, increased temperatures, and degraded water quality.

NMFS Recovery Plan (Plan) establishes Auburn Ravine as a Core 2 watershed where listed species meet, or have the potential to meet, the biological recovery standard for moderate risk of extinction (NMFS 2014). The Plan identifies installing a fish ladder and screen on the diversion canal at Gold Hill Dam. Fish entrainment into agricultural and municipal water diversions may experience 100% mortality particularly if no egress route back to the river is provided (NMFS 2011).

Recommendations: NMFS recommends functional flows at a minimum of what is currently provided be continued if this alternative is selected to support salmonid populations. Specifically, early fall storm events are key to attracting Chinook salmon into Auburn Ravine to spawn, stabilized spring flows support development of salmonid eggs and juveniles, and dry season minimum flows all support important life history traits, especially for over-summering juveniles.

NMFS recommends this alternative include a fish screen and ladder on the AR1 diversion at Gold Hill Dam. The screen will minimize the entrainment of juvenile fish into the canal and the fishway would allow upstream migration for adults.

Additional Information Request: NMFS requests an in-depth analysis of this alternative to determine potential changes to water quality impacts to determine if the proposed alternative will affect flow conditions for salmonids. Information should include changes to water velocities during all seasons and any temperature data from nearby gauging stations.

Alternative #4:

The Abandonment of Hemphill Canal Alternative proposes to eliminate the one water withdrawal location at Hemphill Dam and continue to deliver water to individual property owners via Auburn Ravine. This option imposes on the responsibility on landowners to install, operate and maintain smaller pump systems and take water directly out of Auburn Ravine at multiple locations. The Report identifies four parcels where withdrawals would occur including but not limited to Turkey Creek Golf Course, Lincoln Hills Golf Course, Lincoln Crossing Community Association, and Lincoln Land Holdings. Under this alternative the action proposes

to increase from one water withdrawal to potentially four or more water withdrawal sites directly in Auburn Ravine.

Recommendations: If this alternative is selected, NMFS recommends all pump systems meet the current NMFS Anadromous Fish Passage Facility Design guidelines for fish screens (NMFS 2011). NMFS would also extend an invitation for landowners to reach out to NMFS staff to guide them through the fish screening criteria for anadromous salmonids.

Additional Information Requested: Please provide a list of all potential parcels NID water would be delivered to, their location on Auburn Ravine, their respective diversion withdrawal rates, and any future construction activities that may be associated with developing those diversions.

Thank you for allowing us to provide input during this public comment period to ensure the final alternative selected meets safe, timely, and effective fish passage. If you have questions regarding this matter, please contact Jean Castillo at (916) 203-9390 or Jean.Castillo@noaa.gov.

Sincerely,



Cathy Marcinkevage
Assistant Regional Administrator
California Central Valley Office

References

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- Viers, J. H. (2015). Functional flows in modified riverscapes: hydrographs, habitats and opportunities. *BioScience*, 65(10), 963-972.



FOOTHILLS WATER NETWORK

October 5, 2020

Kris Stepanian, Board Secretary
Doug Roderick, Engineering Manager
Nevada Irrigation District
1036 W. Main Street
Grass Valley, CA 95945

Sent via email to stepiank@nidwater.com and via U.S. mail

Re: Comments on the Initial Study and Notice of Preparation of an Environmental Impact Report for the Hemphill Diversion Structure Project

Dear Ms. Stepanian and Mr. Roderick:

The Foothills Water Network (FWN or Network) and its affiliated organizations respectfully respond to the Initial Study and Notice of Preparation (NOP) of an Environmental Impact Report (EIR) for the Hemphill Diversion Structure Project (Project) prepared by Nevada Irrigation District (NID). The Network represents a broad group of non-governmental organizations (NGOs) and water resource stakeholders in the geographic area bounded by the Yuba River, Bear River, and American River watersheds. The overall goal of the Network is to provide a forum that increases the effectiveness of non-profit conservation organizations to achieve river and watershed restoration and protection benefits for the Yuba, Bear, and American rivers and adjacent watersheds.

Beginning in August of 2017, Network member organizations worked with a Technical Advisory Committee (TAC) comprised of NID Staff, Resource Agencies and NGOs to develop and discuss various options and considerations for improving fish passage and preventing entrainment at NID's Hemphill Diversion facility.

Summary

In general, the Network is supportive of an approach and alternatives that prevent entrainment of juvenile salmonids into the Hemphill diversion or other diversions impacted by alternatives; avoid adverse impacts to Auburn Ravine; conform to state and federal regulatory requirements; and include passage and protections for all salmon, steelhead, and Pacific Lamprey; and meet the requirements for the protection of ESA-listed Central Valley steelhead and their designated critical habitat in Auburn Ravine. A key element in the analysis of alternatives is the time it will take to complete the project—every fall about 90% of all salmon that try to get past the Hemphill

facility do not succeed. The Network also recommends that the draft EIR consider a screen and other design options as part of the fish passage alternative.

The Initial Study notes that potentially significant Project related impacts may occur to biological resources, including to candidate, sensitive, or special status species and their habitat. Potential impacts are noted to the movement of native resident or migratory fish and to their migration corridors, or use of their nursery sites. The Study states that these and other potential impacts will be addressed as part of the DEIR. It is not clear precisely what responsibilities and authorizations may or will be managed through the traditionally responsible resource agencies (e.g, United States Fish and Wildlife Service [USFWS], California Department of Fish and Wildlife [CDFW], and National Marine Fisheries Service [NMFS]) versus the Placer County Habitat Conservation Plan and the Placer County Conservation Plan. The DEIR should clarify these responsibilities.

Auburn Ravine has been shown to be highly productive of rainbow and steelhead trout over much of its length. With average estimated relative abundance of 2,163 individuals per river mile from one CDFW study, and a range of relative abundance estimated at 337 to 7,985 individuals per river mile in the sampling locations.¹ Although not definitive at this point, analyses for Placer County Water Agency's (PCWA) Tunnel Outlet Modification upstream of Hemphill in Ophir concluded that Auburn Ravine constitutes a probable steelhead spawning area given the presence of very small juveniles during spring and may represent a year-round rearing area for juvenile steelhead, given the presence of both young-of-year and larger juveniles during November, December, and April.² Juvenile *O. mykiss* smolts have been reported in Auburn Ravine in several surveys by fisheries professionals.

Our comments are organized by the alternatives considered in the Initial Study. The Initial Study and NOP list four alternatives for the project, those include the Riverbank Infiltration Gallery (Alternative 1), Fish Passage Alternative (Alternative 2), Pipeline Alternative (Alternative 3), and Abandonment of Hemphill Canal (Alternative 4).

The Riverbank Infiltration Gallery (Alternative 1)

According to the Initial Study, Alternative 1, the Riverbank Infiltration Gallery would include construction of an Infiltration Gallery within the north or south bank of Auburn Ravine to facilitate continued water deliveries to Hemphill Canal, and removal of the Hemphill Diversion Structure. The gallery is anticipated to be located about 75 feet downstream of the existing diversion structure. According to the diagrams provided in the Initial Study, the gallery would not truly be a "riverbank" system because it would extend under the creek bed to the middle of the creek.

¹ Department of Fish and Game. 2008. Memo from James Navicky (SVCSR) to Fisheries Files: *Summary of 2004-2005 Fish Community in Auburn Ravine and Coon Creek (Placer County)*.

² Placer County Water Agency, Auburn Tunnel Outlet Modification, Public Draft Initial Study-Mitigated Negative Declaration, 2009.

If the Infiltration Gallery is placed along the north bank of the creek, a pipeline would have to be installed across the creek either underground or overhead to deliver water to the existing Hemphill canal that begins on the south bank of the creek.

Participants in the TAC were concerned that infiltration galleries are designated as “experimental” by the National Marine Fisheries Service (NMFS). Because of the risks they present to juvenile fish, and their high failure rate, NMFS has consistently declined to approve infiltration gallery designs unless they are prepared by an engineer who has previously designed a successful project.

The design presented to the TAC involved placement of over 500 cubic yards of angular rock into the stream bank and stream bed. During the TAC meetings, both NMFS and California Fish and Wildlife (CDFW) stated that only naturally rounded river rock would be allowed to be placed in those locations due to the risk that angular rock poses for the spawning success of salmon and steelhead. The design presented in the Initial Study still has this defect.

The DEIR should ground its analysis in the various sediment transport models described in the June 2020 Sediment Transport Study prepared by Balance Hydrologics for NID.³ The analysis must disclose the impact that sediment transport will have on the potential for failure or success of an infiltration gallery and in particular, this alternative.

In addition, the alternative’s plan to leave the existing Hemphill Dam in place for one year after completion of the new infiltration gallery fails to account for the fact that dam removal will substantially alter the hydraulics of the infiltration gallery downstream of the removed dam. The proposed one-year delay in dam removal is not adequate mitigation for the potential for the clogging of the infiltration gallery with sediment.

Fish Passage Alternative (Alternative 2)

According to the Initial Study, Alternative 2, the Fish Passage Alternative, would include the potential replacement or alteration of the Hemphill Diversion Structure to accommodate a fish ladder within Auburn Ravine. The fish ladder is anticipated to be located adjacent to or on the existing diversion structure.

The Network is concerned that the current fish ladder alternative does not address entrainment into the canal because it does not include a screen at the intake to the Hemphill Canal. A screen at the intake to the Hemphill Canal is necessary to prevent the entrainment of juvenile salmonids that at present can be drawn into the canal. For species listed under the Endangered Species Act, such entrainment constitutes illegal “take”. CDFW fish passage criteria and regulations require a screen to be included as part of this type of project.

³ Balance Hydrologics, Auburn Ravine-Hemphill Diversion Assessment Sediment Transport Study, June 2020 (Sediment Transport Study). Available at: https://nidwater.com/wp-content/uploads/2020/06/FINAL_220031-Sediment-Transport-Study-06-01-20202.pdf

The Network is also concerned that the ladder described in the Initial Study may result in high maintenance costs and intermittent failures caused by the large amount of large wood debris that surges down Auburn Ravine every fall and winter.

For both of these reasons, the Network recommends the addition of a second fish passage alternative, similar in design to the in-stream “riffle and pool” design of the fish passage facility at NID’s Lincoln Gauging Station, completed in 2012. This alternative should also include a fish screen. FWN recommends evaluation of an off-stream bay at the proper elevation on the south side of the creek and a self-cleaning conical screen, as was discussed in the TAC. Under this approach, water could be pumped into the Hemphill Canal and entrainment into the canal would be prevented.

The DEIR should describe a range of alternatives of the proposed Project and its location that will feasibly attain the project’s basic objectives while avoiding or substantially lessening the project’s significant impacts.⁴

Pipeline Alternative (Alternative 3)

According to the Initial Study, Alternative 3, the Pipeline Alternative would entail construction of an underground pipeline extending from existing NID facilities on Gold Hill Road to Hemphill Canal, and remove the existing diversion structure at the Hemphill site. Construction of Alternative 3 would include installation of a 24-inch raw water pipeline in the Fruitvale Road, Fowler Road and Virginiatown Road rights-of-way (ROWS). This alternative would also include an above-ground stream crossing downstream and west of the existing Hemphill diversion.

Commenters during the September 21, 2020 scoping meeting addressed the importance of thorough consideration of all possible Project impacts to the aquatic community, particularly with the Pipeline Alternative. The potentially affected area with this alternative is part of the Auburn Ravine Critical Habitat for Central Valley steelhead; in addition to their presence, this area may support spawning, rearing, and migration of protected rainbow and steelhead trout.

In the Initial Study’s Mandatory Findings of Significance, potential impacts are noted, including cumulatively significant impacts, to critical fish and wildlife species, their habitat, range, numbers, and the physical environment. The Network sees these and other related Project impact assessments as particularly crucial.

The Initial Study describes the Pipeline as starting at the NID maintenance yard at Gold Hill and Fruitvale roads. However, the Study does not state where the water will come from. The DEIR needs to define where the water will be diverted from Auburn Ravine and specify whether that the associated water right permit will require a change in point of diversion.

If, as clarified in the September 21, 2020 scoping meeting, the water is to be diverted into the AR1/Gold Hill Canal and re-diverted into a pipeline at NID’s Placer Yard to Hemphill, there are several potential impacts to consider. First is the impact to the AR1/Gold Hill Canal. The DEIR should analyze whether there is capacity in Gold Hill Canal to add the needed 12 cfs (existing

⁴ See Pub. Res. Code § 21100(b)(4); CEQA Guidelines § 15126(d).

peak) to serve existing Hemphill Canal customers. It must also evaluate the potential to add Gold Hill Canal or Hemphill Canal customers, or customers along the proposed new pipeline, and the impacts of such additions. The DEIR must evaluate whether the increased flow will increase maintenance costs for the canal. It must also evaluate whether the increased flow will increase the risk of canal failure. It must evaluate any impact on the diversion point at Gold Hill Dam.

Increased flow into the Gold Hill Canal could cause more rainbow and steelhead trout to be entrained into the canal. The DEIR must evaluate and disclose the entrainment impacts of increased flow into the unscreened AR1 diversion and propose mitigation for such impacts.

By diverting water at Gold Hill Dam instead of at the existing Hemphill Dam, flows in Auburn Ravine from Gold Hill Dam down to Hemphill would be reduced significantly. The DEIR should evaluate the percentage of flow reduction during irrigation season and the remaining flow in the reach of Auburn Ravine between Gold Hill Dam and the site of the existing Hemphill Dam if the Pipeline alternative is chosen. The DEIR must evaluate the impact of these reduced flows on the Chinook salmon, Central Valley Steelhead Trout and lamprey that may be migrating, spawning, rearing and holding in this area and on the Ravine. The DEIR should also analyze the impacts to aquatic communities, riparian habitat, and related resources in this reach. The DEIR should evaluate whether these potential impacts will affect compliance with requirements and guidelines that attach to this reach by virtue of its designation as Critical Habitat.

As a subset of the analysis of reduced flow in the reach between Gold Hill Dam and the site of the existing Hemphill Dam, the DEIR needs to evaluate the impacts of such reduction in the reasonably foreseeable event that PCWA ceased using Auburn Ravine to deliver water to customers downstream of Gold Hill and Hemphill dams. Currently PCWA delivers water west and downstream of Hemphill Dam. There are no existing NID customers along Auburn Ravine downstream of Hemphill Dam. In the future, PCWA may find it more cost-effective to not use the Ravine for deliveries. Alternatively, PCWA's agricultural customers downstream of Hemphill Dam may decide that the cost of the water does not warrant continued purchase. If the flow in Auburn Ravine associated with these PCWA deliveries is removed from the Ravine, the hydrological impacts on Auburn Ravine from Alternative 3 would increase dramatically.

The pipeline to be evaluated in Alternative 3 would remove the flow from Auburn Ravine for roughly a six-mile reach between Gold Hill and Hemphill dams. Putting the flow instead into a pipe and out of the natural river bed will have an impact on groundwater recharge. The DEIR should quantify the loss of groundwater recharge if flows are reduced from Gold Hill to Hemphill Dam. The DEIR must also look at the impact this alternative may have on domestic wells in the vicinity.

There has been no engineering study that details the design of the pipeline. Depending on design, this alternative could be costly. The Pipeline alternative should be analyzed to estimate a range of costs including potential costs that could be caused by unforeseeable underground impediments. The DEIR must disclose whether the pipeline would be pressurized, and if so, the pressure at which it will be maintained. It must disclose whether pressure sensors will be placed at intervals along the pipe and remotely monitored so that any damage caused by any pipe

failures can be minimized. It must also disclose whether a forebay will be needed to accommodate fluctuations in flow as customer usage varies during the day, and if so, must disclose the impacts of the forebay's construction and operation.

The Initial Study mentions that new customers may be added to the pipeline. The DEIR should detail the potential range of new customers, the cost for new customers to connect to the pipeline, and also the price they will have to pay for the water. The DEIR should specify the design and anticipated operation of this alternative and include a range of potential costs for the Pipeline.

The DEIR must disclose whether NID will need to construct a bridge to support the pipeline's crossing of the creek near the Turkey Creek Golf Course, and the impacts associated with any such bridge, during and after construction, and including visual and noise impacts.

Abandonment of the Hemphill Canal (Alternative 4)

According to the Initial Study, Alternative 4 would remove the Hemphill Diversion Structure and decommission Hemphill Canal as it travels through Turkey Creek Golf Course as well as adjacent land to the west.

The Initial Study states that if the Canal is abandoned, this alternative would also include restoration of the stream and stabilization so that it would permanently allow upstream and downstream fish passage. The Network believes this is a critical part of this alternative.

The abandonment of the Hemphill Canal, in conjunction with the removal of the Hemphill Dam and restoration of the Auburn Ravine Creek streambed could be the most cost-effective solution for the District. The Initial Study mentions the creation of "pump accounts" to serve existing customers if the Hemphill canal is abandoned. This option and range of costs should be explored thoroughly.

Hemphill Canal drains and eventually flows into Orchard Creek. If Hemphill Canal were no longer used and essentially dried up, there would be an impact to Orchard Creek. There are endangered swallows that now feed along Orchard Creek and nest nearby. The DEIR should evaluate the impact of canal abandonment to these birds.

Additional Comments

In addition to specific comments regarding the alternatives, the Network provides these additional comments to consider.

After one of the Alternatives is selected and implemented, it will be important to gather data on the actual numbers and species of fish that migrate past the Hemphill site, both upstream and downstream. The data collected will enable assessments of the success of the implemented Alternative to determine whether it meets regulatory requirements for fish passage and to determine its effect on the health of fish populations. To gather this data and communicate it effectively, a modern fish counting system that includes telecommunication features for remote access and reporting should be installed at the site. The DEIR should evaluate options for fish

counting systems that could be installed with each Alternative to gather and report data for at least ten years after the Alternative is implemented.

The DEIR needs to analyze the potential and cumulative impacts that could be caused if there are changes in the future to imported water quantity, timing, use, and/or contributing sources in Auburn Ravine. This is true for Alternative 3 in particular, but should also include the other alternatives.

The previously referenced June 2020 Sediment Transport Study states that some of the alternatives could create a “slope break” that would slowly degrade upstream after the dam is reduced in height or removed.⁵ This slope break could be an impediment to upstream passage. The DEIR should analyze the potential for the development of such a slope break, evaluate its likely persistence, disclose its impacts, and propose feasible mitigation.

Section 3.1 of the Sediment Transport Study states that there was no high-flow gage data available to support the study. However, there is year-round flow data for the Lincoln Gaging Station that is collected by the Western Placer Wastewater Treatment Plant. The DEIR should make use of this dataset as appropriate.

In addition to the agencies listed in the NOP, NID should consider adding the Placer County Flood Control District to the list of agencies consulted on this project because the movement of sediment to locations downstream from the Hemphill site could increase flood risk. NID should also consult with the Placer County Conservation Plan.

Discussion at the September 21, 2020 scoping meeting indicated that not all comments, communications, and information related as part of the TAC were yet available. We encourage the preparers of the DEIR to seek out, disclose, and make careful use of this information, particularly the information developed by resource agencies. Attached you will find a bibliography of what we hope will be helpful background information.

Conclusion

Thank you for consideration of the Network’s comments on the Initial Study for the Hemphill Diversion Structure Project. Please contact Traci Van Thull, Coordinator, Foothills Water Network, if you have any questions.

Respectfully submitted,



Foothills Water Network

⁵ Sediment Transport Study, op. cit., pp.22 ff.



Traci Sheehan Van Thull
Coordinator, Foothills Water Network
PO Box 573
Coloma, CA 95613
traci@foothillswaternetwork.org



**Friends of
Auburn Ravine**
AuburnRavine.org



James Haufler
President
Friends of Auburn Ravine
P.O. Box 1197
Lincoln, CA 95648
(916) 672-9672
projects@auburnravine.org



Chris Shutes
FERC Projects Director
California Sportfishing Protection Alliance
1608 Francisco St, Berkeley, CA 94703
blancapaloma@msn.com
(510) 421-2405

RL Otto

Ron Otto
Auburn Ravine Preservation Committee
Ophir Property Owners Assoc., Inc.
10170 Wise Road
Auburn, CA 95603
rottoophir@gmail.com



Frank Rinella

Frank Rinella
Northern California Federation of Fly Fishers International
Gold Country Fly Fishers
303 Vista Ridge Dr.
Meadow Vista CA, 95722
sierraguide@sbcglobal.net



Tim Woodall
President
Protect American River Canyons
P.O. Box 9312
Auburn, CA 95604
parc@jps.net



Jack Sanchez
President and Coordinator
Save Auburn Ravine Salmon and Steelhead
P.O. Box 4269
Auburn, CA 95604
alcamus39@hotmail.com



Melinda Booth
Executive Director
South Yuba River Citizens League
313 Railroad Avenue, Suite 101
Nevada City, CA 95959
(530) 265-5961 x 205
melinda@yubariver.org



Barbara Rivenes
Conservation Committee
Sierra Club - Mother Lode Chapter
909 12th St #202
Sacramento, CA 95814
brivenes@sbcglobal.net



Brian J. Johnson
California Director
Trout Unlimited
5950 Doyle Street, Suite 2
Emeryville, CA 94608
(510) 528-4772
bjohnson@tu.org

Attachment 1

Nevada Irrigation District Hemphill Diversion Structure Project Comments to Initial Study

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