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State of California

Zapel Keegan

Memorandum
EXHIBIT *CT 20*

#13

To : Paul Forsberg, ESD

Date : Jan 19, 1995

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From : Department of Fish and Game

Subject : Cachuma Project Contract Renewal Draft EIS/EIR

I have reviewed portions of the subject document and the Fish Resources Technical Report and offer the following comments to be submitted to the U.S. Bureau of Reclamation. Regretfully, I do not have the time to thoroughly review these documents, so I have restricted review to mostly policy issues. I did not review the sections dealing with flow evaluations.

DRAFT EIR/SSection 4.3. pg 4-8

We agree that Alternative 2, "Non-renewal of Contract", is not consistent with the purpose and need of contract renewal as described in section 2.2, Statement of Project Purpose and Need. However, we believe that Alternative 1, No Action/no project, is also not consistent with purpose and need, and should be so stated and removed from further consideration. Item 4 of Project Purpose and Need, pg. 2-2, states that it is an objective of contract renewal "to operate the project with environmental sensitivity." There is no question that current operations of the Cachuma Project (i.e. no release for fish and wildlife) has caused great environmental damage and the near-extirpation of the steelhead run. Renewed operation under this scenario would continue to do so, hence is not consistent with the stated purpose and need.

Section 3.2.5.1. pg 3-6 and 3-7

The phrase "wasting water to the ocean" is a contentious statement that represents an archaic, environmentally insensitive view. Water that flows to the ocean may have little benefit for municipal and agricultural usage, but has great benefit for fish and wildlife and is not "wasted". We recommend that you strike this phrase, or if it is included here because it is actual language in the historical document described, it should be within quotation marks.

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Section 5.4.4.5

The quality of historical mainstem spawning habitat, as described by Shapovalov (1946), should be referenced in this section. Shapovalov found that "spawning areas in the Santa Ynez River...are excellent from Solvang to Gibraltar Dam". Solvang is approximately 10 miles downstream from Bradbury Dam, hence, there was suitable spawning habitat available to steelhead in the mainstem below Bradbury Dam.

Sections 6.4.2.2; 6.4.3.2; 6.4.4.2; 6.4.5.2; 6.4.6.2; 6.4.7.2; 6.4.8.2

What is the basis of the statement "it will be essential to augment the steelhead population to jump start the population"? Once limiting factors are eliminated or reduced, steelhead may respond accordingly and may not need to be augmented. Stock transplantation to accomplish this is against DFG policy and will not be permitted. The use of temporary artificial production facilities will only be considered if the stock is in imminent danger of extinction and will not be considered as mitigation for the project. We recommend that you modify this statement to read: "Because of the dangerously low steelhead population in the Santa Ynez River, one management option is to quickly rebuild the population by implementation of temporary facilities such as a hatchery or rearing facility."

Section 6.4.2.2.

There is no basis for the statement that steelhead/rainbow trout outmigrants would need to be transported around the mainstem of the Santa Ynez River due to abundant predators. Without predation or food habits study of introduced fishes above Bradbury Dam, this is merely speculation. We agree that a trap-and-truck operation that does not transport outmigrants around Bradbury Dam has a reduced chance of success, however, we believe the major obstacle is that juveniles will residualize or become trapped in the reservoir or will not survive spillage from the reservoir to the Santa Ynez River.

You have mis-characterized DFG policy on trap-and-truck operations. This policy states that trap-and-truck operations can be considered for implementation for existing barriers that block access to historical spawning and rearing areas. A trap-and-truck facility on the Santa Ynez River to move adults and juveniles around Bradbury or Gibraltar Dam would be allowed under this policy. The draft *Steelhead Management Plan for California* recommends investigation of the feasibility of implementing such a facility on the Santa Ynez River. Conversely, a trap-and-truck facility to move fish around problem areas in the lower mainstem caused by insufficient flows is not consistent with this policy or Fish and Game Code 5937.

We have no record of indicating to you that trap-and-truck operations would not be acceptable mitigation, as stated on page

6.4-12. In fact, in our letter to you outlining our comments on the administrative draft EIR/S we stated that we strongly support providing passage around Bradbury Dam. Allowing adults to access headwaters and safely transporting juveniles around the dam may lessen the need for excessive releases from Bradbury Dam to provide for mainstem spawning as mitigation.

We believe that the draft EIR/S is deficient because it does not address the issue of restoring access to spawning and rearing areas above Bradbury Dam. Assessment of habitat in tributaries above Bradbury Dam and feasibility of providing access must be analyzed within the current alternatives or as a new alternative.

FISH RESOURCES TECHNICAL REPORT

Section 4.2.2

Table 4-1 contains several measures "that have been identified and considered for application in the Santa Ynez River" that are against DFG policy, Fish and Game Commission (FGC) policy, and the Fish and Game Code and will cause us to oppose the final EIR/S if they are included as mitigation. These need to be removed from further consideration and from the EIR/S before it is finalized. Specifically:

Mitigation Measure 5 (Trap-and-Truck adults to downstream tributaries) is not consistent with Fish and Game Code 5937, which states that dam operators must allow sufficient water to be released to keep in good condition any fish that may exist below the dam. If fish need to be transported because insufficient releases from Lake Cachuma do not allow them to survive or reproduce, then obviously they are not being maintained in good condition.

Mitigation Measure 6 (Trap-and-Truck SYR adults to outside SYR drainage) is not consistent with DFG Stock Management Policy or the intent of restoration goals. Our intent is to restore Santa Ynez River steelhead in the Santa Ynez River, and mitigation measures need to be designed accordingly.

Mitigation Measure 8 (Trap-and-Truck outmigrants at tributaries) - see comment at measure 5, above.

Mitigation Measure 23 (Wild steelhead hatchery) is contrary to the Fish and Game Commission Steelhead Rainbow Trout Policy, which states: "Artificial production shall not be considered appropriate mitigation for loss of wild fish or their habitat."

Mitigation Measure 10 (Water temperature improvements) would also have "Predator Control" benefits by reducing the habitat suitability of introduced warm water predators.

Section 4.2.3

Table 4-2 contains several "potential" mitigation measures that are against DFG policy, Fish and Game Commission (FGC) policy, and the Fish and Game Code and will cause us to oppose the final EIR/S if they are included as mitigation. These measures were identified in our comment letter on the Administrative draft EIR/S. Frankly, we are surprised to find that they are included in the draft EIR/S for further consideration or possible further consideration. It needs to be stated that these will not be considered further in the column "Continue to Consider?" These need to be removed from further consideration and from the EIR/S before it is finalized. Specifically, these measures are:

Mitigation Measure 5 (Trap-and-Truck adults to downstream tributaries) - see previous comment.

Mitigation Measure 6 (Trap-and-Truck SYR adults to outside SYR drainage) - see previous comment.

Mitigation Measure 8 (Trap-and-Truck outmigrants at tributaries) - see previous comment.

Mitigation Measure 23 (Wild steelhead hatchery) - see previous comment.

Table 4-2 describes several potential mitigation measures that are listed as "maybe" under the column "Continue to consider?" Those measures dealing with restoring access to and from the tributaries above Bradbury Dam (Measures 2, 3, 4, and 7) need to be addressed and considered further. Restoration of access to upstream tributaries is the only measure that will fully restore Santa Ynez steelhead and alleviate the need for large releases to create suitable spawning and rearing habitat in the mainstem below Bradbury Dam to mitigate for loss of upstream habitat.

Section 4.2.3 Footnotes for Table 4-2.Footnote 4 and 6

The statement "CDFG has stated that trap-and-truck would not be approved" is wrong. See comment on section 6.4.2.2., above.

Footnote 8

This statement "this measure is against CDFG policy and would not be approved" is correct. Why, then, is it designated as "study needed" under the column "Continue to consider?" This should be changed to "no".

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Section 4.2.3, pg. 4-20, last ppph.

The statement "CDFG has indicated that such an operation would not be approved since it is against CDFG policy" in reference to the measure described in this paragraph, is wrong. See comment on section 6.4.2.2, above.

Section 4.2.5.1, pg. 4-28, 1st full ppph.

See comment on sections 6.4.2.2, above, regarding artificial supplementation.

Section 4.2.5.1, pg. 4-29, 1st ppph.

See comment on section 6.4.2.2, above.

If you have any questions, please call.



Dennis McEwan
Associate Fishery Biologist
California Department of Fish and Game

cc: Forrest Reynolds, IFD
Tim Curtis, IFD
Maurice Cardenas, R5

File #: Santa Ynez stream file. (Santa Barbara County)

