APPENDIX J
Friant-Kern Canal Middle Reach Capacity Correction Project

Scoping Report

BUREAU OF RECLAMATION

Friant WATER AUTHORITY

Bureau of Reclamation
Interior Region 10 California-Great Basin
California*, Nevada*, Oregon*
***Partial**

April 2020

This document describes the public scoping activities conducted by the Bureau of Reclamation (Reclamation) and Friant Water Authority (FWA) for the Friant-Kern Canal Middle Reach Capacity Correction Project (Project). Pursuant to National Environmental Policy Act (NEPA) requirements, Reclamation published a Notice of Intent (NOI) to develop an Environmental Impact Statement (EIS) in the Federal Register on December 2, 2019 (84 FR 66001). Pursuant to California Environmental Quality Act (CEQA), FWA issued a Notice of Preparation (NOP) to develop an Environmental Impact Report (EIR) on January 2, 2020. The NOI and NOP established a 30-day public review period, which closed on January 2, 2020. In addition, a public scoping meeting was held on December 18, 2019 to solicit public comments on the scope of issues evaluated in the EIS/R. This chapter further describes the noticing process and public scoping meeting, as well provides a summary of written and verbal comments received during the public scoping period. Acronyms and abbreviations used in this appendix are listed in Appendix A of the Draft EIS/R.

Noticing

On December 2, 2019, Reclamation published a NOI in the Federal Register pursuant to the Code of Federal Regulations (Title 40; Chapter 5; Part 1508; Section 1508.22). The NOI established the 30-day public review period under NEPA, which closed on January 2, 2020. The FWA published an NOP pursuant to the California Code of Regulations (Title 14; Chapter 3; Article 7; Section 15082) on December 2, 2019. The NOP established a 30-day public review under CEQA, which also closed on January 2, 2020. The NOP was sent to the California State Clearinghouse for distribution to other state agencies; as well as the Tulare County Clerk's Office, Kern County Clerk's Office, and City of Porterville Clerk's Office. Reclamation also issued a press release announcing the availability of the Environmental Assessment and Impact Statement on December 3, 2019, via a distribution program called Cision. In addition, Reclamation and FWA published notices with the information from the NOI and NOP in two local newspapers: Visalia Times Delta and Porterville Recorder. The newspaper notices included information on the purpose, date, and location of the scoping meeting, described below. Copies of the NOI, NOP, and newspaper notices are included in Attachment A of this document.

Public Scoping Meeting

A publicly advertised scoping meeting was held on December 18, 2019 from 5:30 p.m. to 7:30 p.m. at the U.S. Forest Service office located at: 1839 S. Newcomb St, Porterville, CA 93257. The scoping meeting was held to provide information on the Project, accept comments on the scope of the EIS/R, and gather input to assist with framing the analysis and focus of the EIS/R. The public was notified of the meeting through postings on the Reclamation and FWA websites, as well as the Federal Register and newspaper notices, NOI and NOP described above. In addition to agency and consultant staff from FWA and Reclmation, three individuals attended the meeting.

The meeting began with a presentation by Reclamation and consultant staff on the Project alternatives and schedule; NEPA/CEQA environmental review process; and process for submitting scoping comments. Topics covered in the presentation included:

- regional land subsidence;
- Project status;
- purpose and need for the Project under NEPA;
- objectives for the Project under CEQA;
- Project alternatives;
- preliminary analysis during the environmental review process;
- proposed resources that required further analysis in the EIS/R;
- the status of the environmental review process;
- the Project schedule; and
- the methods by which all responcible agencies, trustee agencies, stakeholders, and intersted persons could submit their scoping comments.

Upon conclusion of the presentation, the meeting was opened for attendees to provide oral comments. Oral comments were noted by Reclamation and FWA agency and consultant staff in attendance. The list of individuals that provided oral comments during the scoping meeting and a summary of each oral comment is provided in Table J-1.

Cooperating Agencies

On August 27 and 28, 2019, Reclamation sent requests to eight federal and non-federal agencies seeking their participation as Cooperating Agencies pursuant to 42 United States Code Section 4332 and 40 Code of Federal Regulations (CFR) 1501.6. Cooperating Agencies are entities that have jurisdiction by law or special expertise regarding a particular project. Reclamation sent cooperating agency request letters to the following agencies: USACE, USFWS, CDFW, Regional Water Board, Caltrans, SJVAPCD, Kern County Public Works, and Tulare County Public Works. The USACE is the only federal agency that accepted the role as a Cooperating Agency and has designated Reclamation as lead federal agency for NEPA, Section 7 of the ESA, and Section 106 of the NHPA. The state or local agencies contacted are not continuing as Cooperating Agencies but will continue their involvement as Responsible Agencies pursuant to CEQA.

Native American Tribal Consultation

Tribal consultation is required by NEPA when a federally recognized tribe may be affected by the project. Reclamation submitted a Sacred Lands File & Native American Contracts List Request form to the Native American Heritage Commission (NAHC) on September 18, 2014. The NAHC responded on September 29, 2014 with a list of Native American tribe contacts with potential cultural resources in the Project area. From September 2014 through August 2019, this list was further refined to those tribes, organizations, and individuals that had expressed an interest in participating in the Section 106 National Historic Preservation Act (NHPA) process. On August 15, 2019, Reclamation sent letters to the following Native American tribes: Amah Mutsun Tribal Band, Chowchilla Tribe of Yokuts, North Fork Rancheria of Mono Indians of California, North Valley Yokuts Tribe, Picayune Rancheria of Chukchansi Indians of California, Santa Rosa Indian Community of the Santa Rosa Rancheria, Table Mountain Rancheria of California, Tejon Indian Tribe, and Tule River Indian Tribe. See Attachment B of this document

for an example the letter described above. The letters invited the tribes to participate in the NHPA Section 106 consultation process for the Project and requested information under Section 106 of the NHPA regarding the identification of cultural resources in the Project area. Reclamation conducted additional efforts, including phone calls and emails, to confirm receipt of the letters. No tribes requested consultation.

In addition to federal tribal consultation requirements, CEQA lead agencies are required to consult with California Native American tribes (state tribes) under Assembly Bill 52. FWA has not received any requests from state tribes regarding notification of projects. However, FWA submitted a Sacred Lands File & Native American Contacts List request to the NAHC on September 3, 2019. The NAHC responded on September 3, 2019 with a contact list of Native American tribes with potential knowledge of cultural resources in the Project area (see Attachment B**)**. In total, sixteen tribes were identified. FWA sent letters to the each of the Native American tribes identified in the NAHC's contact list on December 23, 2019 requesting information on potential Tribal Cultural Resources in the Project area. See Attachment B of this document for an example the letter described above. At this time, no tribes have responded to FWA's letter.

Summary of Scoping Comments

Reclamation and FWA received a total of 11 comment submittals (including letters, emails, and verbal comments) during the scoping period. Copies of the written comment submittals are included in Attachment C of this Scoping Report. Table J-1, shown below, provides a summary of the comments received during the public scoping process organized by the date of submission.

Table J-1. Scoping Comment Summary

Format	Date	Commenter	Summary of Comments	Response
Letter	December 2, 2019	California Governor's Office of Planning and Research	The California Governor's Office of Planning and Research confirmed that the Notice of Preparation was distributed to the appropriate agencies.	No response required.
Letter	December 4, 2019	Native American Heritage Commission	The Native American Heritage Commission recommended consultation with California Native American tribes that are traditionally and culturally affiliated with the geographic area of the Project. The letter summarized tribal consultation requirements identified in Assembly Bill 52 and Senate Bill 18, and recommended actions to adequately assess the existence and significance of tribal cultural resources in the Project area.	FWA will comply, as required and appropriate, with requirements of Assembly Bill 52 and/or Senate Bill 18 as part of the CEQA process.
Email	December 17, 2019	Tulare County Farm Bureau	The Tulare County Farm Bureau stated its support for the Project, provided a description of the FKC's importance to the community, and stated its support for FWA's efforts to complete a feasibility assessment. The Bureau also commented that any proposed efforts or studies should address the canal's subsidence issue with the intent to avoid future subsidence challenges.	The action alternatives evaluated in Chapter 2 of the EIS/R account for projected future subsidence.
Letter	December 16, 2019	California Department of Toxic Substances Control	The California Department of Toxic Substances Control (DTSC) recommended that the Hazards and Hazardous Materials section of the EIS/R acknowledge the potential for Project site activities to result in the release of hazardous wastes and	The EIS/R includes an analysis of the potential for Project site activities to result in the release of hazardous waste substances and any applicable mitigation to avoid or mitigate potential effects, as appropriate.

Format	Date	Commenter	Summary of Comments	Response
			substances. In addition, DTSC recommended processes for evaluating those hazards, if present; delineating how hazards will be investigated and/remediated; and providing regulatory oversite for hazardous waste incidents, if any.	
Letter	December 19, 2019	California Department of Transportation	The California Department of Transportation (Caltrans) recommended that FWA and Reclamation engage in early consultation. Caltrans also recommended that the Project proponents coordinate with local agencies and other Project proponents on all development projects that utilize the multimodal transportation network. The letter noted that Caltrans must be identified and actively coordinated with as a CEQA responsible agency. It also noted that Caltrans will require a Traffic Control Plan for SR 190 during the demolition and construction of the new canal realignment and the new canal bridge crossing SR 190. In addition, the letter provided a reminder that an encroachment permit must be obtained for all proposed activities for placement of encroachments within, under or over the State highway rights-of-way; and the project proponent is required to schedule a “Pre-Submittal” meeting with District 6 Encroachment Permit Office prior to the submittal of the encroachment permit.	FWA and Reclamation have and will continue to consult and coordinate with Caltrans through all stages of Project development, as appropriate. The EIS/R identifies Caltrans as a responsible agency. The EIS/R includes an analysis of impacts to transportation in the Project area and includes any applicable mitigation to avoid or mitigate potential effects including the preparation of a traffic control plan. An encroachment permit will be obtained prior to construction within, under or over any State highways.
Letter	December 31, 2019	California Department of Fish and Wildlife	California Department of Fish and Wildlife (CDFW) serves as both a Trustee Agency (Fish & Game Code Section 711.7, Public Resources Code § 21070, and CEQA guidelines § 15386) and Responsible Agency (Public Resources Code Section § and CEQA Guidelines § 15381). Based on a review of aerial imagery and the California Natural Diversity Database	The biological resources section of the EIS/R addresses the potential for the species that are listed in CDFW’s comment letter to be present in the Project area, as well as the potential for take of state-listed species and includes applicable mitigation to avoid or mitigate potential effects, as appropriate. The Project would include two crossings that are in CDFW’s jurisdiction: Deer Creek and White

Format	Date	Commenter	Summary of Comments	Response
			(CNDDB), CDFW provided a list of special status plant and wildlife species and habitats known to occur that could be affected by the Project. CDFW also recommended modifications and/or edits be incorporated into the EIS/R that addresses the following: San Joaquin Kit Fox; Swainson's Hawk; special-status plants; nesting Bald Eagle and Golden Eagle; burrowing owl, and other state species of special concern; and wetland and riparian habitats. CDFW recommended consulting with U.S. Fish and Wildlife Service regarding potential impacts to federally listed species. CDFW provided a summary of the lake and streambed alteration agreement requirements and their jurisdiction over actions with potential to result in the disturbance or destruction of active nest sites or the unauthorized take of birds. Additional required processes were summarized including the reporting of special status species and natural communities that are detected into the CNDDB and determining appropriate fees upon filing the Notice of Determination.	River; therefore, a Streambed Alteration Agreement will be obtained prior to construction in these waterways. Reclamation and FWA have been, and will continue to coordinate with U.S. Fish and Wildlife Service. The biological resources section of the EIS/R addresses the potential for the Project to affect birds and applicable mitigation to avoid or mitigate potential effects, as appropriate. FWA will comply with special-status species' reporting requirements as required by law and will submit the appropriate CDFW filing fee upon filing the Notice of Determination.
Letter	January 2, 2020	U.S. Environmental Protection Agency	The U.S. Environmental Protection Agency (EPA) stated that all reasonable alternatives should be evaluated and presented in comparative form. The EPA recommended that existing environmental conditions be used as the baseline for comparing impacts across all alternatives, including the no-action alternative, and included recommendations to consider when defining baseline conditions. The letter stated that the document should identify all petitioned and listed threatened and endangered species and critical habitat that might occur within the Project area and recommended	The EIS/R evaluates a range of alternatives, including the no-action, as well as a discussion of alternatives that were considered during the Project planning phases, but were determined to be infeasible, or not to achieve the purpose and need or Project objectives. The EIS/R includes descriptions of baseline conditions for all potentially affected resource areas. The biological resources section of the EIS/R addresses the potential for petitioned and listed threatened and endangered species and critical

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			engaging the U.S. Fish and Wildlife Service as early as possible. A recommendation was made that the Draft EIS include an analysis or description of several resources in the Project area, as well as incorporation of alternatives, mitigation measures, or operational controls that would avoid, reduce or minimize impacts on wetlands, groundwater and air quality. The EPA also stated that the EIS should identify which resources are analyzed for cumulative impacts, which ones are not, and why.	habitat to be present in the Project area, as well as the potential for take of state-listed species and includes applicable mitigation to avoid or mitigate potential effects. Reclamation and FWA have been and will continue to coordinate with U.S. Fish and Wildlife Service. The EIS/R includes an analysis of wetlands, groundwater and air quality within the Project area and applicable mitigation to avoid or mitigate potential effects, as appropriate. The EIS/R includes a cumulative impacts analysis.
Letter Submitted via email.	January 2, 2020	California Farm Bureau Federation	The California Farm Bureau Federation (CFBF) considers the canal enlargement and realignment alternative to be the far superior option overall when compared to the canal enlargement alternative and listed six specific reasons for this finding. The CFBF stated that the final preferred alternative should focus closely on the Project's longevity and overall effectiveness and that facility sizing and design should look beyond restoration and including capacity of high-flow flood waters. CFBF stated that Reclamation should approach its study and refinement of the Project as an important strategic component of a broader federal plan to support state objectives regarding the California's Water Resilience Portfolio, Sustainable Groundwater Management Act, and Delta Reform. CFBF also provided comments regarding the Project's financing and investment strategy; coordination and alignment of shared federal and state objectives/environmental objectives and review; impacts on agricultural lands and on local roads and infrastructure; and energy-related objectives.	The EIS/R evaluates a range of alternatives, including the no-action, as well as a discussion of alternatives that were considered during the Project planning phases, but were determined to be infeasible, or not to achieve the purpose and need or Project objectives. The action alternatives evaluated in the EIS/R have been configured to account for future additional subsidence as well as the ability to convey flood waters during wet years. The Friant Division of the Central Valley Project (CVP) was constructed as a conjunctive use Project to enhance the water supply portfolio available to communities and farms in Fresno, Kern Kings and Tulare Counties. Restoring the design capacity of the facility through the Project accomplishes the Federal government's commitment to support projects that assist the state in achieving its objectives under the Sustainable Groundwater Management Act, the California Water Resilience Portfolio, and the Delta. Project financing is outside of the scope of the EIS/R, and will be evaluated, as appropriate as part of Project planning, design, and financing.

Format	Date	Commenter	Summary of Comments	Response
				The EIS/R includes an analysis of the Project's potential to affect agricultural lands, roads and energy and includes applicable mitigation to avoid or mitigate potential effects, as appropriate.
Oral Comment	December 18, 2019	Julie Phillips City of Porterville, Community Development Director	Julie Phillips, Community Development Director for the City of Porterville, inquired into possible effects the Project may have on sludge projects operated by the City of Porterville's wastewater department and commented on the potential for abandoned portions of the existing canal to be used for illegal camping within the Project area. Ms. Phillips also described the City of Porterville's long-term goals regarding the Tule River Parkway and inquired about the possibility of a collaboration between the City of Porterville and the Project regarding the Parkway project.	Reclamation and FWA will continue to coordinate with the City of Porterville as the Project continues to be developed. FWA will continue monitoring for the unauthorized use of the FKC, including any abandoned segments resulting from Project implementation, as part of their regular maintenance.
Oral Comment	December 18, 2019	Lois Henry San Joaquin Valley Water	Lois Henry, San Joaquin Valley Water District, inquired about the methods by which the Project proponents are acquiring land for the Project and how those efforts are being factored into the cost assumptions. Ms. Henry also requested clarification on the Project's schedule and the alignment on the east side of the canal versus the west side.	Project financing of land acquisition is outside the scope of the EIS/R, and will be evaluated, as appropriate as part of Project planning, design, and financing. General Project schedule information was provided following the scoping meeting and is included in the EIS/R. The Project alignments for both action alternatives is included as part of the Project Description in the EIS/R.
Oral Comment	December 18, 2019	Julie Allen, Individual	Julie Allen, retired U.S. Forest Service planner, inquired about: the total cost of the Project and where the required funds will be obtained; the socio-economic beneficial effects of the Project; the Project's impacts on disadvantaged communities and the opportunities for the Project proponents to collaborate with local resources that serve	Project financing, including funding sources for mitigation, is outside of the scope of the EIS/R, and will be evaluated, as appropriate as part of Project planning, design, and financing. Reclamation and FWA prepared an Environmental Assessment/Initial Study (EA/IS) that provided an initial review of potential impacts

Format	Date	Commenter	Summary of Comments	Response
			those communities; how the Project will impact local groundwater basins and implementation of the Sustainable Groundwater Management Act; budgeting for litigation and endangered species; and the possible procurement of mitigation lands.	associated with the Project. Accordingly, it was determined that the Project would have no impact or less than significant impacts on socioeconomics and environmental justice, therefore those resources will not be further analyzed in the EIS/R. The EIS/R includes an analysis of the Project's potential to affect groundwater and biological resources within the Project area and any applicable mitigation to avoid or mitigate potential effects, as appropriate.

Key:
Caltrans = California Department of Transportation
CEQA = California Environmental Quality Act
CDFW = California Department of Fish and Wildlife
CFBF = California Farm Bureau Federation
CNDD = California Natural Diversity Database
DTSC = California Department of Toxic Substance Control
EIS/R = Environmental Impact Statement/Environmental Impact Report
FKC = Friant-Kern Canal
FWA = Friant Water Authority
Reclamation = Bureau of Reclamation
SR = state route
USEPA = U.S. Environmental Protection Agency

Attachment J1 Public Notices

Friant Water Authority

NOTICE OF PREPARATION OF DRAFT ENVIRONMENTAL IMPACT REPORT/ENVIRONMENTAL IMPACT STATEMENT FOR THE FRIANT-KERN CANAL MIDDLE REACH CAPACITY CORRECTION PROJECT

DATE: December 3, 2019

PROJECT TITLE: Friant-Kern Canal Middle Reach Capacity Correction Project

TO: Office of Planning and Research, Responsible and Trustee Agencies, Interested Organizations and Parties

CEQA LEAD AGENCY: Friant Water Authority
854 N. Harvard Ave.
Lindsay, CA 93247

CONTACT: Doug DeFlitch, Chief Operating Officer c/o Ms. Toni Marie, Executive Secretary

INTRODUCTION

The Friant Water Authority (Friant), as the lead agency under the California Environmental Quality Act (CEQA), and Bureau of Reclamation (Reclamation), as the lead agency under the National Environmental Policy Act (NEPA) propose to construct the Friant-Kern Canal Middle Reach Capacity Correction Project (Project), located in Tulare and Kern counties. Consistent with CEQA and NEPA, and based on the preliminary review of the Project, Friant and Reclamation decided to prepare a joint Environmental Impact Report (EIR)/Environmental Impact Statement (EIS) to evaluate and address the potential impacts of implementing the Project. Your input is requested regarding the scope of the EIR/EIS and the potential environmental impacts of the Project.

Friant will be responsible for the scope and content of the document for CEQA purposes and Reclamation will be responsible for the scope and content of the document for NEPA purposes. Under CEQA, upon deciding to prepare an EIR, Friant, as the CEQA lead agency, must issue a Notice of Preparation (NOP) to inform responsible and trustee agencies and the public of its decision. The purpose of this NOP is to provide information describing the Project and its associated potential environmental effects and to solicit guidance and comments regarding the desired scope and content of the information to be included in the EIR/EIS. Responsible and trustee agencies should limit their comments to environmental information pertinent to each agency's area of statutory responsibility in connection with the Project.

The Project location, description, and environmental resource areas that may be affected are described below.

PROJECT LOCATION/SETTING

The Project is located in Tulare and Kern counties along the existing Friant-Kern Canal (FKC) between the communities of Lindsay, CA and McFarland, CA. The Project is within and adjacent to the alignment of the FKC from milepost (MP) 88.2 (Fifth Avenue check) to MP 121.5 (Lake Woollomes check). Figure 1 shows the approximate location of the Project.

EXISTING CONDITIONS

The FKC delivers surface water from the San Joaquin River stored at Lake Millerton in the north to Friant Contractors in the south across 152 miles of the San Joaquin Valley. The FKC's designed conveyance capacity has been compromised by various factors since it began operation in 1951. Land subsidence, vegetation, and other issues have all led to a reduction in capacity. Subsidence, which is the surface expression of compacted land surface, has negatively affected the FKC's ability to convey water because the canal was designed to use gravity conveyance.

The FKC is situated largely in unincorporated portions of both Tulare and Kern counties and is surrounded predominantly by agricultural operations, with small segments adjacent to the unincorporated community of Strathmore and City of Porterville. Currently, dominant crops adjacent to the FKC include grapes, nuts, and alfalfa.

The majority of the roadways passing through the project area are county-owned, undivided, narrow two-lane collector and local roads used primarily to distribute traffic between local streets and arterials, and for agricultural and residential land access. State highways that cross the FKC in the Project area include state route (SR) 65 and SR 190 in Tulare County, and SR 155 in Kern County.

PROJECT PURPOSE AND OBJECTIVES

The FKC Middle Reach, an approximately 33-mile section of the FKC beginning near Strathmore, CA, has lost over 50 percent of its original design capacity due in large part to regional land subsidence, which has subjected Friant Division long-term contractors to water delivery shortages. As such, Friant's primary goal for the Project is to restore the original design capacity of the Middle Reach of the FKC.

The objectives of the Project are as follows:

- restore capacity to original design levels that meet the water supply delivery requirements of the Central Valley Project contracts of long-term contractors;
- restore capacity to convey water for the short-term conveyance of flood flows or non-CVP project water as well as provide potential surface water supplies for other users through exchanges and transfers;
- facilitate accommodation of potential future reductions in conveyance capacity caused by continued subsidence following Project implementation;
- restore capacity to the maximum extent using the original gravity conveyance design that avoids reliance on additional mechanical facilities and increased energy demands; and
- limit the amount of additional land necessary to be acquired for inclusion as part of the right-of-way for the proposed Project

PROJECT DESCRIPTION

Friant and Reclamation have considered several preliminary alternative design concepts to restore capacity in the FKC Middle Reach. Friant has selected the below-described Canal Enlargement and Realignment Alternative as the proposed Project for purposes of CEQA. Following is a brief description of the proposed Project.

Proposed Project

The proposed Project consists of components that would both enlarge and replace the existing canal within an approximate 33-mile reach of the FKC (see Figure 2). Enlargements to about 10 miles of the existing canal would occur at the northernmost and southernmost portions of the project area by raising and widening the banks. Enlarging the canal would be accomplished by removing the uppermost extent of the existing concrete lining and, at the level of the demolished lining, excavating a horizontal bench (approximately 14 feet wide on each embankment or a total of 28 feet wide) into the existing grade and constructing new (i.e., wider) upper embankments, which would receive new concrete linings. Existing delivery turnouts would be maintained, to accommodate continued use of existing water conveyance facilities.

The proposed Project also consists of an approximate 23-mile realigned canal that would be constructed east of the existing canal from MP 95.7 to MP 119. The realigned canal would accommodate a conveyance capacity of between 3,500 and 4,000 cfs. Once the realigned canal is constructed, most of the existing canal in that location would be abandoned in place. New turnouts, consisting of new cast-in-place concrete structures and delivery piping, would be

constructed as needed along the realigned canal. Small portions of the existing canal (approximately 100 to 200 feet) would be left in place to create a pool upstream of existing pump stations. This would allow water to be delivered from the realigned canal to a controlled water level in the pool, thereby minimizing or avoiding impacts to existing pumps and distribution systems. Approximately 530 acres of new right-of-way would be required to accommodate the proposed Project.

The proposed Project would also require removal and replacement of the existing check structures, wasteways, and siphons at Deer Creek and White River. Control buildings and associated electrical, mechanical, and controls equipment at the Deer Creek and White River facilities would also be replaced with new equipment, as required. Where the realigned canal crosses roads that currently cross the FKC via existing bridges, the road crossing over the realigned canal would be provided in the form of a new concrete box siphon. Once the realigned canal is built and put into service at each road crossing, the existing bridge would be removed and replaced with embankment material constructed to grade through the abandoned FKC. Borrow material would be obtained from excavated material from the FKC embankments and from borrow sites at predetermined locations. A concrete batch plant would be located along the project alignment for construction of the concrete lining in the enlarged and realigned canal. In addition to the road crossings, existing utility crossings would be removed, modified, or replaced to accommodate the needs of the utilities and the realigned canal system. The proposed Project would also require modification, relocation, abandonment, and/or removal of existing privately held facilities on lands adjacent to the canal and within the new alignment. Impacted privately held facilities may include, but are not limited to, wells, irrigation systems, farm roads, miscellaneous structures, power lines, etc.

ENVIRONMENTAL EFFECTS AND SCOPE OF THE EIR/EIS

The EIR/EIS will disclose and analyze the potentially significant direct and indirect impacts that could result from construction and operation of the proposed Project or any alternative(s), in addition to other analyses that are appropriate under CEQA and NEPA (e.g., growth-inducing impacts, significant unavoidable impacts and irreversible environmental changes, potential secondary effects of mitigation measures, etc.). Where significant impacts are identified, the EIR/EIS will describe potentially feasible mitigation measures that could minimize or avoid significant adverse impacts. The EIR/EIS will also evaluate the full range of environmental issues required to be considered under the CEQA statute and the CEQA Guidelines as well as under the NEPA Council on Environmental Quality Regulations. An Environmental Assessment/Initial Study (EA/IS) was prepared, and is available for review at the following locations: https://friantwater.org/ and https://www.usbr.gov/mp/nepa/nepa_project_details.php?Project_ID=41341. Based on the analysis that was conducted in the EA/IS, the following resources are expected to have potentially significant impacts and will be further evaluated in the EIR/EIS:

Agriculture Resources
Air Quality and Greenhouse Gases
Biological Resources
Cultural and Tribal Cultural Resources
Geology and Soils
Hazards and Hazardous Materials
Hydrology and Water Quality
Land Use and Planning
Noise
Public Services and Utilities and Energy
Transportation
Wildfires

In addition, the EIR/EIS will evaluate cumulative impacts of the Project, including effects of other past, present, and reasonably foreseeable projects in the vicinity (CEQA Guidelines § 15130). The EIR/EIS will also identify and examine a reasonable range of alternatives to the proposed Project, including a No Project/No Action Alternative and a Canal Enlargement Alternative (widen and raise existing canal only, no new, realigned canal).

OTHER AGENCIES WHOSE APPROVALS MAY BE REQUIRED

In addition to Friant other agencies may have responsibility for carrying out approvals for the Project, including the following:

- Bureau of Reclamation

- U.S. Fish and Wildlife Service
- U.S. Army Corps of Engineers
- California Department of Fish and Wildlife
- California Regional Water Quality Control Board
- California Department of Transportation
- California State Historic Preservation Officer
- San Joaquin Valley Air Pollution Control District
- Tulare County
- Kern County

SUBMITTING COMMENTS

Comments and suggestions as to the appropriate scope of analysis in and/or contents of the EIR/EIS are invited from all responsible and trustee agencies as well as all other interested parties. Written comments concerning the scope of the EIR/EIS can be sent either by e-mail to FKCProjectComments@stantec.com or by mail to Doug DeFlitch at the following address by **5:00 PM on January 2, 2020**.

Doug DeFlitch, Chief Operating Officer

c/o Ms. Toni Marie, Executive Secretary
Friant Water Authority
854 N. Harvard Ave.
Lindsay, CA 93247

All comments should include the name, email address, phone number, and mailing address of the contact person submitting the comments. If any responsible or trustee agency does not submit a comment in response to this NOP by the end of the NOP review/comment period on **January 2, 2020**, Friant may presume that the responsible agency or trustee agency agrees with the approach to the EIR described herein and does not have any additional issues to be considered and addressed in the EIR/EIS.

WEBSITE

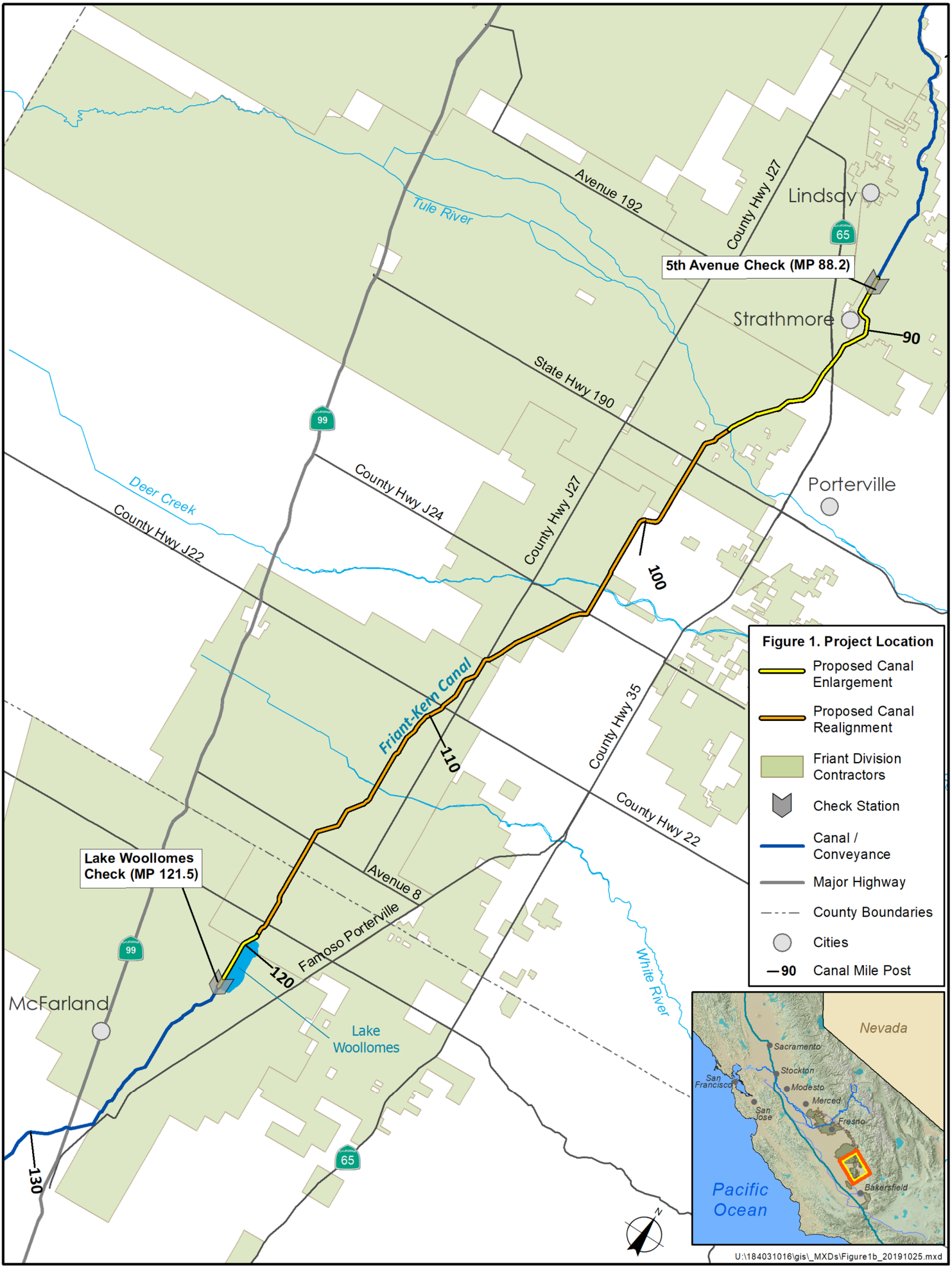
The EIR/EIS and other documents will be made available on the Friant's website: https://friantwater.org/ and Reclamation's website: and https://www.usbr.gov/mp/nepa/nepa_project_details.php?Project_ID=41341. The website also provides regular updates on the Project.

SCOPING MEETING

In addition to reviewing written comments received on this Notice of Preparation, a public scoping meeting will be held to facilitate/receive comments. The address, date, and time of this scoping meeting are as follows:

Date: **December 18, 2019**
Time: **5:30 – 7:30 pm**
Place: US Forest Service Sequoia National Forest Headquarters
1839 S. Newcomb St.
Porterville, CA 93257

For more background information about the Project please visit the Project website or contact Mr. Craig Moyle, Public Affairs Specialist, Stantec (916-418-8248/craig.moyle@stantec.com).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Lindsay
Tule River
5th Avenue Check (MP 88.2)
Strathmore
90
State Hwy 190
99
Deer Creek
County Hwy J24
County Hwy J22
Porterville
100
Friant-Kern Canal
110
County Hwy 35
Avenue 8
Lake Woollomes Check (MP 121.5)
Famoso Porterville
120
White River
McFarland
Lake Woollomes
65
130
Figure 1. Project Location
Proposed Canal Enlargement
Proposed Canal Realignment
Friant Division Contractors
Check Station
Canal / Conveyance
Major Highway
County Boundaries
Cities
90 Canal Mile Post
Nevada
Sacramento
Stockton
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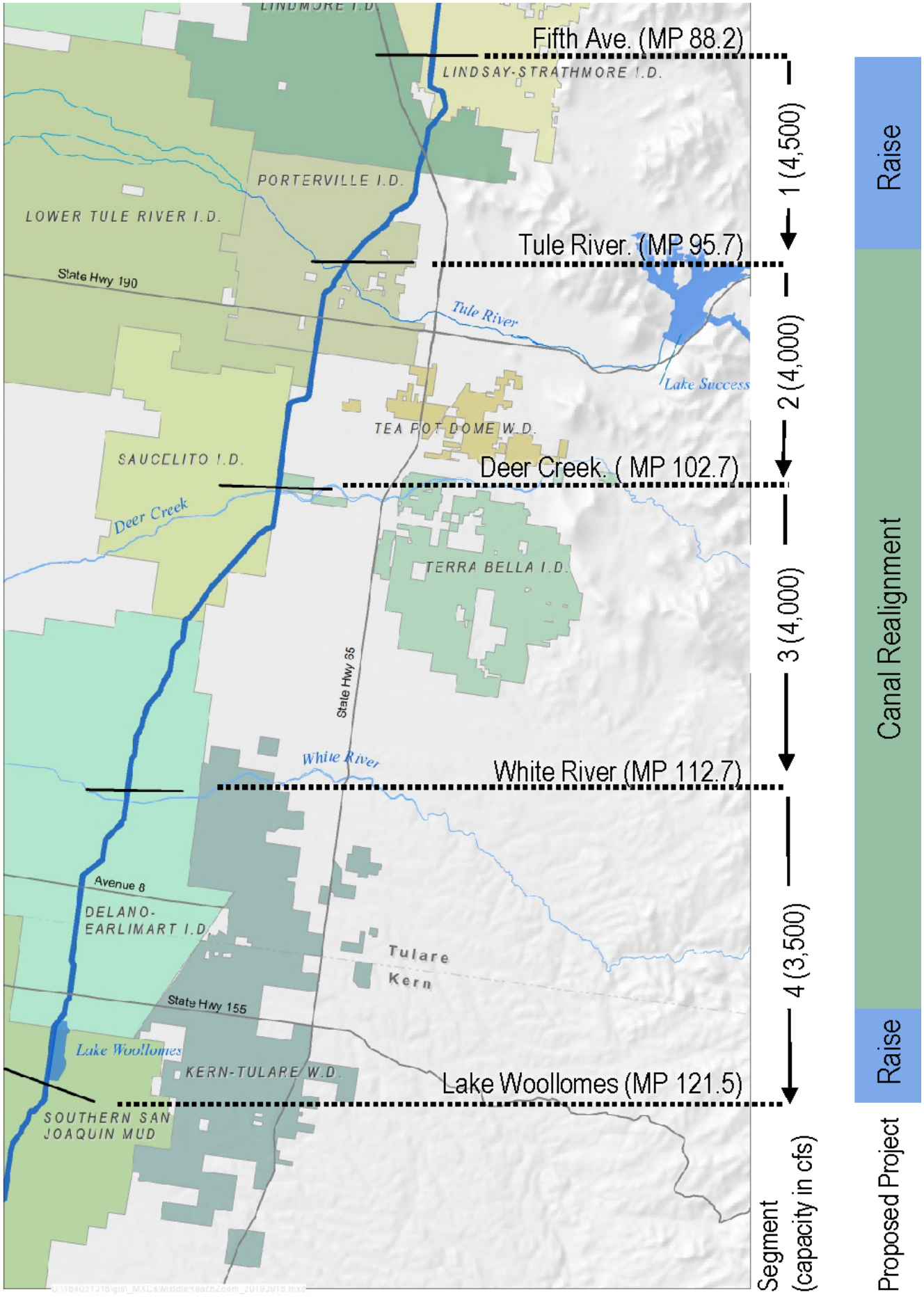

Figure 2. Project Elements

public understand our information collection requirements and provide the requested data in the desired format.

We are soliciting comments on the proposed ICR that is described below. We are especially interested in public comment addressing the following issues: (1) Is the collection necessary to the proper functions of the NPS; (2) will this information be processed and used in a timely manner; (3) is the estimate of burden accurate; (4) how might the NPS enhance the quality, utility, and clarity of the information to be collected; and (5) how might the NPS minimize the burden of this collection on the respondents, including through the use of information technology.

Comments that you submit in response to this notice are a matter of public record. We will include or summarize each comment in our request to OMB to approve this ICR. Before including your address, phone number, email address, or other personal identifying information in your comment, you should be aware that your entire comment—including your personal identifying information—may be made publicly available at any time. While you can ask us in your comment to withhold your personal identifying information from public review, we cannot guarantee that we will be able to do so.

Abstract: The NPS History Collection comprises over 3.5 million objects, documents, audio recordings, still photographic images, and motion picture films, providing a rich source of information for diverse users interested in the history of the NPS cultural and natural resources. The Harpers Ferry Center (HFC) is responsible for managing this collection. Authorized by 43 U.S.C. 1460, HFC provides copies of museum, archival, and art collections available to increase access to NPS museum collections, to enhance preservation of original materials, for education and public enjoyment, and in general support of the NPS mission.

Each year, staff managing these collections receive hundreds of requests for copies of materials. These requests are typically for hard copy and/or digital scans of documents, prints, slides, negatives, audiovisual materials, and works of art. The forms in this collection of information is necessary to appropriately respond to the large number of requests received. Without the information, timely and effective communication with the requestor is not possible.

The information collected will be used to determine what is requested, how it will be used, and the timeframe in which it is needed. This aids in determining legal restrictions, standards being requested (scan resolution), and our ability to meet those needs. Understanding the intended use of the materials is important as many materials in the collections have copyright, contractual, or other legal restrictions that prohibit anything except ''fair use'' under U.S. copyright laws.

This request is to approve two forms currently in use without a valid OMB control number. The ''User Agreement Document'' and ''Art Request Form'' facilitate requests for copies of materials managed by HFC. We are now requesting approval to use these forms on our Harpers Ferry website as fillable forms.

Title of Collection: NPS History Collection User Agreement and Request Form.

OMB Control Number: 1024–NEW.

Form Number: None.

Type of Review: Collection in use without OMB Approval.

Respondents/Affected Public: Individual researchers, businesses, universities, museums, State, tribal, and federal government agencies and offices.

Total Estimated Number of Annual Respondents: 840.

Total Estimated Number of Annual Responses: 1,200.

Estimated Completion Time per Response: 20 minutes.

Total Estimated Number of Annual Burden Hours: 400.

Respondent's Obligation: Voluntary.

Frequency of Collection: One Time.

Total Estimated Annual Non-Hour Burden Cost: None.

An agency may not conduct or sponsor and a person is not required to respond to a collection of information unless it displays a currently valid OMB control number.

The authority for this action is the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 *et seq.*).

Phadrea Ponds

Acting, Information Collection Clearance Officer, National Park Service.

[FR Doc. 2019–26020 Filed 11–29–19; 8:45 am]

BILLING CODE 4312–52–P

DEPARTMENT OF THE INTERIOR

Bureau of Reclamation

[RR02142100, XXXR5537F3, RX.198722001000000]

Notice of Intent To Prepare an Environmental Impact Statement and Public Scoping Meeting for the Friant-Kern Canal Middle Reach Capacity Correction Project, Tulare and Kern Counties, California

AGENCY: Bureau of Reclamation, Interior.

ACTION: Notice of intent; request for comments.

SUMMARY: The Bureau of Reclamation (Reclamation) intends to prepare an Environmental Impact Statement (EIS) on the Friant-Kern Canal Middle Reach Capacity Correction Project. Reclamation is requesting public and agency comment to identify significant issues or other alternatives to be addressed in the EIS.

DATES: Submit written comments on the scope of the EIS on or before January 2, 2020.

A scoping meeting will be held on December 18, 2019, 5:30 p.m. to 7:30 p.m., Porterville CA at the U.S. Forest Service Sequoia National Forest Headquarters, 1839 S. Newcomb Street, Porterville CA 93257.

ADDRESSES: Provide written scoping comments, requests to be added to the mailing list, or requests for sign language interpretation for the hearing impaired or other special assistance needs to Ms. Rain Emerson, Environmental Compliance Branch Chief, Bureau of Reclamation, South-Central California Area Office, 1243 N Street, Fresno CA 93721;

FOR FURTHER INFORMATION CONTACT: Ms. Rain Emerson, Bureau of Reclamation, South-Central California Area Office, 1243 N Street, Fresno CA 93721; telephone (559) 262–0335; facsimile (559) 262–0371; email *remerson@usbr.gov.* Persons who use a telecommunications device for the deaf may call the Federal Relay Service (FedRelay) at 1–800–877–8339 TTY/ASCII to contact the above individual during normal business hours or to leave a message or question after hours. You will receive a reply during normal business hours. Information on this project may also be found at: *https://www.usbr.gov/mp/nepa/nepa_project_details.php?Project_ID=41341.*

SUPPLEMENTARY INFORMATION: Reclamation is issuing this notice pursuant to the National Environmental Policy Act of 1969, as amended (NEPA),

42 U.S.C. 4321 *et seq.;* the Council on Environmental Quality's (CEQ) regulations for implementing NEPA, 43 CFR parts 1500 through 1508; and the Department of the Interior's NEPA regulations, 43 CFR part 46.

Background

A 33-mile-long section (milepost 88 to milepost 121) of the Friant-Kern Canal located within Tulare and Kern Counties referred to as the Middle Reach has lost 50 percent of its original design capacity due to regional land subsidence. This has resulted in water delivery impacts to Friant Division long-term contractors and reduces the ability of the Friant-Kern Canal to convey flood waters during wet years.

Reclamation, in partnership with the Friant Water Authority (FWA), proposes to restore the capacity of this 33-mile-long section. The proposed action includes two alternatives to address subsidence impacts: (1) A Canal Enlargement (CE) Alternative, and (2) a Canal Enlargement and Realignment (CER) Alternative. Under the CE Alternative, the entire 33-mile long section of the Middle Reach would be enlarged by widening and raising the canal banks. Under the CER Alternative, approximately 10 miles of the existing canal would be widened and raised and approximately 23 miles of the canal corridor would be realigned to newly constructed canal segments. Reclamation is proposing to provide cost-share funding for the project pursuant to the San Joaquin River Restoration Settlement Act (Pub. L. 111–11 § 10201) and the Water Infrastructure Improvement for the Nation Act (Pub. L. 114–322 § 4007).

Reclamation is not presently aware of Indian Trust Assets or environmental justice issues associated with the proposed action but requests any information relative to this issue be submitted during the scoping period.

Reclamation intends to complete an EIS for this project pursuant to NEPA to ensure consideration of potential environmental effects from implementing the proposed action. As such, Reclamation will also consider a reasonable range of alternatives that could meet the purpose for the project. Reclamation and FWA are requesting public and agency input to assist in identifying significant issues or alternatives to be addressed in the EIS.

To determine the scope of issues relevant to environmental concerns, Reclamation and the FWA prepared an environmental assessment and initial study, which is available at *https://www.usbr.gov/mp/nepa/nepa_project_details.php?Project_ID=41341.* Effects to certain resources were determined to be potentially significant, and effects to other resources were found to be absent or relatively minor. Reclamation will focus the EIS on analyzing the effects to resources where a potentially significant effect exists. The resources to be discussed are: Agricultural Resources, Air Quality, Biological Resources, Cultural Resources including Tribal Cultural Resources, Geology and Soils, Greenhouse Gasses and Climate Change, Hazards and Hazardous Materials including Wildfire, Hydrology and Water Quality, Land Use, Noise, Environmental Justice, Socioeconomics, Transportation, and Utilities and Service Systems. Agencies and the public are encouraged to review the environmental assessment and initial study, and provide input regarding potentially significant issues to be addressed, or to identify potential alternatives that would meet the purpose of the project.

Special Assistance for Public Scoping and Open House Meetings

If special assistance is required to participate in the public scoping meeting, please contact Ms. Rain Emerson, Bureau of Reclamation, South-Central California Area Office, 1243 N Street, Fresno CA 93721; telephone (559) 262–0335; facsimile (559) 262–0371; email *remerson@usbr.gov.* Persons who use a telecommunications device for the deaf may call the FedRelay at 1–800–877–8339 TTY/ASCII to contact the above individual during normal business hours or to leave a message or question after hours. You will receive a reply during normal business hours. All meeting facilities are physically accessible to people with disabilities.

Public Disclosure

Before including your address, phone number, email address, or other personal identifying information in your comment, you should be aware that your entire comment—including your personal identifying information—may be made publicly available at any time. While you may ask us in your comment to withhold your personal identifying information from public review, we cannot guarantee that we will be able to do so.

Ernest A. Conant,

Regional Director, Bureau of Reclamation, California-Great Basin—Interior Region 10.

[FR Doc. 2019–26018 Filed 11–29–19; 8:45 am]

BILLING CODE 4332–90–P

INTERNATIONAL TRADE COMMISSION

[Investigation Nos. 701–TA–510 and 731–TA–1245 (Review)]

Calcium Hypochlorite From China: Institution of Five-Year Reviews

AGENCY: United States International Trade Commission.

ACTION: Notice.

SUMMARY: The Commission hereby gives notice that it has instituted reviews pursuant to the Tariff Act of 1930 (''the Act''), as amended, to determine whether revocation of the antidumping and countervailing duty orders on calcium hypochlorite from China would be likely to lead to continuation or recurrence of material injury. Pursuant to the Act, interested parties are requested to respond to this notice by submitting the information specified below to the Commission.

DATES: Instituted December 2, 2019. To be assured of consideration, the deadline for responses is January 2, 2020. Comments on the adequacy of responses may be filed with the Commission by February 13, 2020.

FOR FURTHER INFORMATION CONTACT: Mary Messer (202–205–3193), Office of Investigations, U.S. International Trade Commission, 500 E Street SW, Washington, DC 20436. Hearing-impaired persons can obtain information on this matter by contacting the Commission's TDD terminal on 202–205–1810. Persons with mobility impairments who will need special assistance in gaining access to the Commission should contact the Office of the Secretary at 202–205–2000. General information concerning the Commission may also be obtained by accessing its internet server (*https://www.usitc.gov*). The public record for this proceeding may be viewed on the Commission's electronic docket (EDIS) at *https://edis.usitc.gov.*

SUPPLEMENTARY INFORMATION:

Background.—On January 30, 2015, the Department of Commerce (''Commerce'') issued antidumping and countervailing duty orders on imports of calcium hypochlorite from China (80 FR 5082 and 5085). The Commission is conducting reviews pursuant to section 751(c) of the Act, as amended (19 U.S.C. 1675(c)), to determine whether revocation of the orders would be likely to lead to continuation or recurrence of material injury to the domestic industry within a reasonably foreseeable time. Provisions concerning the conduct of this proceeding may be found in the Commission's Rules of Practice and

Public Notice
SCOPING MEETING FOR THE FRIANT-KERN CANAL MIDDLE REACH CAPACITY CORRECTION PROJECT

The Bureau of Reclamation (Reclamation) , as the lead agency under the National Environmental Policy Act (NEPA), and the Friant Water Authority (FWA) as the lead agency under the California Environmental Quality Act (CEQA), are proposing the Friant-Kern Canal Middle Reach Capacity Correction Project (Project), an effort to restore capacity from the current estimated 1,900 cubic-feet-per-second (cfs) to the original 4,000 cfs in the most critical area near the Deer Creek Check Structure (Milepost 103). Consistent with CEQA and NEPA, and based on the preliminary review of the Project, Friant and Reclamation decided to prepare a joint Environmental Impact Report (EIR)/Environmental Impact Statement (EIS) to evaluate and address the potential impacts of implementing the Project. The agencies will hold a public scoping meeting as part of a 30-day scoping period that began Dec. 2, 2019.

Landowners, the public, Federal, state, tribal and local governments, and other interested parties are invited to attend the scoping meeting to be held as follows:

Time/Date: 5:30-7:30 p.m., Thursday, Dec. 18, 2019

Place: US Forest Service Sequoia National Forest Headquarters, 1839 S. Newcomb St., Porterville, CA.

Comments received at the scoping meeting and during the scoping period will be considered during preparation of the EIR/EIS. The EIR/EIS will analyze and disclose the direct and indirect, potentially significant impacts that would result from construction and operation of the proposed Project including mitigation measures that could minimize or avoid significant impacts.

Completed in 1951, the 152-mile-long Friant-Kern Canal is a key component of the Friant Division of the Central Valley Project, delivering surface water to 160,000 municipal connections and 18,000 farms. The Project is evaluating alternatives to address widespread land subsidence that has reduced conveyance capacity at a 33-mile segment of the Canal in Tulare and Kern counties by more than 50 percent of its original design. The scoping meeting will present the Canal Enlargement and Realignment Alternative (Proposed Project) and the Canal Enlargement Alternative. Scoping comments to these alternatives are encouraged.

Public scoping comments as to the appropriate scope of analysis in and/or contents of the EIR/EIS will be accepted until January 2, 2020. Written comments should include the name, email address, phone number, and mailing address of the person submitting the comment. Written comments associated with NEPA or CEQA may be submitted as follows:

NEPA Comments:
Bureau of Reclamation
Attn: Rain Emerson, Natural Resources Specialist
2800 Cottage Way, MP-150
Sacramento, CA 95825
Email: remerson@usbr.gov
Web: https://www.usbr.gov/mp/nepa/nepa_project_details.php?Project_ID=41341

CEQA Comments:
Friant-Kern Canal Middle Reach Capacity Correction Project
Attn: Doug DeFlitch, Chief Operating Officer
854 N. Harvard Ave.
Lindsay, CA 93247
Email: FKCProjectComments@stantec.com
Web: www.friantwater.org/projects

Pub: Dec. 3 2019 #3931885

PUBLIC NOTICE

SCOPING MEETING FOR THE FRIANT-KERN CANAL MIDDLE REACH CAPACITY CORRECTION PROJECT

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NEPA Comments:
Bureau of Reclamation
Attn: Rain Emerson, Natural Resources Specialist
2800 Cottage Way, MP-150 Sacramento, CA 95825
Email: remerson@usbr.gov
Web:https://www.usbr.gov/mp/nepa/nepa_project_details.php?Project_ID=4134

1 CEQA Comments:
Friant-Kern Canal Middle Reach Capacity Correction Project
Attn: Doug DeFlitch, Chief Operating Officer
854 N. Harvard Ave.

Attachment J2 Native American Tribal Consultation Database and Notices

Native American Heritage Commission
Native American Contacts List
9/13/2019

Big Pine Paiute Tribe of the Owens Valley
James Rambeau, Sr., Chairperson
P.O. Box 700
Big Pine ,CA 93513
j.rambeau@bigpinepaiute.org
(760) 938-2003
(976) 938-2942 Fax
Paiute - Shoshone

Big Pine Paiute Tribe of Owens Valley
Sally Manning, Environmental Director
P.O. Box 700
Big Pine ,CA 93513
s.manning@bigpinepaiute.org
(760) 938-2003
(760) 938-2942 Fax
Paiute

Big Pine Paiute Tribe of the Owens Valley
Danelle Gutierrez THPO
P.O. Box 700
Big Pine ,CA 93513
d.gutierrez@bigpinepaiute.org
(760) 938-2003, ext. 228
(760) 938-2942 Fax
Paiute

Chumash Council of Bakersfield
Julio Quair, Chairperson
729 Texas Street
Bakersfield ,CA 93307
chumashtribe@sbcglobal.net
(661) 322-0121
Chumash

Kern Valley Indian Community
Julie Turner, Secretary
P.O. Box 1010
Lake Isabella ,CA 93240
(661) 340-0032 Cell
Kawaiisu
Tubatulabal

Kern Valley Indian Community
Robert Robinson, Chairperson
P.O. Box 1010
Lake Isabella ,CA 93240
bbutterbredt@gmail.com
(760) 378-2915 Cell
Tubatulabal
Kawaiisu

Kern Valley Indian Community
Brandy Kendricks
30741 Foxridge Court
Tehachapi ,CA 93561
krazykendricks@hotmail.com
(661) 821-1733
(661) 972-0445
Kawaiisu
Tubatulabal

Kitanemuk & Yowlumne Tejon Indians
Delia Dominguez, Chairperson
115 Radio Street
Bakersfield ,CA 93305
2deedominguez@gmail.com
(626) 339-6785
Yowlumne
Kitanemuk

San Manuel Band of Mission Indians
Lee Clauss, Director-CRM Dept.
26569 Community Center Drive
Highland ,CA 92346
lclauss@sanmanuel-nsn.gov
(909) 864-8933
(909) 864-3370 Fax
Serrano

San Manuel Band of Mission Indians
Lynn Valbuena, Chairwoman
26569 Community Center Dr.
Highland ,CA 92346
(909) 864-8933
Serrano

This list is current as of the date of this document and is based on the information available to the Commission on the date it was produced.

Distribution of this list does not relieve any person of statutory responsibility as defined in Section 7050.5 of the Health and Safety Code,Section 5097.94 of the Public Resources Code, or Section 5097.98 of the Public Resources Code.

This list is only applicable for contacting local Native Americans Tribes for the proposed:
Friant-Kern Middle Reach Capacity Correction Project, Tulare and Kern Counties.

Native American Heritage Commission
Native American Contacts List
9/13/2019

Santa Rosa Rancheria Tachi Yokut Tribe
Rueben Barrios Sr., Chairperson
P.O. Box 8
Lemoore ,CA 93245
(559) 924-1278
(559) 924-3583 Fax

Tache
Tachi
Yokut

Wuksache Indian Tribe/Eshom Valley Band
Kenneth Woodrow, Chairperson
1179 Rock Haven Ct.
Salinas ,CA 93906
kwood8934@aol.com
(831) 443-9702

Foothill Yokuts
Mono
Wuksache

Tejon Indian Tribe
Octavio Escobedo, Chairperson
1731 Hasti-acres Drive, Suite 108
Bakersfield ,CA 93309
oescobedo@tejonindiantribe-nsn.gov
(661) 834-8566
(661) 834-8564 Fax

Kitanemuk

Tejon Indian Tribe
Colin Rambo, Cultural Resources Management
1731 Hasti-Acres Drive, Suite 108
Bakersfield ,CA 93309
colin.rambo@tejonindiantribe-nsn.go
v
(661) 834-8566
(484) 515-4790 Cell

Kitanemuk

Tubatulabals of Kern Valley
Robert L. Gomez, Jr., Tribal Chairperson
P.O. Box 226
Lake Isabella ,CA 93240
(760) 379-4590
(760) 379-4592 Fax

Tubatulabal

Tule River Indian Tribe
Neil Peyron, Chairperson
P.O. Box 589
Porterville ,CA 93258
neil.peyron@tulerivertribe-nsn.gov
(559) 781-4271
(559) 781-4610 Fax

Yokuts

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This list is only applicable for contacting local Native Americans Tribes for the proposed:
Friant-Kern Middle Reach Capacity Correction Project, Tulare and Kern Counties.

Friant
WATER AUTHORITY

Chris Tantau
Kaweah Delta W.C.D.
Chairman of the Board

Jim Erickson
Madera I.D.
Vice Chairman

Cliff Loeffler
Lindsay-Strathmore I.D.
Secretary/Treasurer

Edwin Camp
Arvin-Edison W.S.D.

Kole Upton
Chowchilla W.D.

Tim Orman
City of Fresno

George Porter
Fresno I.D.

Loren Booth
Hills Valley I.D.

Michael Brownfield
Lindmore I.D.

Josh Pitigliano
Lower Tule River I.D.

Kent H. Stephens
Kern-Tulare W.D.

Harvey A. Bailey
Orange Cove I.D.

Eric Borba
Porterville I.D.

Steven G. Kisling
Saucelito I.D.

Matt Leider
Tea Pot Dome W.D.

Edwin L. Wheaton
Terra Bella I.D.

Rick Borges
Tulare I.D.

Jason R. Phillips
Chief Executive Officer

Douglas A. DeFlitch
Chief Operating Officer

854 N. Harvard Ave.
Lindsay, CA 93247

1121 L St., Ste. 610
Sacramento, CA 95814

(559) 562-6305

December 23, 2019

Lee Clauss, Director-CRM Dept.
San Manuel Band of Mission Indians
26569 Community Center Drive
Serrano Highland, CA 92346

Subject: Friant-Kem Canal (FKC) Middle Reach Capacity Correction Project, Tulare and Kem Counties, California

Dear Mr. Clauss:

The Friant Water Authority (FWA) in cooperation with the Bureau of Reclamation (Reclamation) proposes to restore the capacity of a 33-mile -long section (Middle Reach) of the FKC from milepost 88 at the 5th Avenue check structure to milepost 121 at the Lake Woollomes check structure in Tulare and Kem counties (see enclosed map). FWA issued a Notice of Preparation (NOP) on December 2, 2019 announcing their intent to prepare a joint Environmental Impact Statement Environmental Impact Report (EIS/R) to evaluate and address the potential impacts of implementing the Friant-Kern Canal Middle Reach Capacity Correction Project (project). FWA and Reclamation also prepared an Environmental Assessment/Initial Study (EA/IS) that provided a preliminary analysis of the potential environmental impacts associated with the project. The NOP and EA/IS can be viewed on FWA's website at the following location: https://friantwater.org/projects.

The proposed project aims to address the capacity constraints in the FKC by raising the embankments of approximately 12 miles of the existing canal and constructing approximately 21 miles of a realigned canal immediately east of the existing FKC. Once the realigned canal is constructed, most of the existing canal in that location would be abandoned in place.

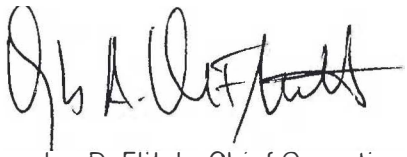
Assembly Bill (AB) 52 amended the California Environmental Quality Act (CEQA) to create a separate category of cultural resources, "tribal cultural resources" and provides that a project with an effect that may cause a substantial adverse change in the significance of a tribal cultural resource is a project that may have a significant effect on the environment. While formal notice and consultation under AB 52 is not required because no state tribes submitted written requests to be placed on FWA's project notification list, FWA is nonetheless interested in any input you may have and thus provides this informal notice of the project and invites your tribe's participation.

Accordingly, we are gathering information you may have regarding cultural resources, including Tribal Cultural Resources, as part of investigations for the EIS/R. A record search did not identify any prehistoric cultural resources within boundaries of the project and a search of the Sacred Lands File conducted by the Native American Heritage Commission (NAHC) did not identify any culturally sensitive areas within boundaries of the proposed project. As part of the Sacred Lands File search, the NAHC identified you and/or the Big Pine Paiute Tribe of the Owens Valley as a potential source of knowledge regarding tribal cultural resources in the project area. We are contacting you in an effort to solicit information regarding any sites of religious and/or cultural significance in the project area. We respectfully request any information you can provide regarding the location and nature of any tribal cultural resources that may be located within or immediately adjacent to the project area. FWA recognizes that the

nature and location of these resources is sensitive, and any information you provide will be treated as confidential.

If you have any information, questions, or concerns regarding this project please feel free to call or email me at ddeflitch@friantwater.org. Thank you for your help in protecting cultural resources.

Sincerely,



Dougl s DeFlitch, Chief Operating Officer

enclosure

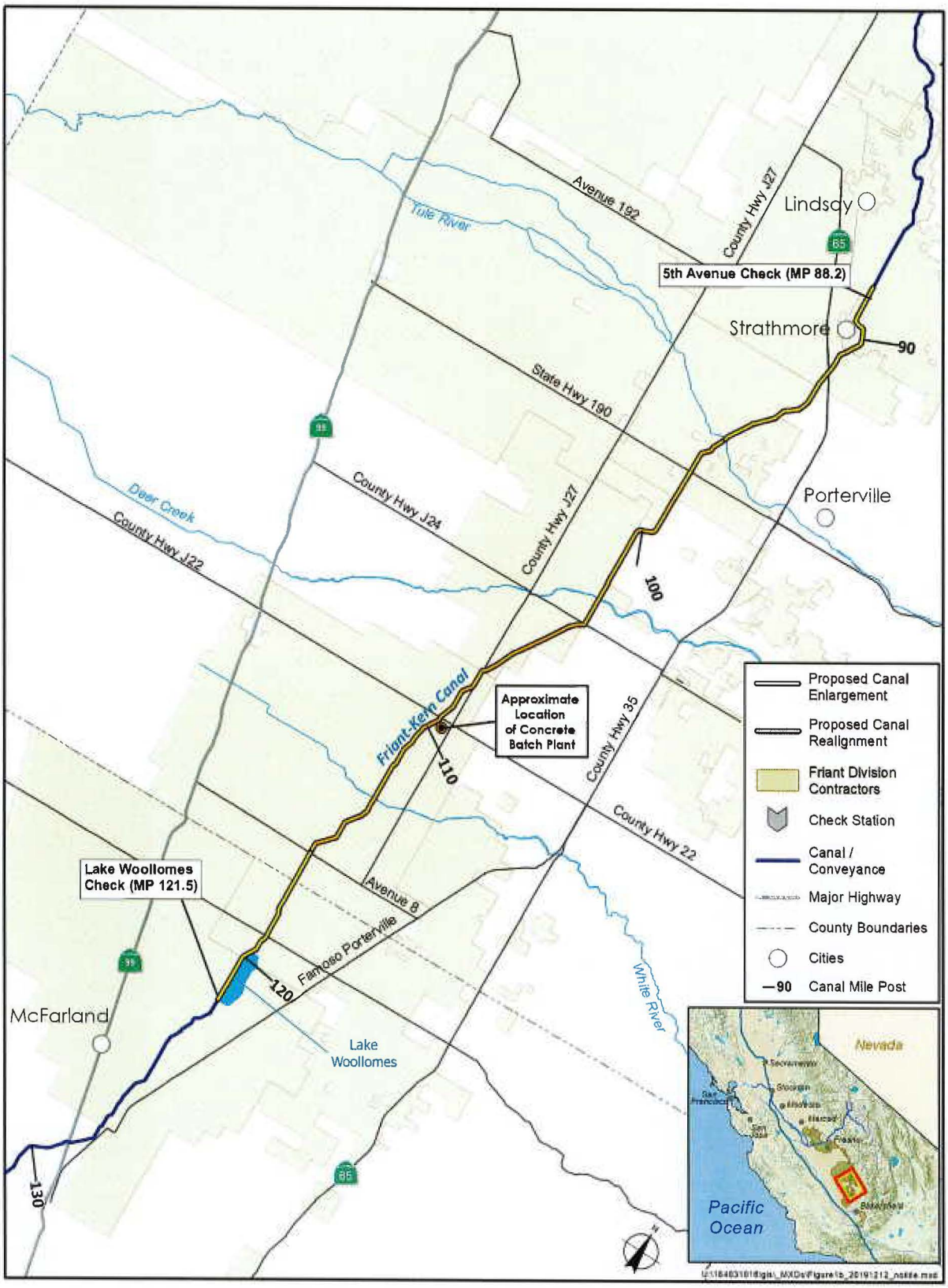


Figure 1 – Project Location

EXAMPLE OF INITIAL CONSULTATION PACKAGE

United States Department of the Interior

BUREAU OF RECLAMATION
Mid-Pacific Regional Office
2800 Cottage Way
Sacramento, CA 95825-1898

IN REPLY REFER TO:
MP-153
2.1.1.04

AUG 1 5 2019

CERTIFIED – RETURN RECEIPT REQUESTED

Honorable Gary Walker
Chairperson
North Fork Rancheria of Mono Indians of California
P.O. Box 929
North Fork, California 93643-0929

Subject: National Historic Preservation Act (NHPA) Section 106 Coordination for the Friant-Kern Canal (FKC) Middle Reach Subsidence and Capacity Correction, San Joaquin River Restoration Program, Tulare and Kern Counties, California (17-SCAO-016.000)

Dear Chairperson Walker:

The Friant Water Authority, on behalf of the Bureau of Reclamation, proposes to restore the flow capacity of a 33-mile-long section (Middle Reach) of the FKC from milepost 88 at the 5th Avenue check structure to milepost 121 at the Lake Woollomes check structure in Tulare and Kern counties (Enclosures 1-2). The action requires compliance with Title 54 USC § 306108, commonly known as Section 106 of the NHPA, and its implementing regulations found at 36 CFR Part 800, as the project will encroach on Federal property and we are providing Friant Water Authority with Federal funding. Your tribe has been identified as potentially having knowledge of cultural resources in the vicinity of the project area. We are contacting you in an effort to solicit information regarding potential effects to sites of religious and cultural significance and to invite you and your tribe to participate in the Section 106 process.

The proposed project will address subsidence and water capacity reductions by widening and/or raising the embankments of approximately 10 miles of the existing canal and liner. Additionally, approximately 23 miles of new canal will be constructed and the existing canal corridor will be realigned to reroute water flows to these new canal segments. Once the new segments of canal are built, the existing FKC segments will be decommissioned and demolished. The FKC Middle Reach Subsidence and Capacity Correction Project is a component of the San Joaquin River Restoration Program.

The overarching project is still being developed; however, geotechnical investigations will be required to advance project design. This will necessitate the excavation of 145 geotechnical borings to evaluate the existing subsurface soil and groundwater conditions along the Middle Reach of the FKC. The test locations will be excavated using one of three methods depending on site conditions: 1. a truck-mounted hollow-stem auger drill; 2. solid-stem hand auger; and/or 3. Cone Penetration Test truck. The diameter of the excavations will range between 3 inches and 8 inches, depending on the method used, and will not exceed 50 feet below current ground surface in depth (Enclosure 2). Additionally, approximately 25 standpipe piezometers are

proposed to be installed within the excavated geotechnical bores. The piezometers will consist of slotted polyvinyl chloride pipe that will be installed vertically to monitor groundwater levels at select locations which are to be determined based on field groundwater level observations. The installation of these meters will not require additional excavation.

The project area for the proposed undertaking is a 23-mile-long segment of the FKC starting at the 5th Avenue check structure located approximately 2.5 miles southeast of the city of Lindsay in Tulare County and ending at Lake Woollomes in Kern County (see Enclosure 1 for a table of relevant topographic quadrangle maps). The project area encompasses a large buffer around the proposed Middle Reach project footprint.

We are gathering information on cultural resources eligible for the National Register of Historic Places, including sites of religious and cultural significance, pursuant to 36 CFR § 800.4(a)(4) and sites of a sacred nature located on federally-owned land or leasehold interests pursuant to Executive Order 13007 to determine the potential effect of the proposed undertaking on such properties. We request your assistance in the identification of any known cultural resources of concern that may be affected by the proposed undertaking. If the location and nature of these resources is sensitive or confidential, this information may be withheld from public disclosure as outlined in the regulations at 36 CFR § 800.11(c).

We invite your tribe's participation in the Section 106 process and request information under Section 106 of the NHPA regarding the identification of, or concerns with, cultural resources, including sites of religious and cultural significance. Comments or concerns regarding sacred sites on Federal land or access to sacred sites on Federal land under Executive Order 13007 are also requested. Pursuant to 36 CFR § 800.3(f)(2), if your tribe would like to participate as a Section 106 consulting party for this undertaking, please provide us with a formal written request under your signature. Also, please inform us in writing if you would like to designate a tribal representative to coordinate with us regarding this undertaking. For additional information, please contact Ms. Carrie Reichardt, Archaeologist, at (916) 978-4694 or kreichardt@usbr.gov.

Sincerely,

Anastasia T. Leigh
Regional Environmental Officer

Enclosures – 2

cc: Ms. Christina McDonald
Environmental Director
North Fork Rancheria of Mono Indians of California
P.O. Box 929
North Fork, California 93643-0929

Enclosure 1

Friant-Kern Canal Middle Reach Subsidence and Capacity Correction Project

Enclosure 1

7.5-Minute U.S.G.S. Topographic Maps of Project Area (N-S)

Map Name	Section(s)	Township & Range
Lindsay, Calif.	28, 33	T. 20 S., R. 27 E.
Lindsay, Calif.	3, 4, 9	T. 21 S., R. 27 E.
Porterville, Calif.	3, 4, 9, 16, 21, 20, 29, 30, 31	T. 21 S., R. 27 E.
Porterville, Calif.	6, 7, 18, 19	T. 22 S., R. 27 E.
Ducor, Calif.	19, 30, 31	T. 22 S., R. 27 E.
Ducor, Calif.	6	T. 23 S., R. 27 E.
Ducor, Calif.	12, 1	T. 23 S., R. 26 E.
Sausalito School, Calif.	1, 12, 11, 14, 15, 22, 27, 34	T. 23 S., R. 26 E.
Delano East, Calif.	3, 4, 10, 9, 15, 16, 21, 28, 33	R. 24 S., R. 26 E.
Delano East, Calif.	4, 9, 16	R. 25 S., R. 26 E.
McFarland, Calif.	16, 21, 28	R. 25 S., R. 26 E.

Enclosure 2

RECLAMATION

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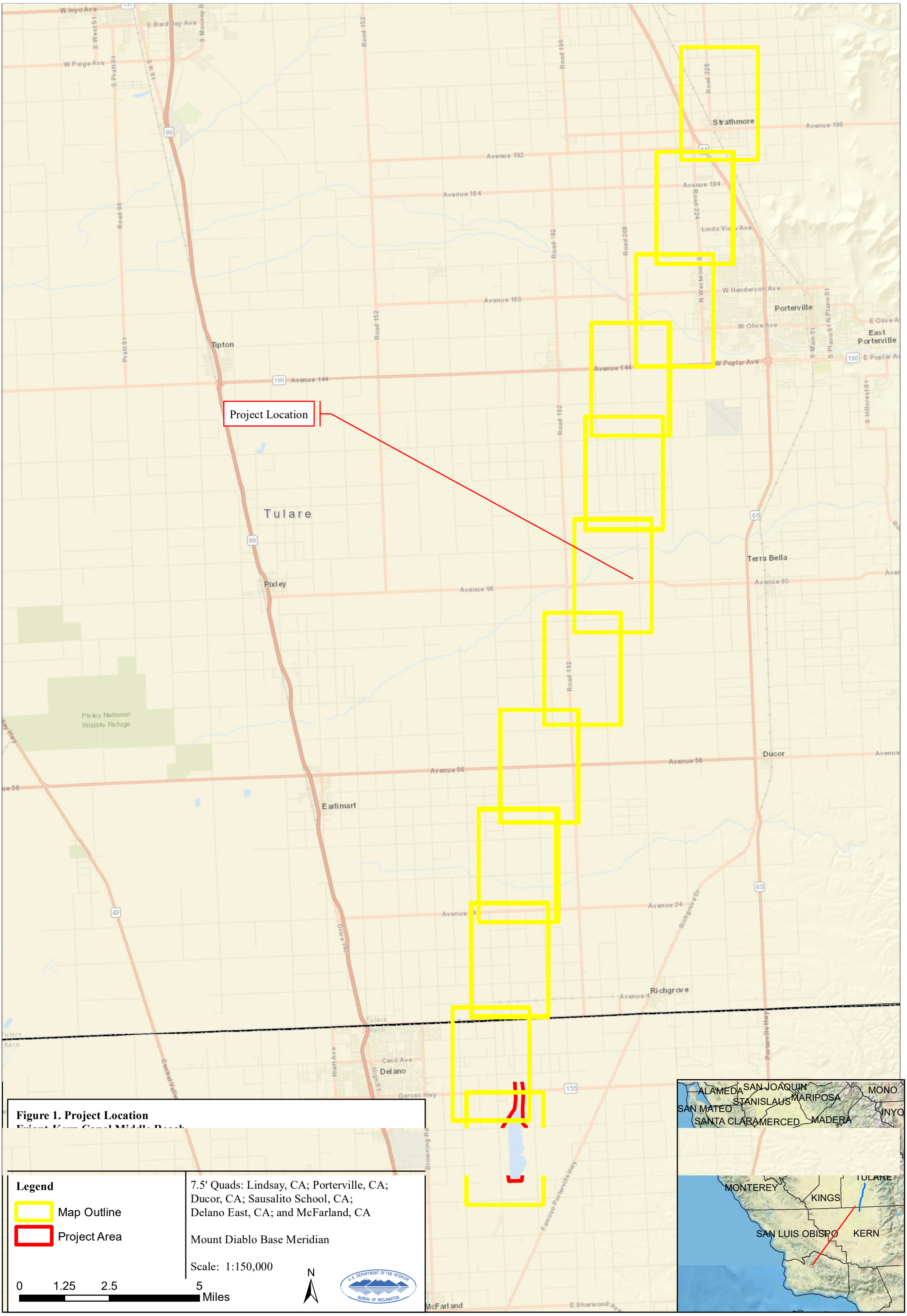

Figure 1. Project Location
Friant-Kern Canal Middle Reach

Legend

Map Outline

Project Area

7.5' Quads: Lindsay, CA; Porterville, CA; Ducor, CA; Sausalito School, CA; Delano East, CA; and McFarland, CA

Mount Diablo Base Meridian

Scale: 1:150,000

0 1.25 2.5 5 Miles

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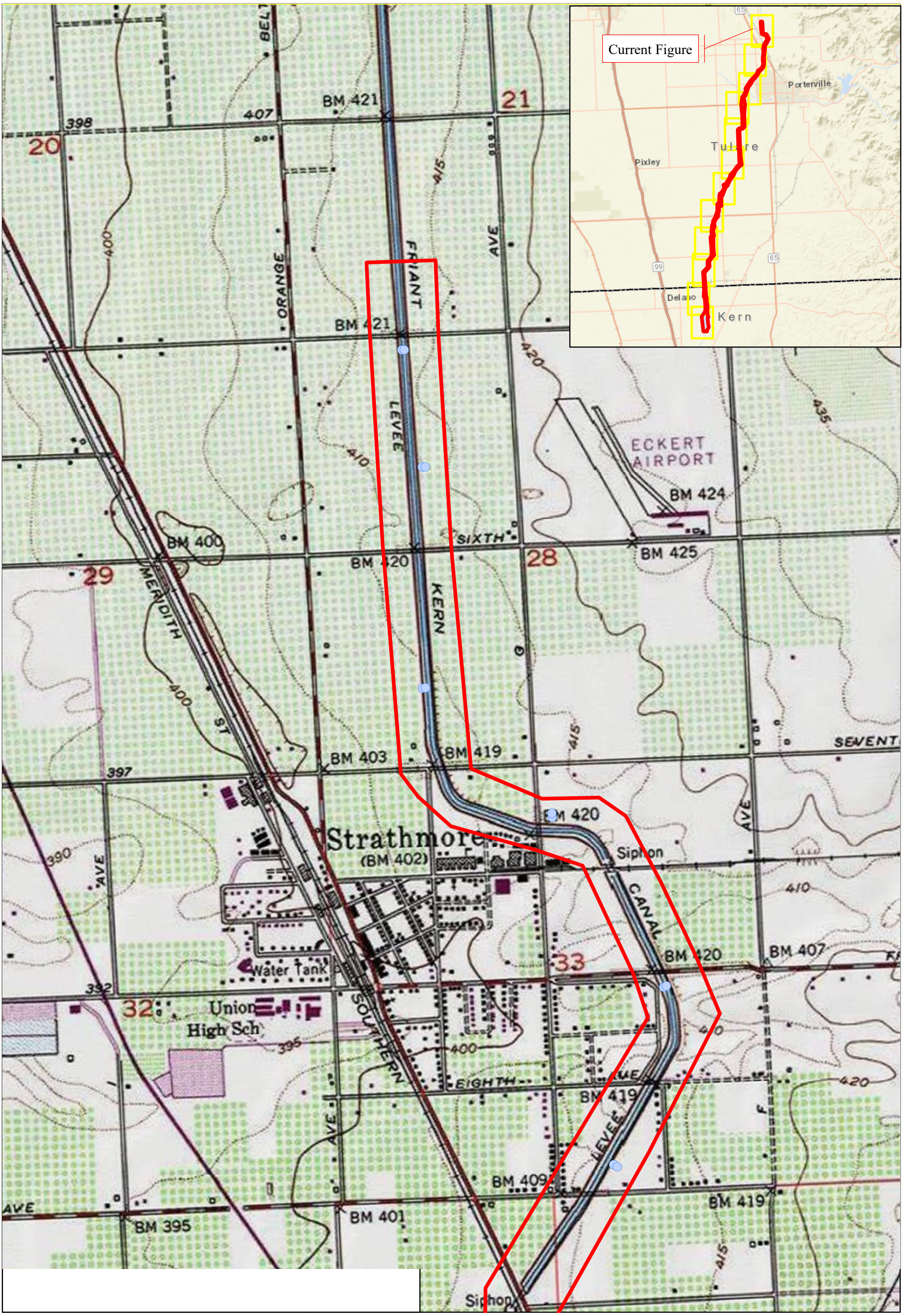

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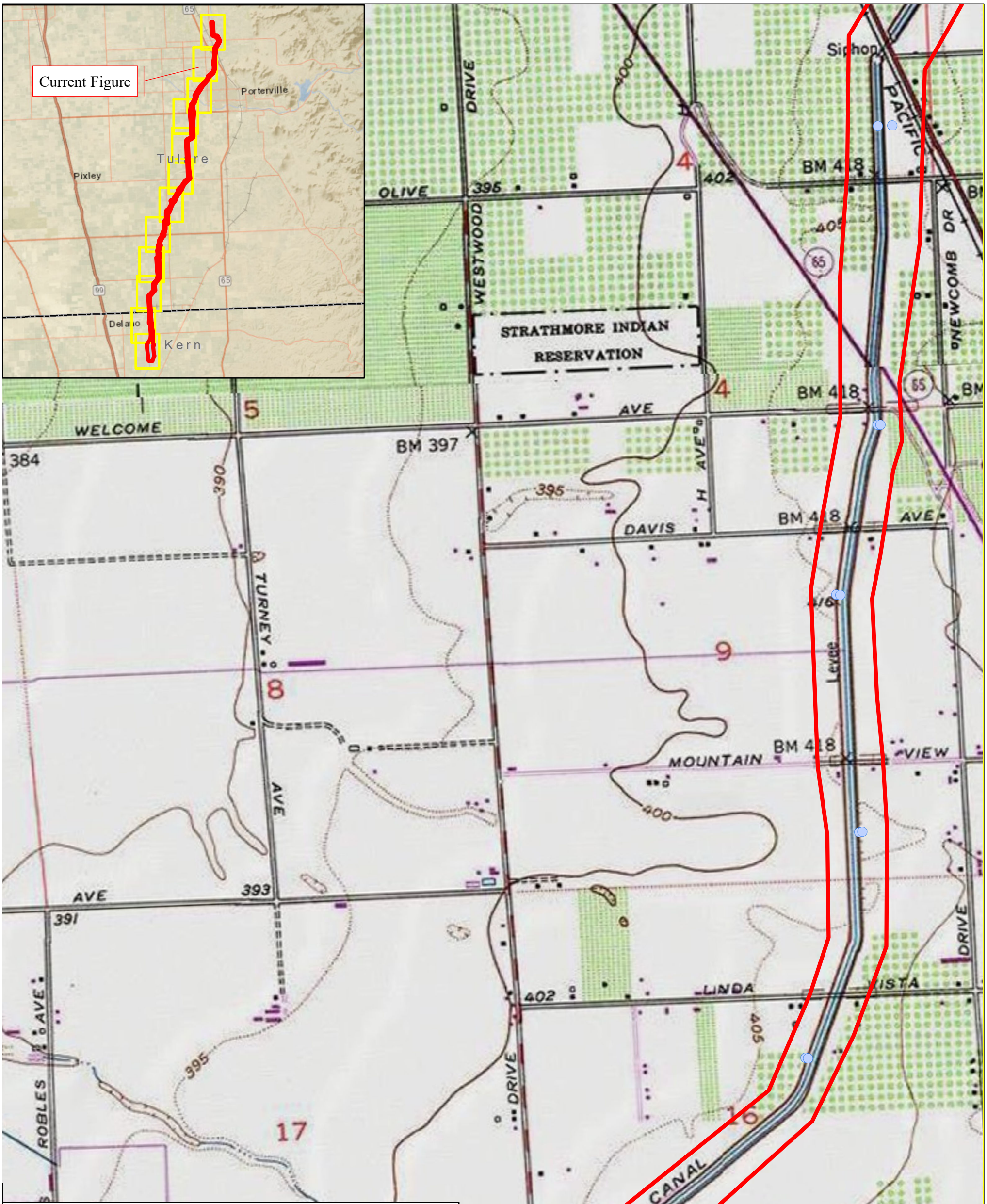

Figure 2b. Project Area
Friant-Kern Canal Middle Reach
Subsidance/Capacity Correction
Project Tracking No.: 17-SCAO-016.000

Legend

Project

Geotech Boring Locations

7.5' Quads: Lindsay, CA; Porterville, CA; Ducor, CA; Sausalito School, CA; Delano East, CA; and McFarland, CA

Mount Diablo Base Meridian

Scale: 1:12,500

0 625 1,250 2,500 Feet

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Figure 2c. Project Area
Friant-Kern Canal Middle Reach
Subsidance/Capacity Correction
Project Tracking No.: 17-SCAO-016.000

Legend

Project Area

Geotech Boring Locations

7.5' Quads: Lindsay, CA; Porterville, CA; Ducor, CA; Sausalito School, CA; Delano East, CA; and McFarland, CA

Mount Diablo Base Meridian

Scale: 1:12,500

0 625 1,250 2,500 Feet

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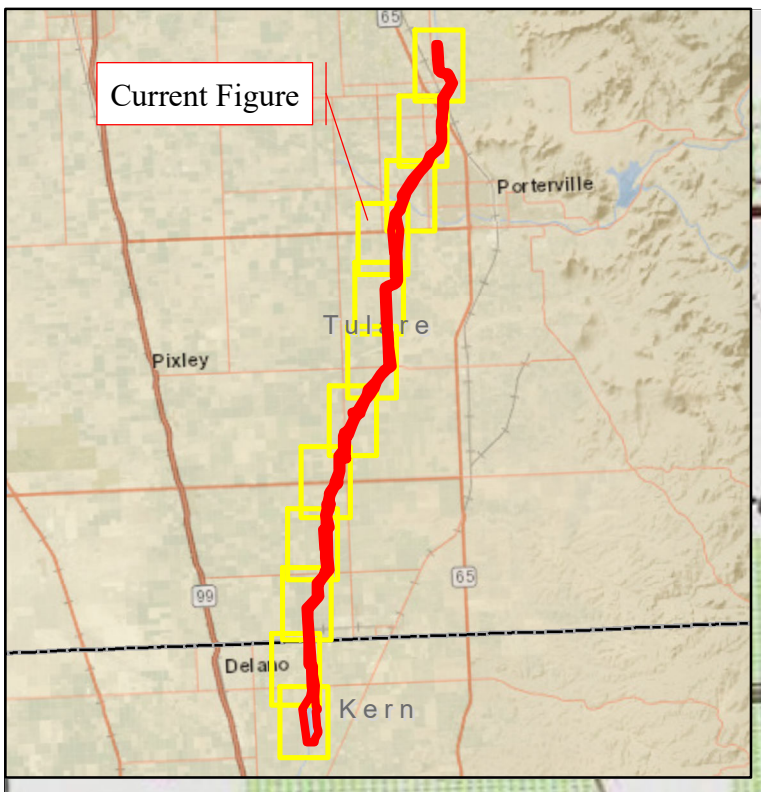

Jones Corner
398
d School
Levee
31
400
AVE
385
POPLAR
BM 397
BM 413
DITCH
190
CANAL
Siphon
6
1
390
ROAD
395
BM 415
KERN
413
7

Figure 2d. Project Area
Friant-Kern Canal Middle Reach
Subsidance/Capacity Correction
Project Tracking No.: 17-SCAO-016.000

Legend

Project Area

Geotech Boring Locations

7.5' Quads: Lindsay, CA; Porterville, CA; Ducor, CA; Sausalito School, CA; Delano East, CA; and McFarland, CA

Mount Diablo Base Meridian

Scale: 1:12,500

0 625 1,250 2,500 Feet

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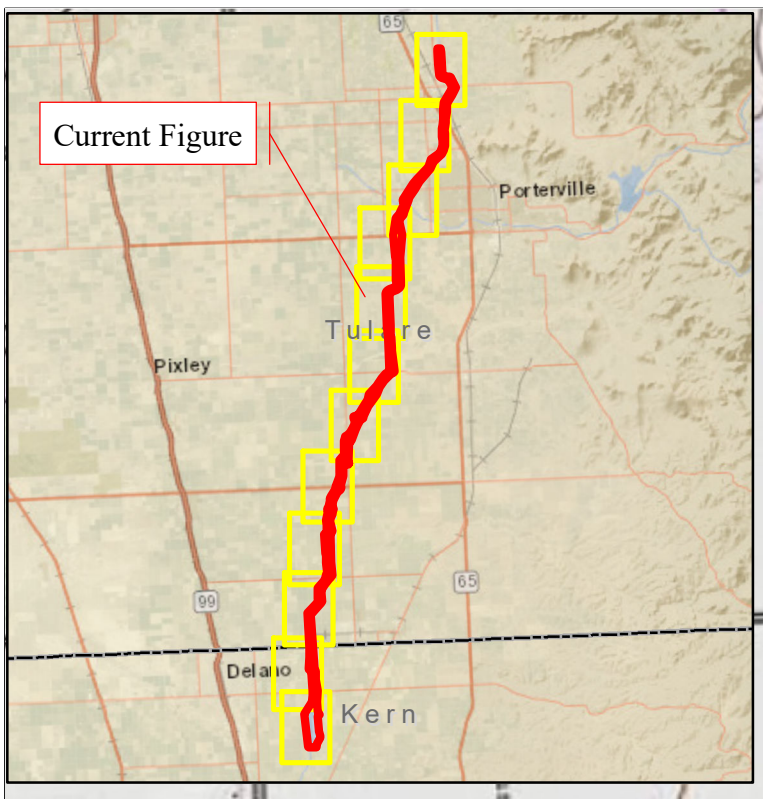

Figure 2e. Project Area
Friant-Kern Canal Middle Reach
Subsidance/Capacity Correction
Project Tracking No.: 17-SCAO-016.000

Legend

Project Area

Geotech Boring Locations

7.5' Quads: Lindsay, CA; Porterville, CA; Ducor, CA; Sausalito School, CA; Delano East, CA; and McFarland, CA

Mount Diablo Base Meridian

Scale: 1:12,500

0 625 1,250 2,500 Feet

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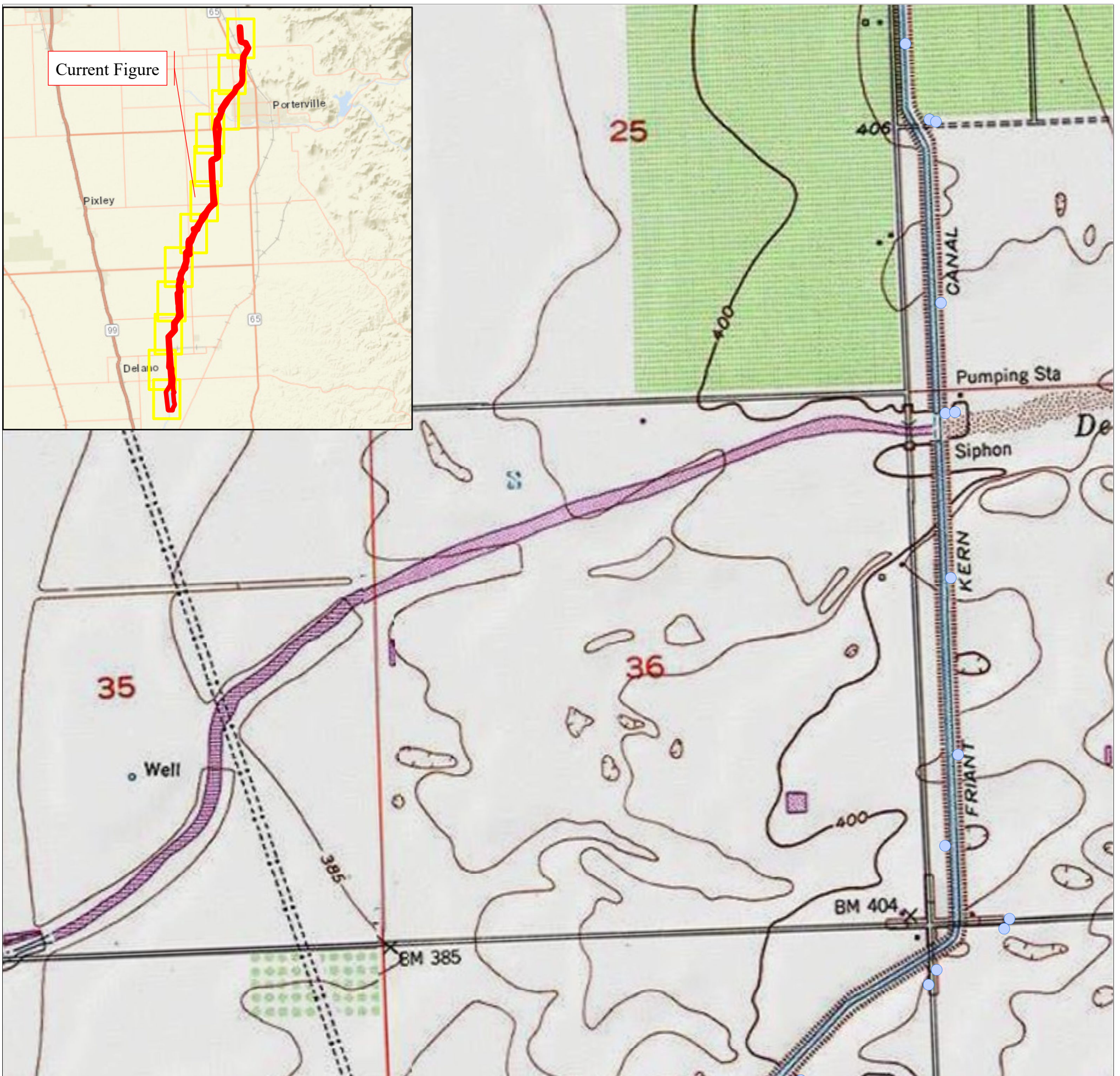

Figure 2f. Project Area
Friant-Kern Canal Middle Reach
Subsidance/Capacity Correction
Project Tracking No.: 17-SCAO-016.000

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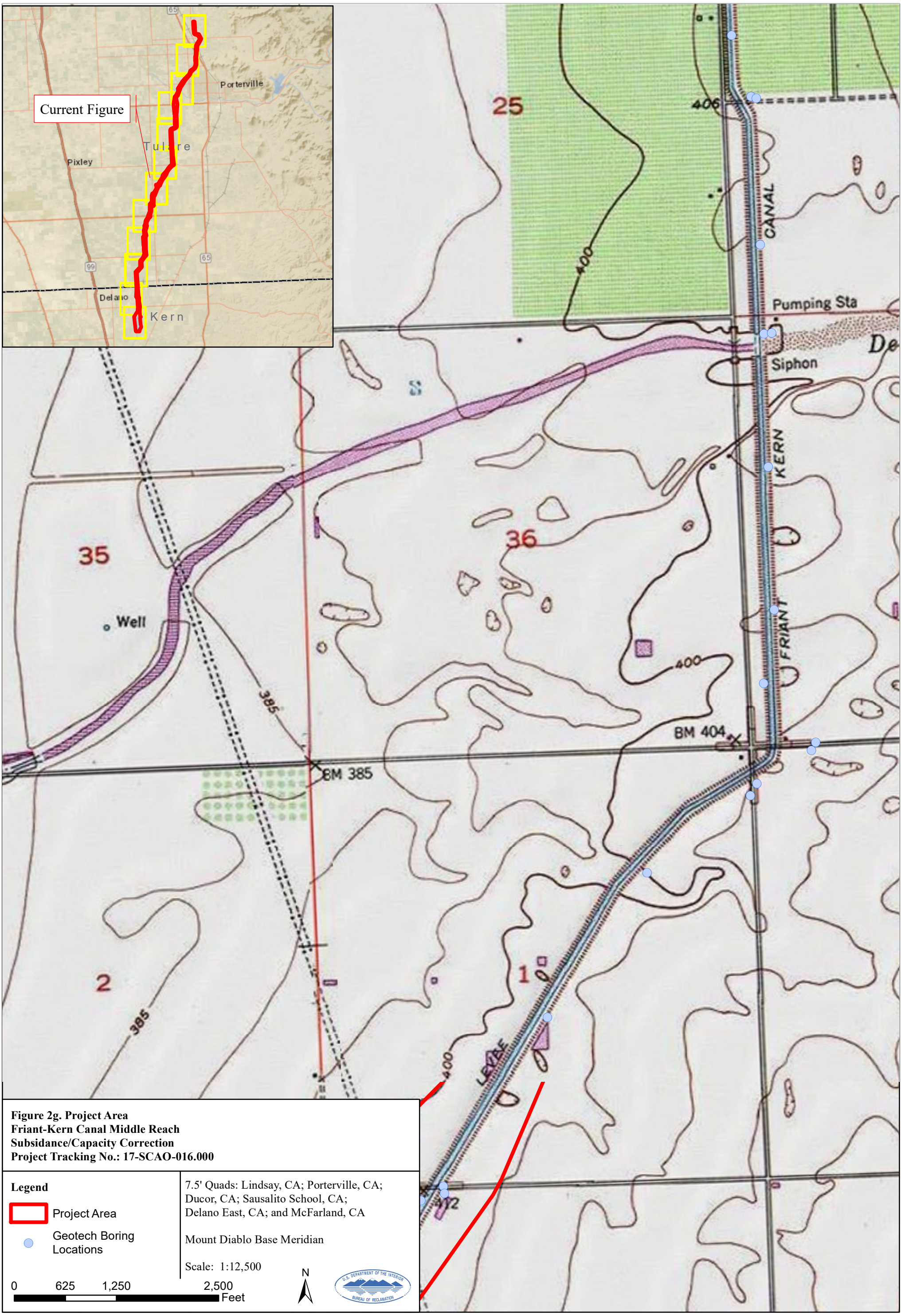

Figure 2g. Project Area
Friant-Kern Canal Middle Reach
Subsidance/Capacity Correction
Project Tracking No.: 17-SCAO-016.000

Legend

Project Area

Geotech Boring Locations

7.5' Quads: Lindsay, CA; Porterville, CA; Ducor, CA; Sausalito School, CA; Delano East, CA; and McFarland, CA

Mount Diablo Base Meridian

Scale: 1:12,500

RECLAMATION

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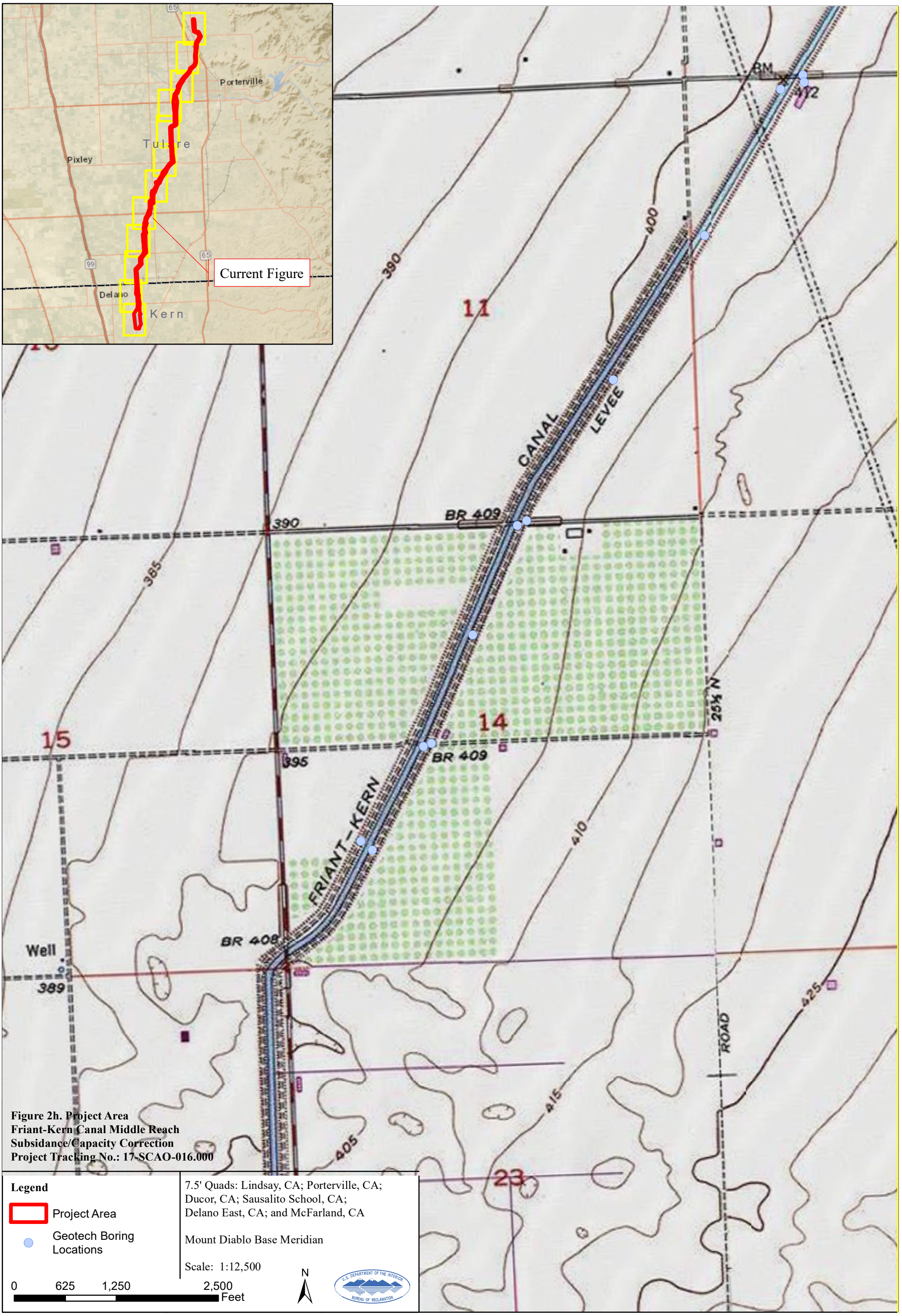

Figure 2h. Project Area
Friant-Kern Canal Middle Reach
Subsidance/Capacity Correction
Project Tracking No.: 17-SCAO-016.000

Legend

Project Area

Geotech Boring Locations

7.5' Quads: Lindsay, CA; Porterville, CA; Ducor, CA; Sausalito School, CA; Delano East, CA; and McFarland, CA

Mount Diablo Base Meridian

Scale: 1:12,500

0 625 1,250 2,500 Feet

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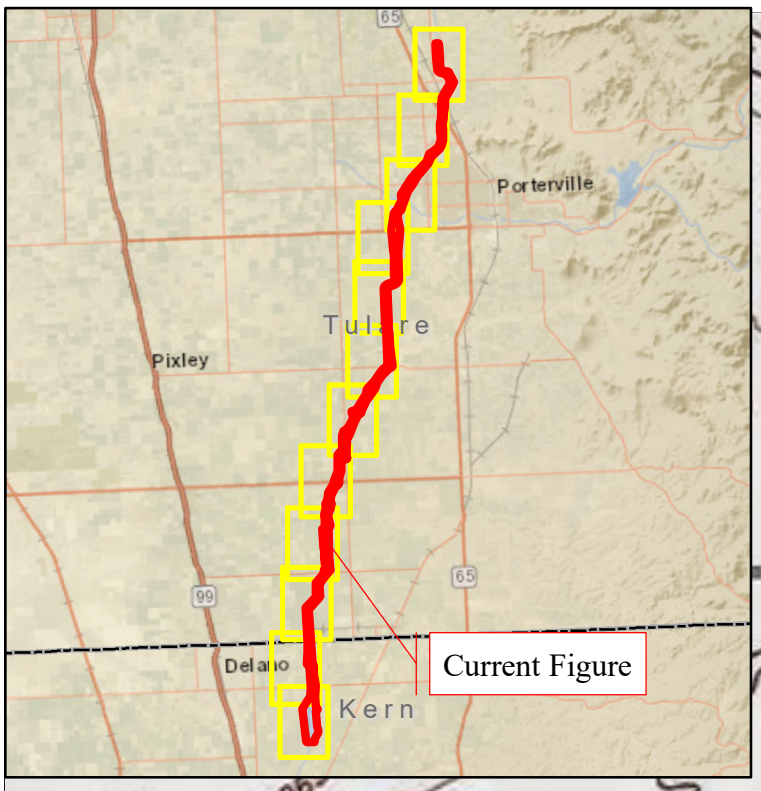

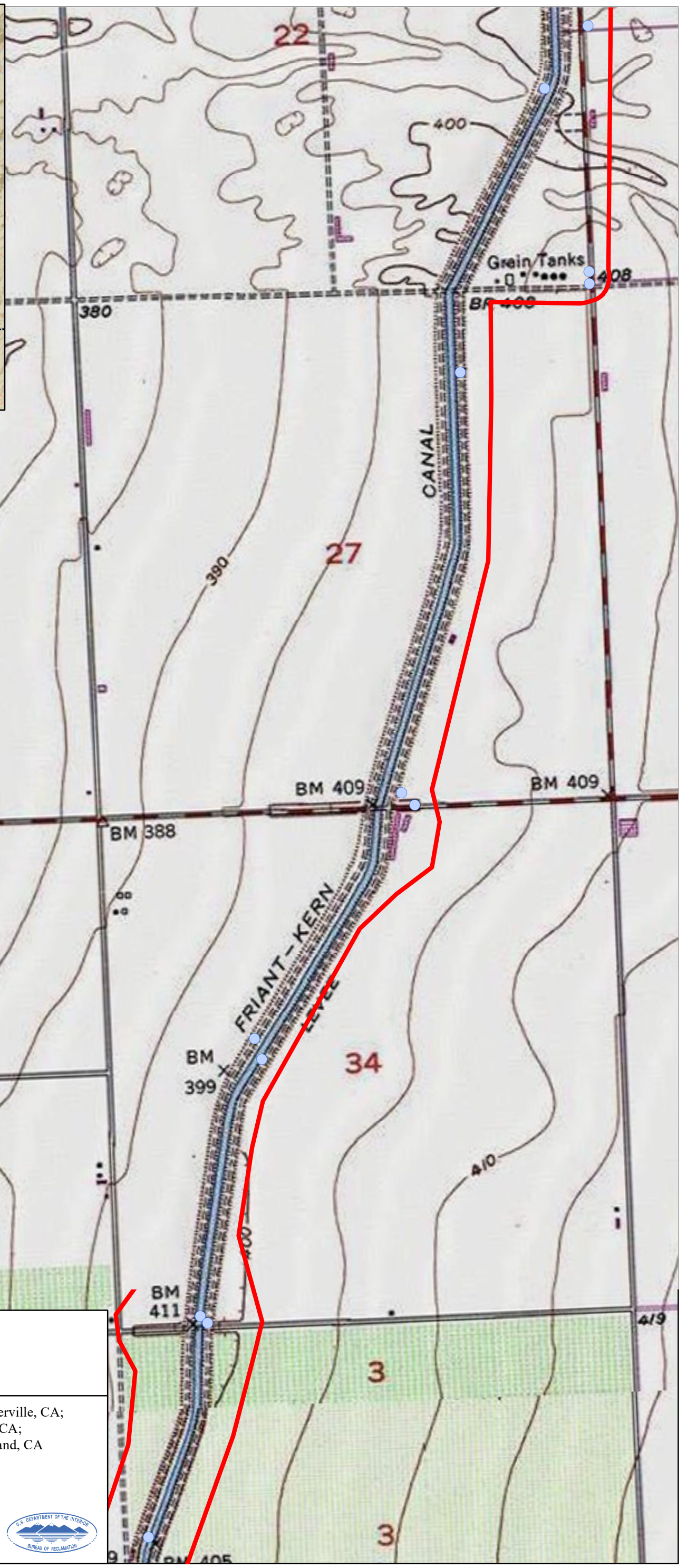

Figure 2i. Project Area
Friant-Kern Canal Middle Reach
Subsidance/Capacity Correction
Project Tracking No.: 17-SCAO-016.000

Legend

Project Area

Geotech Boring Locations

7.5' Quads: Lindsay, CA; Porterville, CA; Ducor, CA; Sausalito School, CA; Delano East, CA; and McFarland, CA

Mount Diablo Base Meridian

Scale: 1:12,500

0 625 1,250 2,500 Feet

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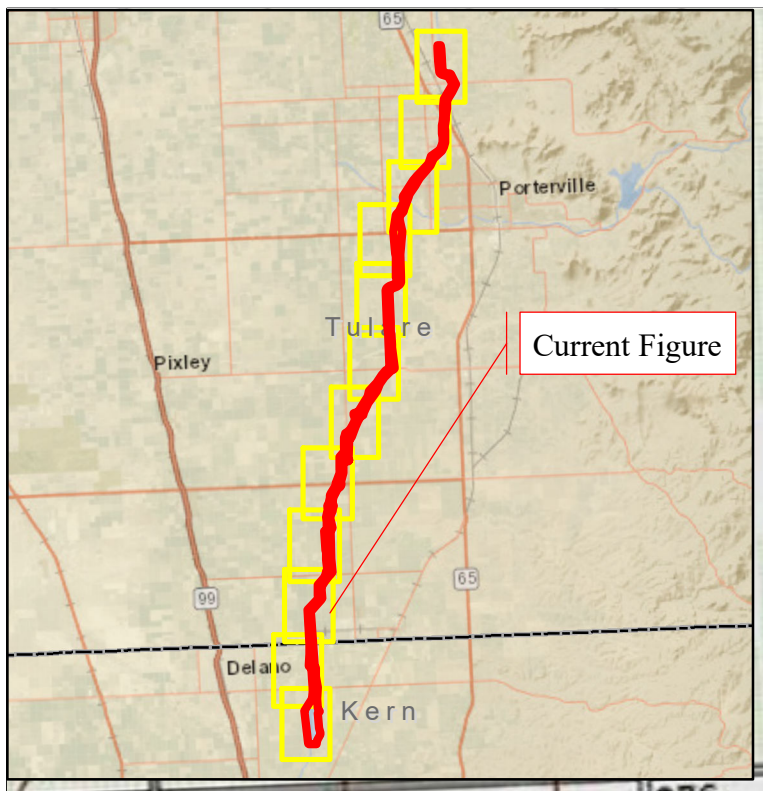

Figure 2j. Project Area
Friant-Kern Canal Middle Reach
Subsidance/Capacity Correction
Project Tracking No.: 17-SCAO-016.000

Legend

Project Area

Geotech Boring Locations

7.5' Quads: Lindsay, CA; Porterville, CA; Ducor, CA; Sausalito School, CA; Delano East, CA; and McFarland, CA

Mount Diablo Base Meridian

Scale: 1:12,500

0 625 1,250 2,500 Feet

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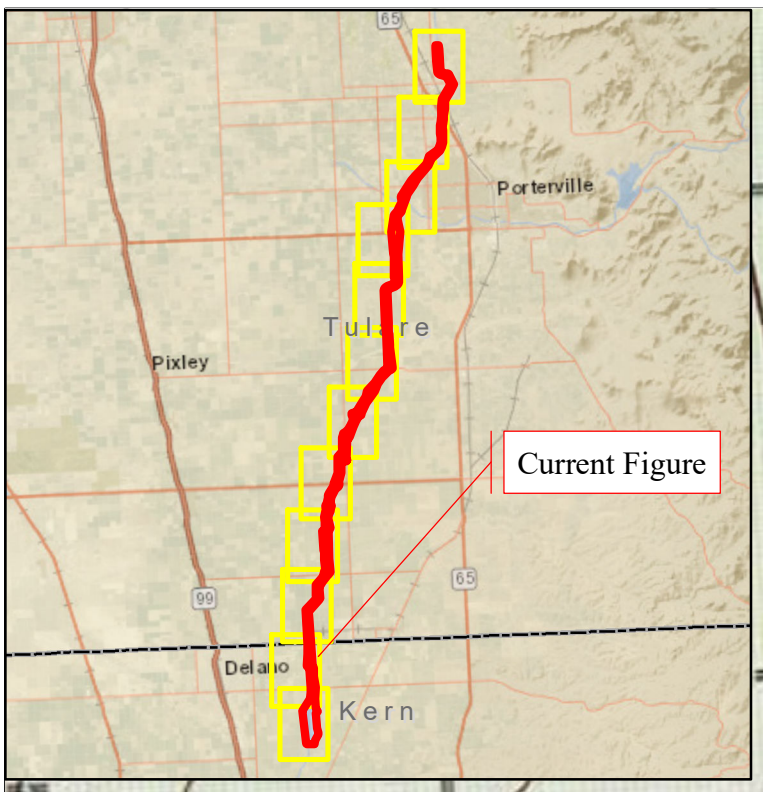

Figure 2k. Project Area
Friant-Kern Canal Middle Reach
Subsidance/Capacity Correction
Project Tracking No.: 17-SCAO-016.000

Legend

Project Area

Geotech Boring Locations

7.5' Quads: Lindsay, CA; Porterville, CA; Ducor, CA; Sausalito School, CA; Delano East, CA; and McFarland, CA

Mount Diablo Base Meridian

Scale: 1:12,500

0 625 1,250 2,500 Feet

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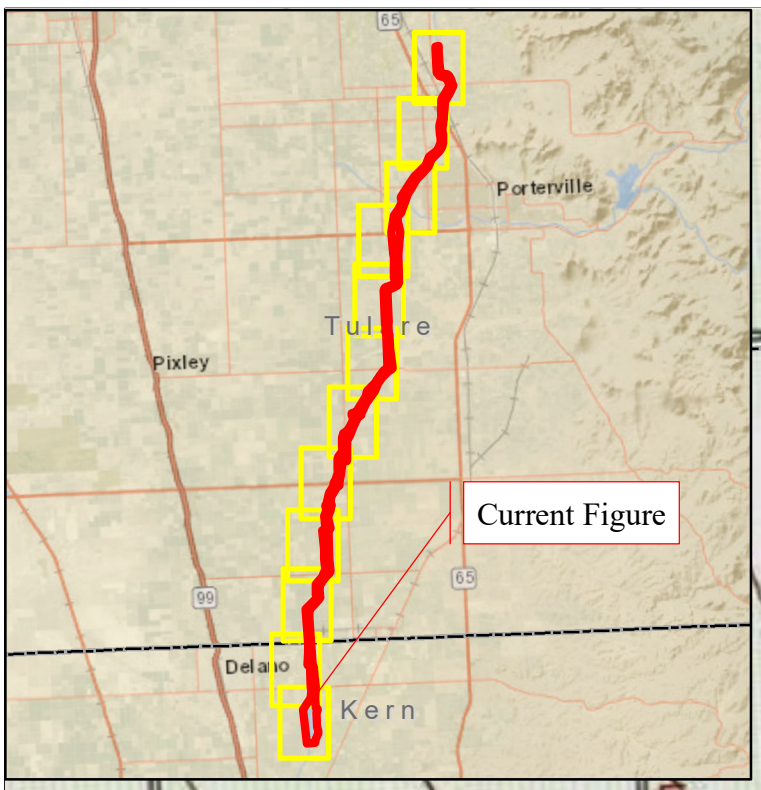

Figure 2l. Project Area
Friant-Kern Canal Middle Reach
Subsidance/Capacity Correction
Project Tracking No.: 17-SCAO-016.000

Legend

Project Area

Geotech Boring Locations

7.5' Quads: Lindsay, CA; Porterville, CA; Ducor, CA; Sausalito School, CA; Delano East, CA; and McFarland, CA

Mount Diablo Base Meridian

Scale: 1:12,500

0 625 1,250 2,500 Feet

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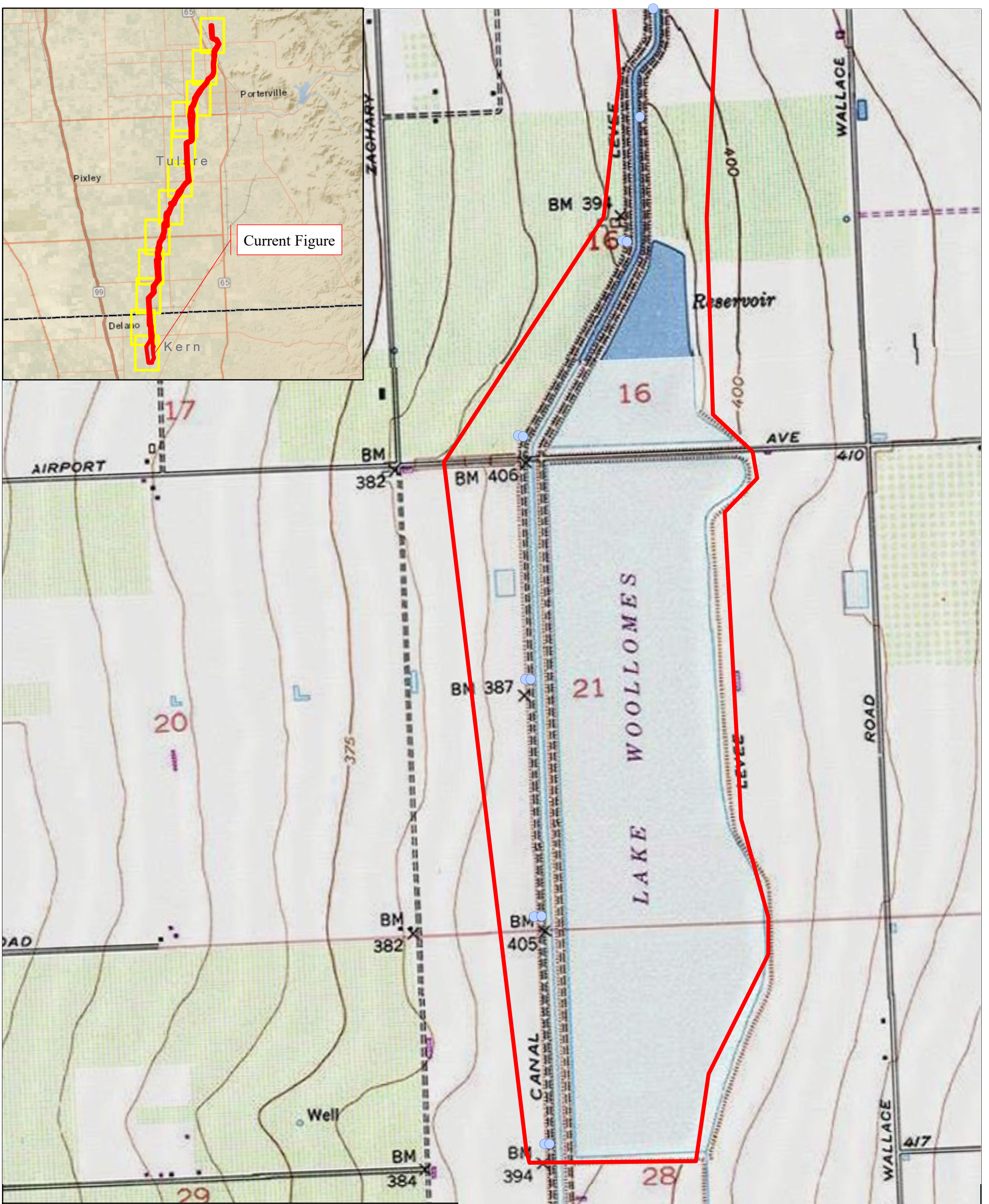

Figure 2m. Project Area
Friant-Kern Canal Middle Reach
Subsidance/Capacity Correction
Project Tracking No.: 17-SCAO-016.000

Legend

Project Area

Geotech Boring Locations

7.5' Quads: Lindsay, CA; Porterville, CA; Ducor, CA; Sausalito School, CA; Delano East, CA; and McFarland, CA

Mount Diablo Base Meridian

Scale: 1:12,500

0 625 1,250 2,500 Feet

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U.S. DEPARTMENT OF THE INTERIOR
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Attachment J3 Written Comments

Waldrop, Heather

From: Emerson, Rain L <remerson@usbr.gov>
Sent: Wednesday, December 18, 2019 8:54 AM
To: Nickels, Adam M; Arthur, Casandra N; Worsley, Roger; Flahive, Kaitlin K; Waldrop, Heather; Reilly, Tim (Redding); Newcom, Samuel (Joshua) J; Moyle, Craig; Atkinson, Janet; strop3; Swanson, William; svelyvis; Donald Davis; brian.hughes@sol.doi.gov; Clark, Khandriale
Subject: Fw: Scoping comments

FYI

Rain L. Emerson, M.S.
Environmental Compliance Branch Chief
Bureau of Reclamation
Interior Region 10 - California-Great Basin
South-Central California Area Office
1243 N Street, Fresno, CA 93721
Work Ph: 559-262-0335
Cell Ph: 559-353-4032

From: Tricia Stever Blattler <pstever@tulcofb.org>
Sent: Tuesday, December 17, 2019 10:40 AM
To: Emerson, Rain L <remerson@usbr.gov>
Subject: [EXTERNAL] Scoping comments

Tulare County Farm Bureau

December 17, 2019

Dear Ms. Emerson,

Tulare County Farm Bureau strongly supports the fixes recommend for the Friant Kern Canal. We represent nearly 1500 Farm and Ranch families, our members, that live in rural communities and urban areas throughout Tulare County who rely on the Friant Kern Canal for over 50% of our county's water supplies. The canal is desperately in need of a long term solution, and short term solutions that will help improve channel flows, expand capacity, minimize losses to seepage and address subsidence in a sustainable way.

The canal is the very backbone and lifeline for many of our agricultural commodities produced on the eastern side of Tulare County. Permanent plantings of citrus, nuts, vineyards, livestock operations, and small towns and our larger cities all rely on the Friant Kern Canal for surface water deliveries. Conveyance has been significantly reduced, and the ability to store and manage water at critical intervals during the year because of the subsidence issues with the canal.

The Blueprint for the San Joaquin Valley has been developed as a multi-approach tool box for valley leaders to use to help embolden state and federal leadership to help us fix the canal, along with address many other water and infrastructure needs in the Valley. We support the Friant Water Authority and your efforts to complete the feasibility

assessment and set forth a plan to address fixing the canal as soon as possible, realizing that environmental impact studies must next be completed. We urge the Bureau to make this project a high priority for completion at the earliest possible time to help allow the canal to function as it was designed to do.

We also believe that long term solutions and feasibility studies should seek to address the subsidence issue as to what will happen after this renovation to ensure that future subsidence and changes to our aquifers below ground allow the canal to be able to withstand future hydrologic changes in pumping, and storing water. The canal must be reinforced to withstand the next 100 years of changes that will be expected in the aquifer and hopefully be repaired in a manner that will make it less vulnerable to future subsidence concerns.

Thank you,

Tricia Stever Blattler
Executive Director
Tulare County Farm Bureau
PO Box 748
Visalia CA 93279
pstever@tulcofb.org
559-732-8301 office

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

GAVIN NEWSOM, Governor
CHARLTON H. BONHAM, Director

December 31, 2019

Doug DeFlitch
c/o Ms. Toni Marie
Friant Water Authority
854 North Harvard Avenue
Lindsey, California 93247
FKCProjectComments@stantec.com

Subject: Friant-Kern Canal Middle Reach Capacity Correction Project (Project)
Notice of Preparation (NOP)
State Clearinghouse No. 2019120007

Dear Mr. DeFlitch:

The California Department of Fish and Wildlife (CDFW) received an NOP for a joint Environmental Impact Statement / Environmental Impact Report (EIS/EIR) from Friant Water Authority, which is the Lead Agency for the Project pursuant the California Environmental Quality Act (CEQA) and CEQA Guidelines.[1] The United States Bureau of Reclamation is Lead Agency for the Project pursuant to the National Environmental Policy Act (NEPA).

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

CDFW ROLE

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

[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.

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

PROJECT DESCRIPTION SUMMARY

Proponent: Friant Water Authority (Authority) and United States Bureau of Reclamation (Bureau).

Objective: The Friant-Kern Canal (FKC) Middle Reach, an approximately 33-mile section of the FKC beginning near Strathmore, has lost over 50 percent of its original design capacity due in large part to regional land subsidence. The primary goal for the Project is to restore the original design capacity of the Middle Reach of the FKC.

The Project objectives are as follows:

- restore capacity to original design levels that meet the water supply delivery requirements of the Central Valley Project contracts of long-term contractors;
- restore capacity to convey water for the short-term conveyance of flood flows or non-CVP project water as well as provide potential surface water supplies for other users through exchanges and transfers;
- facilitate accommodation of potential future reductions in conveyance capacity caused by continued subsidence following Project implementation;
- restore capacity to the maximum extent using the original gravity conveyance design that avoids reliance on additional mechanical facilities and increased energy demands; and
- limit the amount of additional land necessary to be acquired for inclusion as part of the right-of-way for the proposed Project.

Proposed Project: The proposed Project consists of components that would both enlarge and replace the existing canal within an approximate 33-mile reach of the FKC. Enlargements to about 10 miles of the existing canal would occur at the northernmost and southernmost portions of the Project area by raising and widening the banks.

Enlarging the canal would be accomplished by removing the uppermost extent of the existing concrete lining and, at the level of the demolished lining, excavating a horizontal bench (approximately 14 feet wide on each embankment or a total of 28 feet wide) into the existing grade and constructing new (i.e., wider) upper embankments that would receive new concrete linings. Existing delivery turnouts would be maintained, to accommodate continued use of existing water conveyance facilities.

The proposed Project also consists of an approximate 23-mile realigned canal that would be constructed east of the existing canal from Mile Post (MP) 95.7 to MP 119. The realigned canal would accommodate a conveyance capacity of between 3,500 and 4,000 cubic feet per second (cfs). Once the realigned canal is constructed, most of the existing canal in that location would be abandoned in place. New turnouts, consisting of new cast-in-place concrete structures and delivery piping, would be constructed as needed along the realigned canal. Small portions of the existing canal (approximately 100 to 200 feet) would be left in place to create a pool upstream of existing pump stations, allowing water to be delivered from the realigned canal to a controlled water level in the pool, thereby minimizing or avoiding impacts to existing pumps and distribution systems. Approximately 530 acres of new right-of-way would be required to accommodate the proposed Project.

The proposed Project would also require removal and replacement of the existing check structures, wasteways, and siphons at Deer Creek and White River. Control buildings and associated electrical, mechanical, and controls equipment at the Deer Creek and White River facilities would also be replaced with new equipment, as required. Where the realigned canal crosses roads that currently cross the FKC via existing bridges, the road crossing over the realigned canal would be provided in the form of a new concrete box siphon. Once the realigned canal is built and put into service at each road crossing, the existing bridge would be removed and replaced with embankment material constructed to grade through the abandoned FKC. Borrow material would be obtained from excavated material from the FKC embankments and from borrow sites at predetermined locations. A concrete batch plant would be located along the Project alignment for construction of the concrete lining in the enlarged and realigned canal. In addition to the road crossing, existing utility crossings would be removed, modified, or replaced to accommodate the needs of the utilities and the realigned canal system. The proposed Project would require modification, relocation, abandonment, and/or removal of existing privately held facilities on lands adjacent to the canal and within the new alignment. Impacted privately held facilities may include, but are not limited to, wells, irrigation systems, farm roads, miscellaneous structures, power lines, and other structures.

Location: The proposed Project alignment is located within 2,600 acres along the FKC (from MP 88.2 to MP 121.5) and adjacent lands, between the communities of Lindsey and Porterville in Tulare and Kern Counties.

Timeframe: The construction of the Project would take up to three years and would be continuous.

COMMENTS AND RECOMMENDATIONS

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

Based on a review of aerial imagery, the Project description, a review of California Natural Diversity Database (CNDDB) records, and the Biological Resources section of the Bureau's Environmental Assess / Initial Study (EA/IS-18-057), several special status species and habitat types could potentially be impacted by Project activities. Project-related construction activities within the Project alignment and surrounding area could impact the following special status plant and wildlife species and habitats known to occur: the State threatened and federally endangered San Joaquin kit fox (*Vulpes macrotis mutica*), the State threatened Swainson's hawk (*Buteo swainsoni*), the federally endangered Kern mallow (*Eremalche parryi* ssp. *Kernensis*), the federally endangered San Joaquin woollythreads (*Monolopia congdonii*), the State threatened and fully protected Bald eagle, the State fully protected golden eagle, the California rare plant rank 1B.2 recurved larkspur (*Delphinium recurvatum*), and the State species of special concern American badger (*Taxidea taxus*), burrowing owl (*Athene cunicularia*), and western spadefoot (*Spea hammondii*).

Vegetation communities and habitats observed in the Project vicinity during reconnaissance surveys for EA/IS-18-057 includes non-native annual grassland, California buckwheat scrub, allscale saltbush scrub, Fremont cottonwood forest, mulefat thickets, red willow thickets, shining willow groves, smartweed-cocklebur patches, valley oak woodland, irrigated row crops, vineyards, orchards and field crops, ruderal disturbed areas, and barren unvegetated areas including levee roads. Aquatic features in and near the Project area include the FKC, Lake Woollomes, intermittent streams (i.e., Tule River, Deer Creek, Porter Slough, and White River) and associated riparian and fresh emergent wetlands, groundwater recharge basins, detention basins, agricultural ditches and canals, and agricultural ponds.

Please note that the CNDDB is populated by and records voluntary submissions of species detections. As a result, species may be present in locations not depicted in the CNDDB but where there is suitable habitat and features capable of supporting species. Therefore, a lack of an occurrence record in the CNDDB is not tantamount to a negative species finding. In order to adequately assess any potential Project related impacts to biological resources, surveys conducted by a qualified wildlife biologist/botanist during

the appropriate survey period(s) and using the appropriate protocol survey methodology are warranted in order to determine whether or not any special status species are present at or near the Project area.

CDFW recommends that the following modifications and/or edits be incorporated into the EIS/EIR.

I. Mitigation Measure or Alternative and Related Impact Shortcoming

Would the Project have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special status species in local or regional plans, policies, or regulations, or by CDFW or the United States Fish and Wildlife Service (USFWS)?

COMMENT 1: San Joaquin Kit Fox (SJKF)

Issue: SJKF occurrences have been documented within the Project area (CDFW 2019). The NOP acknowledges the potential to temporarily disturb and permanently alter suitable habitat for special status species including SJKF, and directly impact individuals if present during construction activities.

SJKF den in right-of-ways, agricultural and fallow/ruderal habitat, dry stream channels, and canal levees, etc., and populations can fluctuate over time. SJKF are also capable of occupying urban environments (Cypher and Frost 1999). SJKF may be attracted to project areas due to the type and level of ground-disturbing activities and the loose, friable soils resulting from intensive ground disturbance. SJKF will forage in fallow and agricultural fields and utilize streams and canals as dispersal corridors. As a result, there is potential for SJKF to occupy all suitable habitat within the Project boundary and surrounding area.

Specific impact: Without appropriate avoidance and minimization measures for SJKF, potential significant impacts associated with construction include habitat loss, den collapse, inadvertent entrapment, reduced reproductive success, reduction in health and vigor of young, and direct mortality of individuals.

Evidence impact is potentially significant: Habitat loss resulting from land conversion to agricultural, urban, and industrial development is the primary threat to SJKF (Cypher et al. 2013). Tulare and Kern Counties support relatively large areas of high suitability habitat and one of the largest remaining populations of SJKF (Cypher et al. 2013). The Project area is within and bordered by this remaining highly suitable habitat, which is otherwise intensively managed for agriculture. Therefore, subsequent ground-disturbing activities have the potential to significantly impact local SJKF populations.

Recommended Potentially Feasible Mitigation Measure(s)

To evaluate potential impacts to SJKF associated with subsequent land conversion, ground disturbance and construction, CDFW recommends conducting the following evaluation of project areas and implementing the following mitigation measures.

Recommended Mitigation Measure 1: SJKF Habitat Assessment

For all Project-specific components including construction and land conversion, CDFW recommends that a qualified biologist conduct a habitat assessment in advance of project implementation, to determine if the Project area or its immediate vicinity contains suitable habitat for SJKF.

Recommended Mitigation Measure 2: SJKF Surveys

CDFW recommends assessing presence/absence of SJKF by having qualified biologists conducting surveys of Project areas and a 500-foot buffer of Project areas to detect SJKF and their sign. CDFW also recommends following the USFWS "Standardized recommendations for protection of the San Joaquin kit fox prior to or during ground disturbance" (2011).

Recommended Mitigation Measure 3: SJKF Take Authorization

SJKF detection warrants consultation with CDFW to discuss how to avoid take or, if avoidance is not feasible, to acquire an Incidental Take Permit (ITP) prior to ground-disturbing activities, pursuant to Fish and Game Code § 2081(b).

COMMENT 2: Swainson's Hawk (SWHA)

Issue: SWHA have been documented within the Project area. Review of recent aerial imagery indicates that trees capable of supporting nesting SWHA occur along the streams and canals within the Project boundary. Landscape trees may also provide suitable nesting habitat. In addition, grassland and agricultural land in the surrounding area provide suitable foraging habitat for SWHA, increasing the likelihood of SWHA occurrence within the vicinity.

Specific impact: Without appropriate avoidance and minimization measures for SWHA, potential significant impacts associated with Project activities include loss of forging and/or nesting habitat, nest abandonment, reduced reproductive success, and reduced health and vigor of eggs and/or young.

Evidence impact would be significant: Lack of suitable nesting habitat in the San Joaquin Valley limits the local distribution and abundance of SWHA (CDFW 2016).

The trees and riparian habitat within the Project area represent some of the only remaining suitable nesting habitat in the local vicinity. Depending on the timing of construction, activities including noise, vibration, and movement of workers or equipment could affect nests and have the potential to result in nest abandonment, significantly impacting local nesting SWHA. In addition, agricultural cropping patterns can directly influence distribution and abundance of SWHA. For example, SWHA can forage in grasslands, pasture, hay crops, and low growing irrigated crops; however, other agricultural crops such as orchards and vineyards are incompatible with SWHA foraging (Estep 2009, Swolgaard et al. 2008).

Recommended Potentially Feasible Mitigation Measure(s)

To evaluate potential impacts to SWHA associated with subsequent development, CDFW recommends conducting the following evaluation of Project areas and implementing the following mitigation measures.

Recommended Mitigation Measure 4: Focused SWHA Surveys

To evaluate potential Project-related impacts, CDFW recommends that a qualified wildlife biologist conduct surveys for nesting SWHA following the entire survey methodology developed by the SWHA Technical Advisory Committee (2000) prior to Project initiation. SWHA detection during protocol level surveys warrants consultation with CDFW to discuss how to implement Project activities and avoid take.

Recommended Mitigation Measure 5: SWHA Avoidance or Take Authorization

CDFW recommends that if Project-specific activities will take place during the SWHA nesting season (March 1 through August 31), and active SWHA nests are present, a minimum ½-mile no-disturbance buffer be delineated and maintained around each nest until the breeding season has ended or until a qualified biologist has determined that the birds have fledged and are no longer reliant upon the nest or parental care for survival, to prevent nest abandonment and other take (as defined pursuant to Fish and Game Code § 86) of SWHA as a result of Project activities. If implementation of a ½-mile no-disturbance nest buffer is not feasible, consultation with CDFW is warranted to determine if the Project can avoid take. If SWHA cannot be avoided, acquisition of an ITP pursuant to Fish and Game Code § 2081(b), prior to the start of Project activities, is warranted to comply with CESA.

Recommended Mitigation Measure 6: Tree Removal

CDFW recommends that the removal of known raptor nest trees, even outside of the nesting season, be replaced with an appropriate native tree species planting at a

ratio of 3:1 at or near the Project area or in another area that will be protected in perpetuity. This mitigation would offset the temporal impacts of nesting habitat loss.

COMMENT 3: Special-Status Plants

Issue: Special-status plants meeting the definition of rare or endangered under CEQA § 15380 are known to occur in the vicinity of the Project. The federally endangered Kern mallow and San Joaquin woollythreads, and CRPR 1B.2 recurved larkspur has been documented within the Project area.

Specific impact: Without appropriate avoidance and minimization measures for special-status plants, potential significant impacts associated with subsequent construction include loss of habitat, loss of reduction of productivity, and direct mortality.

Evidence impact would be significant: Kern mallow, San Joaquin woollythreads, and recurved larkspur are threatened by grazing and agricultural, urban, and energy development. Many historical occurrences of these species are presumed extirpated (California Native Plant Society 2019). Though new populations have recently been discovered, impacts to existing populations have the potential to significantly impact populations of plant species.

Recommended Potentially Feasible Mitigation Measure(s)

To evaluate potential impacts to special-status plants associated with subsequent development, CDFW recommends conducting the following evaluation of Project areas and implementing the following mitigation measures.

Recommended Mitigation Measure 7: Special-Status Plant Surveys

CDFW recommends that individual Project sites be surveyed for special-status plants by a qualified botanist following the "Protocols for Surveying and Evaluating Impacts to Special Status Native Plant Populations and Natural Communities" (CDFW 2018). This protocol, which is intended to maximize detectability, includes the identification of reference populations to facilitate the likelihood of field investigations occurring during the appropriate floristic period.

Recommended Mitigation Measure 8: Special-Status Plant Avoidance

CDFW recommends that special-status plant species be avoided whenever possible by delineating and observing a no-disturbance buffer of at least 50 feet from the outer edge of the plant population(s) or specific habitat type(s) required by special-status plant species. If buffers cannot be maintained, then consultation with

CDFW may be warranted to determine appropriate minimization and mitigation measures for impacts to special-status plant species.

Recommended Mitigation Measure 9: Special-Status Plant Take Authorization

If a State-listed plant species is identified during botanical surveys, consultation with CDFW is warranted to determine if the Project can avoid take. If take cannot be avoided, take authorization would be warranted. Take authorization would occur through issuance of an ITP by CDFW, pursuant to Fish and Game Code § 2081(b).

COMMENT 4: Nesting Bald Eagle (BAEA) and Golden Eagle (GOEA)

Issue: Nesting BAEA and GOEA have the potential to occur in the Project area and its vicinity, including the Tule River and Deer Creek corridors.

Specific impact: Without appropriate avoidance and minimization measures, potentially significant impacts associated with the Project's construction include loss of foraging and/or nesting habitat, nest abandonment, reduced reproductive success, and reduced health and vigor of eggs and/or young.

Evidence impact would be significant: Without appropriate survey methods, eagles nesting in the vicinity of a project can remain undetected resulting in avoidance and minimization measures not being effectively implemented (American Eagle Research Institute 2010). In addition, human activity near nest sites can cause reduced provisioning rates of GOEA chicks by adults (Steidl et al. 1993 *in* Kochert et al. 2002). Depending on the timing of construction, Project activities including noise, vibration, odors, and movement of workers or equipment could affect nests and also have the potential to result in nest abandonment, significantly impacting local nesting raptors.

Recommended Potentially Feasible Mitigation Measure(s)

To evaluate potential impacts to roosting or nesting eagles associated with Project construction, CDFW recommends conducting the following evaluation of the Project area and including the following mitigation measures as conditions of approval.

Recommended Mitigation Measure 10: Focused Surveys for Nesting Eagles

CDFW recommends that a qualified wildlife biologist conduct surveys for nesting raptors following the Protocol for Golden Eagle Occupancy, Reproduction, and Prey Population Assessment (Driscoll 2010), and the Protocol for Evaluating Bald Eagle Habitat and Populations in California (Jackman & Jenkins 2004). If ground-disturbing activities take place during the typical bird breeding season

(February 1 through September 15), CDFW recommends that additional pre-construction surveys for active nests be conducted by a qualified biologist no more than 10 days prior to the start of construction.

Recommended Mitigation Measure 11: Avoidance

If an active raptor nest is found, CDFW recommends implementation of a minimum ½-mile no-disturbance buffer until the breeding season has ended or until a qualified biologist has determined that the birds have fledged and are no longer reliant upon the nest or parental care for survival. If nesting raptors are detected and the ½-mile no-disturbance nest buffer is not feasible, consultation with CDFW is warranted to determine if the Project can avoid take. Please note that BAEA and GOEA are State fully protected species and no take, incidental or otherwise, of those species can be authorized by CDFW.

COMMENT 5: Burrowing Owl (BUOW)

Issue: BUOW occur within and in the vicinity of the Project area (CDFW 2019). BUOW inhabit open grassland containing small mammal burrows, a requisite habitat feature used by BUOW for nesting and cover. Habitat both within and bordering the Project supports grassland habitat. Therefore, there is potential for BUOW to occupy or colonize the Project area.

Specific impact: Potentially significant direct impacts associated with subsequent activities and land conversion include habitat loss, burrow collapse, inadvertent entrapment, nest abandonment, reduced reproductive success, reduction in health and vigor of eggs and/or young, and direct mortality of individuals.

Evidence impact is potentially significant: BUOW rely on burrow habitat year round for their survival and reproduction. Habitat loss and degradation are considered the greatest threats to BUOW in California's Central Valley (Gervais et al. 2008). The Project area contains remnant undeveloped land but is otherwise intensively managed for agriculture; therefore, subsequent ground-disturbing activities associated with subsequent constructions have the potential to significantly impact local BUOW populations. In addition, and as described in CDFW's "*Staff Report on Burrowing Owl Mitigation*" (CDFG 2012), excluding and/or evicting BUOW from their burrows is considered a potentially significant impact under CEQA.

Recommended Potentially Feasible Mitigation Measure(s) (Regarding Environmental Setting and Related Impact)

To evaluate potential impacts to BUOW associated with subsequent development, CDFW recommends conducting the following evaluation of Project areas and implementing the following mitigation measures.

Recommended Mitigation Measure·12: BUOW Habitat Assessment

CDFW recommends that a qualified biologist conduct a habitat assessment in advance of Project implementation, to determine if the Project area or its vicinity contains suitable habitat for BUOW.

Recommended Mitigation Measure 13: BUOW Surveys

If suitable habitat is present on or in the vicinity of the Project area, CDFW recommends assessing presence/absence of BUOW by having a qualified biologist conduct surveys following the California Burrowing Owl Consortium's *"Burrowing Owl Survey Protocol and Mitigation Guidelines"* (1993) and CDFW's *Staff Report on Burrowing Owl Mitigation"* (CDFG 2012). Specifically, these documents suggest three or more surveillance surveys conducted during daylight with each visit occurring at least three weeks apart during the peak breeding season (i.e., April 15 to July 15), when BUOW are most detectable. In addition, CDFW advises that surveys include a minimum 500-foot buffer around the Project area.

Recommended Mitigation Measure 14: BUOW Avoidance

CDFW recommends that no-disturbance buffers, as outlined in the *"Staff Report on Burrowing Owl Mitigation"* (CDFG 2012), be implemented prior to and during any ground-disturbing activities. Specifically, CDFW's Staff Report recommends that impacts to occupied burrows be avoided in accordance with the following table unless a qualified ·biologist approved by CDFW verifies through non-invasive methods that either: 1) the birds have not begun egg laying and incubation; or 2) that juveniles from the occupied burrows are foraging independently and are capable of independent survival.

Location	Time of Year	Level of Disturbance		
		Low	Med	High
Nesting sites	April 1-AUQ 15	200m*	500 m	500 m
Nesting sites	Aug 16-Oct 15	200m	200m	500 m
Nesting sites	Oct 16-Mar 31	50m	100 m	500 m

* meters (m)

Recommended Mitigation Measure 15: BUOW Passive Relocation and Mitigation

If BUOW are found within these recommended buffers and avoidance is not possible, it is important to note that according to the Staff Report (CDFG 2012), excluding owls from burrows is not a take avoidance, minimization, or mitigation method and is instead considered a potentially significant impact under CEQA. If it is necessary for Project implementation, CDFW recommends that burrow exclusion be conducted by qualified biologists and only during the non-breeding season, before breeding behavior is exhibited and after the burrow is confirmed empty through non-invasive methods, such as surveillance. CDFW recommends replacement of occupied burrows with artificial burrows at a ratio of 1 burrow collapsed to 1 artificial burrow constructed (1:1) to mitigate for evicting BUOW and the loss of burrows. BUOW may attempt to colonize or re-colonize an area that will be impacted; thus, CDFW recommends ongoing surveillance at a rate that is sufficient to detect BUOW if they return.

COMMENT 6: Other State Species of Special Concern

Issue: Western spadefoot and American badger can inhabit grassland and upland scrub habitats (Thomson et al. 2016, Williams 1986). These special status species have been documented to occur in the vicinity of the Project boundary, which supports requisite habitat elements for these species (CDFW 2019).

Specific impact: Without appropriate avoidance and minimization measures for these species, potentially significant impacts associated with ground disturbance include habitat loss or nest/den/burrow abandonment, which may result in reduced health or vigor of individuals and direct mortality.

Evidence impact is potentially significant: Habitat loss threatens of the species mentioned above (Thomson et al. 2016, Williams 1986). Habitat within and adjacent to the Project represents some of the only remaining undeveloped land in the vicinity, which is otherwise intensively managed for agriculture. As a result, ground- and vegetation-disturbing activities associated with development of the Project have the potential to significantly impact local populations of these species.

Recommended Potentially Feasible Mitigation Measure(s)

To evaluate potential impacts to special-status species associated with subsequent development, CDFW recommends conducting the following evaluation of project areas and implementing the following mitigation measures.

Recommended Mitigation Measure 16: Habitat Assessment

CDFW recommends that a qualified biologist conduct a habitat assessment in advance of project implementation, to determine if project areas or their immediate vicinity contain suitable habitat for the species mentioned above.

Recommended Mitigation Measure 17: Species Surveys

If suitable habitat is present, CDFW recommends that a qualified biologist conduct focused surveys for applicable species and their requisite habitat features to evaluate potential impacts resulting from ground- and vegetation-disturbance.

Recommended Mitigation Measure 18: Species Avoidance or Minimization

Avoidance whenever possible is encouraged via delineation and observance of a 50-foot no-disturbance buffer around dens of mammals like the American badger, as well as the entrances of burrows that can provide refuge for small mammals, reptiles, and amphibians.

Would the Project have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, regulations, or by CDFW or USFWS?

COMMENT 7: Wetland and Riparian Habitats

Issue: The Project area contains numerous waterways and wetland areas. Development within the Project alignment has the potential to involve temporary and permanent impacts to these features.

Specific impact: Work within stream channels has the potential to result in the diversion or obstruction of natural stream flows, to change or use of material from the streams, or to deposit of debris, waste, sediment, toxic runoff or other materials into waters causing water pollution and degradation of water quality. Project activities also have the potential to result in the loss of riparian and wetland vegetation, in addition to the degradation of wetland and riparian areas through grading, fill, and related development.

Evidence impact is potentially significant: The Project area includes stream and wetland features within an agricultural landscape that also maintains undeveloped habitats. Within the San Joaquin Valley, modifications of streams to accommodate human uses has resulted in damming, canalizing, and channelizing of many streams, though some natural stream channels and small wetland or wetted areas remain (Edminster 2002). The Fish and Game Commission policy regarding

wetland resources discourages development or conversion of wetlands that results in a net loss of wetland acreage or habitat value. Construction activities within these features has the potential to impact downstream waters. In addition, riparian and associated floodplain and wetland areas are valuable for their ecosystem processes such as protecting water quality by filtering pollutants and transforming nutrients; stabilizing stream banks to prevent erosion and sedimentation/siltation; and dissipating flow energy during flood conditions, thereby spreading the volume of surface water, reducing peak flows downstream, and increasing the duration of low flows by slowly releasing stored water into the channel through subsurface flow. Riparian vegetation in the Project area provides potential habitat for many species, potentially including those with special status.

Recommended Potentially Feasible Mitigation Measure(s)

To evaluate potential impacts to waterways, CDFW recommends conducting the following evaluation of the subject parcel and implementing the following mitigation measures.

Recommended Mitigation Measure 19: Wetland Delineation and Lake and Stream Mapping

CDFW recommends a formal delineation of stream and wetland areas in advance of any Project development activity. CDFW recommends that individuals qualified in wetland delineation as well as determining the extent of stream hydrology determine the location and extent of wetlands and streams on parcels slated for construction or land conversion. Please note that, while there is overlap, State and Federal definitions of wetlands differ. In addition, the full extent of a stream for the State commonly extends beyond the determination of Ordinary High Water for the U.S. Army Corps of Engineers. Therefore, it is advised that the delineation and mapping identify both State and Federal wetlands and complete stream boundaries on the Project site.

Recommended Mitigation Measure 20: Avoidance, Minimization and Mitigation of Wetland and Riparian Habitat Impacts

CDFW recommends that the wetland and riparian habitats potentially impacted by the Project be described to establish the baseline condition. CDFW also recommends that the potential direct and indirect impacts to wetland and riparian habitat be analyzed according to each Project activity. Based on those potential impacts, CDFW recommends that the EIS/EIR include measures to avoid, minimize, and/or mitigate those impacts. CDFW recommends that impacts to wetland and riparian vegetation take into account the effects to function and hydrology from

habitat loss or damage, as well as potential effects from the loss of habitat to special status species identified herein.

II. Editorial Comments and/or Suggestions

Federally Listed Species: CDFW recommends consulting with the USFWS regarding potential impacts to federally listed species including, but not limited to, SJKF, Kern mallow, and San Joaquin woollythreads. Take under the Federal Endangered Species Act (FESA) is more broadly defined than CESA; take under FESA also includes significant habitat modification or degradation that could result in death or injury to a listed species by interfering with essential behavioral patterns such as breeding, foraging, or nesting. Consultation with the USFWS in order to comply with FESA is advised well in advance of any Project activities.

Lake and Streambed Alteration: Project activities have the potential to substantially change the bed, bank, and channel of wetlands and waterways onsite. Jurisdictional Project activities are subject to the notification requirement of Fish and Game Code section 1602, which requires an entity to notify CDFW prior to commencing any activity that may (a) substantially divert or obstruct the natural flow of any river, stream, or lake; (b) substantially change or use any material from the bed, bank, or channel of any river, stream, or lake (including the removal of riparian vegetation); (c) deposit debris, waste or other materials that could pass into any river, stream, or lake. "Any river, stream, or lake" includes those that are ephemeral or intermittent as well as those that are perennial. CDFW is required to comply with CEQA in the issuance of a Lake or Streambed Alteration Agreement (Agreement); therefore, if the CEQA document approved for the Project does not adequately describe the Project and its impacts, a subsequent CEQA analysis may be necessary for Agreement issuance. For additional information on notification requirements, please contact staff in the Central Region Lake and Streambed Alteration Program at (559) 243-4593.

Nesting birds: CDFW has jurisdiction over actions with potential to result in the disturbance or destruction of active nest sites or the unauthorized take of birds. Fish and Game Code sections that protect birds, their eggs and nests include §§ 3503 (regarding unlawful take, possession or needless destruction of the nest or eggs of any bird), 3503.5 (regarding the take, possession or destruction of any birds-of-prey or their nests or eggs), and 3513 (regarding unlawful take of any migratory nongame bird).

CDFW encourages Project implementation to occur during the bird non-nesting season; however, if Project activities must occur during the breeding season (February through mid-September), the Project applicant is responsible for ensuring that implementation of the Project does not result in violation of the Migratory Bird Treaty Act or relevant Fish and Game Codes as referenced above.

To evaluate Project-related impacts on nesting birds, CDFW recommends that a qualified wildlife biologist conduct pre-activity surveys for active nests no more than 10 days prior to the start of each Project activity to maximize the probability that nests that could potentially be impacted by the Project are detected. CDFW also recommends that surveys cover a sufficient area around the work site to identify nests and determine their status. A sufficient area means any area potentially affected by a project. In addition to direct impacts (i.e. nest destruction), noise, vibration, and movement of workers or equipment could also affect nests. Prior to initiation of construction activities, CDFW recommends that a qualified biologist conduct a survey to establish a behavioral baseline of all identified nests. Once construction begins, CDFW recommends that a qualified biologist continuously monitor nests to detect behavioral changes resulting from the project. If behavioral changes occur, CDFW recommends that the work causing that change cease and CDFW be consulted for additional avoidance and minimization measures.

If continuous monitoring of identified nests by a qualified wildlife biologist is not feasible, CDFW recommends a minimum no-disturbance buffer of 250 feet around active nests of non-listed bird species and a 500-foot no-disturbance buffer around active nests of non-listed raptors. These buffers are advised to remain in place until the breeding season has ended or until a qualified biologist has determined that the birds have fledged and are no longer reliant upon the nest or parental care for survival. Variance from these no-disturbance buffers is possible when there is compelling biological or ecological reason to do so, such as when the construction area would be concealed from a nest site by topography. CDFW recommends that a qualified wildlife biologist advise and support any variance from these buffers and notify CDFW in advance of implementing a variance.

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 CNDDB. The CNNDB field survey form can be found at the following link: http://www.dfg.ca.gov/biogeodata/cnddb/pdfs/CNDDB_FieldSurveyForm.pdf. The completed form can be mailed electronically to CNDDB at the following email address: CNDDB@wildlife.ca.gov. The types of information reported to CNDDB can be found at the following link: http://www.dfg.ca.gov/biogeodata/cnddb/plants_and_animals.asp.

FILING FEES

The Project, as proposed, would have an impact on fish and/or 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

CDFW appreciates the opportunity to comment on the NOP to assist the Authority in identifying and mitigating Project impacts on biological resources. Questions regarding this letter or further coordination should be directed to Annette Tenneboe, Senior Environmental Scientist (Specialist), at (559) 243-4014 extension 231 or by email at annette.tenneboe@wildlife.ca.gov.

Sincerely,

Julie A. Vance
Regional Manager

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

ec: Annette Tenneboe
California Department of Fish and Wildlife

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854 N. Harvard Avenue
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ENVIRONMENTAL IMPACT REPORT/ENVIRONMENTAL IMPACT STATEMENT FOR FRIANT-KERN CANAL MIDDLE REACH CAPACITY CORRECTION PROJECT – DATED NOVEMBER 2019
(STATE CLEARINGHOUSE NUMBER: 2019129005)

Dear Mr. Deflitch:

The Department of Toxic Substances Control (DTSC) received a Draft Environmental Impact Report/Environmental Impact Statement (EIR/EIS) for Friant-Kern Canal Middle Reach Capacity Correction Project.

The proposed project consists of components that would enlarge and realign the existing canal within an approximate 33-mile reach of the Friant Kener Canal (FKC). Enlargements to approximately 10 miles of the existing canal would occur at the northernmost and southernmost portions of the project area by raising and widening the banks.

DTSC recommends that the following issues be evaluated in the EIR/EIS, Hazards and Hazardous Materials section:

1. The EIR/EIS should acknowledge the potential for project site activities to have resulted in the release of hazardous wastes/substances. In instances in which releases have occurred, further studies should be carried out to delineate the nature and extent of the contamination, and the potential threat to public health and/or the environment should be evaluated. The EIR/EIS should also identify the mechanism(s) to initiate any required investigation and/or remediation and the government agency who will be responsible for providing appropriate regulatory oversight.

If you have any questions, please contact me at (916) 255-3710 or via email at Gavin.McCreary@dtsc.ca.gov.

Sincerely,

Gavin McCreary
Project Manager
Site Evaluation and Remediation Unit
Site Mitigation and Restoration Program
Department of Toxic Substances Control

cc: (via email)

Governor's Office of Planning and Research
State Clearinghouse
State.clearinghouse@opr.ca.gov

Ms. Lora Jameson, Chief
Site Evaluation and Remediation Unit
Department of Toxic Substances Control
Lora.Jameson@dtsc.ca.gov

Mr. Dave Kereazis
Office of Planning & Environmental Analysis
Department of Toxic Substances Control
Dave.Kereasis@dtsc.ca.gov

DEPARTMENT OF TRANSPORTATION
DISTRICT 6
1352 WEST OLIVE AVENUE
P.O. BOX 12616
FRESNO, CA 93778-2616
PHONE (559) 488-7396
FAX (559) 488-4088
TTY 711
www.dot.ca.gov

Making Conservation a California Way of Life.

December 19, 2019

06-TUL-65-23.43
06-TUL-190-11.96
06-KER-155-4.05
EA-IS-NOP
FRIANT-KERN CANAL MIDDLE REACH
CAPACITY CORRECTION PROJECT
SCH # 2019120007

SENT VIA EMAIL

Mr. Douglas Deflitch
Friant Water Authority
854 N. Harvard Avenue
Lindsay, CA 93277

Dear Mr. Deflitch:

Thank you for the opportunity to review the Notice of Preparation (NOP) and the Environmental Assessment (EA) / Initial Study (IS) for an Environmental Impact Report (EIR) to restore the capacity of a 33-mile segment of the Friant-Kern Canal (FKC) starting east of Strathmore and ending east of Delano. The Project would impact State Route (SR) 65 - south of Strathmore, SR 190 - west of Porterville, and SR 155 - east of Delano.

The Project would restore the capacity of the FKC by both enlarging (raising) and realigning segments of the canal to restore its conveyance capacity to 4,500 cubic feet per second (cfs) in the upstream segment of the Middle Reach and 3,500 cfs in the downstream segment.

The Project would also include construction of a new 23-mile canal realigned to the east of the existing canal. Construction of the Project would take up to 3 years and would be continuous. A concrete batch plant that would primarily be used for construction of the canal lining would be built onsite.

The construction of major facilities is expected to be as follows:

- Existing utility relocation and well abandonment: 4 months,
- Deer Creek and White River check structures: 7 months each (14 months total),
- Siphons: four siphons constructed simultaneously over an approximately 3-month period (19 months total for all 25 siphons),
- Realigned canal: 16 months,
- Canal enlargement: 16 months.

The mission of Caltrans is to provide a safe, sustainable, integrated and efficient transportation system to enhance California's economy and livability. To ensure a safe and efficient transportation system, we encourage early consultation and coordination with local jurisdictions and project proponents on all development projects that utilize the multimodal transportation network. Caltrans provides the *following comments* consistent with the State's smart mobility goals that support a vibrant economy and sustainable communities:

1. Caltrans must be identified and actively coordinated with as a CEQA responsible agency. Caltrans will rely on the CEQA document in our decision-making process. In order to avoid delays, it is imperative that the CEQA document be prepared to Caltrans standards and address all potential work occurring within the State Highway System.

2. Caltrans will require a Traffic Control Plan for SR 190 during the demolition and construction of the new canal realignment and the new canal bridge crossing SR 190. Specifics of the traffic control plan will be identified during the encroachment permit process.

3. An encroachment permit must be obtained for all proposed activities for placement of encroachments within, under or over the State highway rights-of-way. Activity and work planned in the State right-of-way shall be performed to State standards and specifications, at no cost to the State. Engineering plans, calculations, specifications, and reports (documents) shall be stamped and signed by a licensed Engineer or Architect. Engineering documents for encroachment permit activity and work in the State right-of-way may be submitted using English Units. The Permit Department and the Environmental Planning Branch will review and approve the activity and work in the State right-of-way before an encroachment permit is issued. The Streets and Highways Code Section 670 provides Caltrans discretionary approval authority for projects that encroach on the State Highway System. Encroachment permits will be issued in accordance with Streets and Highway Codes, Section 671.5, "Time Limitations." Encroachment permits do not run with the land. A change of ownership requires a new permit application. Only the legal property owner or his/her authorized agent can pursue obtaining an encroachment permit. **Please call the Caltrans Encroachment Permit Office - District 6: 1352 W. Olive, Fresno, CA 93778, at (559) 488-4058. Please review the permit application checklist at:** https://forms.dot.ca.gov/v2Forms/servlet/FormRenderer?frmid=TR0402&distpath=MAOTO&brapath=PERM

4. Due to the complexity of the project, prior to an encroachment permit application submittal, the project proponent is required to schedule a "Pre-Submittal" meeting with District 6 Encroachment Permit Office. **Please contact District 6 Encroachment Permit Office at (559) 488-4058 to schedule this meeting.** Please review the permit application checklist at: https://forms.dot.ca.gov/v2Forms/servlet/FormRenderer?frmid=TR0402&distpath=MAOTO&brapath=PERM

If you have any other questions, please call me at (559) 488-7396.

Sincerely,

DAVID DEEL
Associate Transportation Planner
Transportation Planning – North

CALIFORNIA FARM BUREAU FEDERATION
2600 River Plaza Drive, Sacramento, CA 95833-3293 · Phone (916) 561-5520 · Fax (916) 561-5690

January 2, 2020 Submitted via E-mail: remerson@usbr.gov

Rain Emerson
Environmental Compliance Branch Chief
United States Bureau of Reclamation, South-Central California Area Office
1243 N Street
Fresno CA 93721

Re: Notice of Intent To Prepare an Environmental Impact Statement and Public Scoping Meeting for the Friant- Kern Canal Middle Reach Capacity Correction Project, Tulare and Kern Counties, California

Dear Ms. Emerson:

On behalf of California's farmers and ranchers, we are appreciative of the opportunity to comment on the United States Bureau of Reclamation's Notice of Intent to prepare an Environmental Impact Statement (EIS) for the Friant-Kern Canal Middle Reach Capacity Correction Project.

California Farm Bureau Federation (Farm Bureau) is California's largest farm organization, comprised of 53 county Farm Bureaus currently representing nearly 34,000 agricultural, associate and collegiate members in 56 counties. Farm Bureau strives to protect and improve the ability of farmers, ranchers and foresters engaged in production agriculture to provide a reliable supply of food and fiber through responsible stewardship of California's resources.

As stated in Reclamation's Notice of Intent, "[a] 33-mile-long section (milepost 88 to milepost 121) of the Friant-Kern Canal located within Tulare and Kern Counties referred to as the Middle Reach has lost 50 percent of its original design capacity due to regional land subsidence."[1] "This," the NOI continues, "has resulted in water delivery impacts to Friant Division long-term contractors and reduces the ability of the Friant-Kern Canal to convey flood waters during wet years."[2]

The Friant-Kern Canal is critical water infrastructure for the San Joaquin Valley and Tulare Basin Region (Valley). However, in light of California Sustainable Groundwater Management Act (SGMA), cyclical drought, apparent shifting temperature and precipitation patterns, and today's regulatory and water reliability conditions in general, Farm Bureau views the proposed project as an imperative and strategically important. Therefore, Farm Bureau believes that the project be both carefully planned and adequately scoped not only to the meet immediate and

[1] "Notice of Intent To Prepare an Environmental Impact Statement and Public Scoping Meeting for the Friant-Kern Canal Middle Reach Capacity Correction Project, Tulare and Kern Counties, California, 84 FR 66001-01 (Dec. 2, 2019) (hereinafter "NOI").
[2] *Ibid.*

near-term needs of the Valley in terms of a Friant-Kern fix, but also in a much broader context, to meet the region's long-term social, economic, environmental and water-related long-term needs over time.

Farm Bureau offers the following comments with regard to Reclamation's environmental scoping and related environmental review of the proposed project:

Alternatives/'Project Purpose and Need'/Facility Sizing

As stated in Reclamation's EA/IS, "The proposed action includes two alternatives to address subsidence impacts: (1) A Canal Enlargement (CE) Alternative, and (2) a Canal Enlargement and Realignment (CER) Alternative. Under the CE Alternative, the entire 33-mile long section of the Middle Reach would be enlarged by widening and raising the canal banks."[3] As noted in Reclamation's December 18, 2019 Public Scoping Meeting presentation, "For CEQA purposes Friant has identified the CER as the 'Proposed Project," whereas "Reclamation has not identified a Preferred Alternative."

Regarding project alternatives, Farm Bureau considers Reclamation's designation of the CER Alternative as the "Proposed Project" to be the far superior option overall when compared to the separately considered CE Alternative for a variety of reasons. Foremost among them, from a strategic system-wide perspective, Farm Bureau believes that merely addressing current land subsidence issues and restoring the design capacity of the existing canal alone is insufficient and would miss an opportunity to more meaningfully contribute to a larger set of interrelated solutions for the Valley's long-term water needs. This may not require any new alternative, but perhaps rather only consideration of additional refinement or 'bookending' of the existing "Proposed Project."

While we understand that there is a link to specific Congressional direction with regard to the San Joaquin River Restoration Agreement,[4] we also submit that Reclamation's current "Project Purpose and Need" to "restore the conveyance capacity of the FKC Middle Reach to such capacity as previously designed and constructed by Reclamation, as provided for in Public Law 111-11, Section 10201" may be too limited. Specifically, in a broader context, Farm Bureau views a thoughtful Friant-Kern Canal fix as a key element of a larger strategy to fulfill the purposes of the Central Valley Project and contribute towards Reclamation's and the taxpayers' broader federal interest in an optimized, long-term functioning water system for California.

The reasons here are myriad but include: 1) federal interests in the economic sustainability of the San Joaquin Valley as a key strategic food producing region for the nation, 2) the federal interest in the Valley's groundwater resources including the provision of safe and affordable drinking water for the Valley's population, 3) federal interests in climate adaptation and mitigation, in drought resilience, and in sustainable management of the Valley groundwater resources, 4) Congress' intent and the federal government's contractual obligations to its federal contractors, 5) the federal interest in related fish and wildlife objectives, and 6) the federal interest in a productive cooperative partnership with state and local governments in all of these areas.

[3] *Ibid.*

[4] See Friant-Kern Canal Middle Reach Capacity Correction Project EA/IS at 2-4.

While the proposal to both restore *and* increase the existing canal capacity to "4,500 cubic feet per second (cfs) in the upstream segment of the Middle Reach and 3,500 cfs in the downstream segment" is far preferable to a more limited near-term solution or mere return to historic capacity,[5] in terms of ultimate facility sizing, we also encourage to Reclamation to consider the broader long-term strategic need for increased groundwater recharge, possible long-term climate trends, and the Friant-Kern Canal's strategic place within the larger context of California's statewide water system as a large-scale regional conjunctive use facility and groundwater and land subsidence mitigation facility.

In addition to consideration of multi-benefits and optimized canal capacity, this consideration should include potential strategic design and siting of new turnouts and delivery pools, strategic consideration of Valley hydrogeology, expanded groundwater recharge and regional groundwater exchange and banking opportunities, strategic links to other potential future or already existing Valley storage and conveyance facilities, and potential related land use aspects of long-term regional implementation of the SGMA.

Long-Term Longevity of the Project

Beyond restoring and appropriately and strategically expanding on the original historic capacity of the existing canal, Reclamation's final preferred alternative should also focus closely on the project's longevity and overall effectiveness. In particular, sizing and design of the project must prudently and effectively address any potential for continued future subsidence, including uncertainties relating to future droughts and long-term implementation of the SGMA.

Flood Management Linkages

Within the important broader strategic context described here, facility sizing and design should look beyond mere restoration of all or any portion of historic contractual supplies and should include express consideration of conveyance capacity of high-flow flood waters, consistent with on-going state and local polices goals, initiatives, and related efforts and activities relating large-scale regional groundwater recharge and potential linked system reoperation and conveyance improvements for related flood management.

Facility Design Consideration in Support of Related Objectives in California's Water Resilience Portfolio, the Sustainable Groundwater Management Act of 2014, Delta Reform Act, etc.

The State of California is soon expected to release a Water Resilience Portfolio Plan. At the same time, 2020 marks the start of actual SGMA implementation in the San Joaquin's critical overdraft basins. Multi-benefits, natural infrastructure and groundwater recharge, linked flood management, and improved climate and drought resilience are all expected to be strong themes of the State's new 100-year vision on water. Reclamation should approach its study and refinement of the proposed Friant-Kern Canal as an important strategic component of a broader federal plan and in support of these important related state objectives.

- *Financing and Investment Strategy*
    - Successful delivery of an effective Friant-Kern Canal fix will require close partnership, coordination and cooperation with state and local partners. Reclamation's final plan should provide a compelling long-term vision for shared

[5] See Friant-Kern Canal Middle Reach Capacity Correction Project EA/IS.

investment, not only in terms of the canal fix itself, but also in terms of an improved and more resilient regional and state water system overall.

- *Coordination and Alignment of Shared Federal and State Objectives/Environmental Objectives and Review*
    - Alignment and support of shared state and local water management objectives, including long-term implementation of the SGMA, integration with the State Water Project, and with integration with local projects and priorities of local Groundwater Sustainability Agencies (GSAs) will be an important feature of a well-designed and effective final project. To the extent feasible, additional important goals of Reclamation's final project design and operation should support potential fish and wildlife objectives—including fish and wildlife goals of the Central Valley Project Improvement Act and achievement and harmonization of the complementary "Restoration" and "Water Management" goals of the San Joaquin River Restoration Agreement. Efficient but adequate environmental review can advance project implementation in the long run. Lastly, a well-planned facility should affordably and feasibly address the needs of Valley communities.
- *Impacts on Agricultural Lands and on Local Roads and Infrastructure*
    - Without losing sight of the compelling necessity and important practical objectives of the project as a whole, Reclamation's environmental document should explore ways to avoid, minimize, mitigate, and otherwise address impacts to impacted private agricultural lands, operations, and infrastructure along the alignment of the canal.
- *Energy-Related Objectives*
    - To the greatest extent possible, Reclamation's proposal to maintain the dominant historical gravity-flow features of the improved canal is both desirable and appropriate.

Farm Bureau greatly appreciates the opportunity to comment on the Friant-Kern Canal correction project. If questions about these comments, please contact Erin Huston at ehuston@cfbf.com.

Sincerely,

Justin Fredrickson
Environmental Policy Analyst

Erin Huston
Federal Policy Consultant

STATE OF CALIFORNIA

Governor's Office of Planning and Research

State Clearinghouse and Planning Unit

Gavin Newsom
Governor

Kate Gordon
Director

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DEC 10 2019
FWA

Notice of Preparation

December 2, 2019

To: Reviewing Agencies

Re: Friant-Kern Canal Middle Reach Capacity Correction Project
SCH# 2019120007

Attached for your review and comment is the Notice of Preparation (NOP) for the Friant-Kern Canal Middle Reach Capacity Correction Project draft Environmental Impact Report (EIR).

Responsible agencies must transmit their comments on the scope and content of the NOP, focusing on specific information related to their own statutory responsibility, within 30 days of receipt of the NOP from the Lead Agency. This is a courtesy notice provided by the State Clearinghouse with a reminder for you to comment in a timely manner. We encourage other agencies to also respond to this notice and express their concerns early in the environmental review process.

Please direct your comments to:

Douglas Deflitch
Friant Water Authority
854 N. Harvard Ave.
Lindsay, CA 93277

with a copy to the State Clearinghouse in the Office of Planning and Research at state.clearinghouse@opr.ca.gov . Please refer to the SCH number noted above in all correspondence concerning this project on our website: https://ceqanet.opr.ca.gov/2019120007/2 .

If you have any questions about the environmental document review process, please call the State Clearinghouse at (916) 445-0613.

Sincerely,

Scott Morgan
Director, State Clearinghouse

cc: Lead Agency

Notice of Completion & Environmental Document Transmittal

Mail to: State Clearinghouse, P.O. Box 3044, Sacramento, CA 95812-3044 (916) 445-0613
For Hand Delivery/Street Address: 1400 Tenth Street, Sacramento, CA 95814

SCH # 2019120007

Project Title: Friant-Kern Canal Middle Reach Capacity Correction Project

Lead Agency: Friant Water Authority | Contact Person: Douglas Deflitch

Mailing Address: 854 N. Harvard Ave. | Phone: 559-562-6305

City: Lindsay | Zip: 93277 | County: Tulare

Project Location: County: Tulare, Kern | City/Nearest Community: Lindsay, Porterville

Cross Streets: 5th Ave., Frazier Hwy (190), Hwy 65, Hwy 155, Woollomes Ave. | Zip Code: 93257

Longitude/Latitude (degrees, minutes and seconds): 36 ° 9 ′ 59 ″ N / 119 ° 3 ′ 30 ″ W Total Acres: 2,600

Assessor's Parcel No.: Various | Section: 28 | Twp.: 20S | Range: 27E | Base: MD

Within 2 Miles: State Hwy #: 190, 65, 155 | Waterways: Tule River, Porter Slough, Deer Creek, White River

Airports: Eckert, Porterville | Railways: UPRR | Schools: Strathmore, Burton, Buckley

Document Type:

CEQA: ☒ NOP ☐ Draft EIR | NEPA: ☒ NOI | Other: ☒ Joint Document
☐ Early Cons ☐ Supplement/Subsequent EIR ☐ EA ☐ Final Document
☐ Neg Dec (Prior SCH No.) ☐ Draft EIS ☐ Other:
☐ Mit Neg Dec Other: ☐ FONSI

Local Action Type:

Governor's Office of Planning & Research
DEC 02 2019
STATE CLEARINGHOUSE

☐ General Plan Update ☐ Specific Plan ☐ Rezone ☐ Annexation
☐ General Plan Amendment ☐ Master Plan ☐ Prezone ☐ Redevelopment
☐ General Plan Element ☐ Planned Unit Development ☐ Use Permit ☐ Coastal Permit
☐ Community Plan ☐ Site Plan ☐ Land Division (Subdivision, etc.) ☐ Other:

Development Type:

☐ Residential: Units ____ Acres ____
☐ Office: Sq.ft. ____ Acres ____ Employees ____
☐ Commercial: Sq.ft. ____ Acres ____ Employees ____
☐ Industrial: Sq.ft. ____ Acres ____ Employees ____
☐ Educational: ____
☐ Recreational: ____
☒ Water Facilities: Type Canal MGD N/A
☐ Transportation: Type ____
☐ Mining: Mineral ____
☐ Power: Type ____ MW ____
☐ Waste Treatment: Type ____ MGD ____
☐ Hazardous Waste: Type ____
☐ Other: ____

Project Issues Discussed in Document:

☒ Aesthetic/Visual ☐ Fiscal ☒ Recreation/Parks ☐ Vegetation
☒ Agricultural Land ☒ Flood Plain/Flooding ☒ Schools/Universities ☒ Water Quality
☒ Air Quality ☒ Forest Land/Fire Hazard ☐ Septic Systems ☒ Water Supply/Groundwater
☒ Archeological/Historical ☒ Geologic/Seismic ☐ Sewer Capacity ☒ Wetland/Riparian
☒ Biological Resources ☒ Minerals ☒ Soil Erosion/Compaction/Grading ☒ Growth Inducement
☐ Coastal Zone ☒ Noise ☒ Solid Waste ☒ Land Use
☐ Drainage/Absorption ☒ Population/Housing Balance ☒ Toxic/Hazardous ☐ Cumulative Effects
☐ Economic/Jobs ☒ Public Services/Facilities ☒ Traffic/Circulation ☐ Other:

Present Land Use/Zoning/General Plan Designation:

Public Facility, Agricultural, Rural Residential

Project Description: *(please use a separate page if necessary)*

See attached project summary.

Note: The State Clearinghouse will assign identification numbers for all new projects. If a SCH number already exists for a project (e.g. Notice of Preparation or previous draft document) please fill in.

NOP Distribution List

County: Tulare, Kern & SCH# 2019120007

Resources Agency

- [■] **Resources Agency**
  Nadell Gayou
- [ ] **Dept. of Boating & Waterways**
  Denise Peterson
- [ ] **California Coastal Commission**
  Allyson Hitt
- [ ] **Colorado River Board**
  Elsa Contreras
- [■] **Dept. of Conservation**
  Crina Chan
- [ ] **Cal Fire**
  Dan Foster
- [■] **Central Valley Flood Protection Board**
  James Herota
- [■] **Office of Historic Preservation**
  Ron Parsons
- [■] **Dept of Parks & Recreation**
  Environmental Stewardship Section
- [ ] **S.F. Bay Conservation & Dev't. Comm.**
  Steve Goldbeck
- [■] **Dept. of Water Resources**
  Resources Agency
  Nadell Gayou

Fish and Wildlife

- [ ] **Depart. of Fish & Wildlife**
  Scott Flint
  Environmental Services Division
- [ ] **Fish & Wildlife Region 1**
  Curt Babcock
- [ ] **Fish & Wildlife Region 1E**
  Laurie Harnsberger
- [ ] **Fish & Wildlife Region 2**
  Jeff Drongesen
- [ ] **Fish & Wildlife Region 3**
  Craig Weightman
- [■] **Fish & Wildlife Region 4**
  Julie Vance
- [ ] **Fish & Wildlife Region 5**
  Leslie Newton-Reed
  Habitat Conservation Program
- [ ] **Fish & Wildlife Region 6**
  Tiffany Ellis
  Habitat Conservation Program
- [ ] **Fish & Wildlife Region 6 I/M**
  Heidi Calvert
  Inyo/Mono, Habitat Conservation Program
- [ ] **Dept. of Fish & Wildlife M**
  William Paznokas
  Marine Region

Other Departments

- [ ] **California Department of Education**
  Lesley Taylor
- [■] **OES (Office of Emergency Services)**
  Monique Wilber
- [ ] **Food & Agriculture**
  Sandra Schubert
  Dept. of Food and Agriculture
- [ ] **Dept. of General Services**
  Cathy Buck
  Environmental Services Section
- [ ] **Housing & Comm. Dev.**
  CEQA Coordinator
  Housing Policy Division

Independent Commissions,Boards

- [ ] **Delta Protection Commission**
  Erik Vink
- [ ] **Delta Stewardship Council**
  Anthony Navasero
- [■] **California Energy Commission**
  Eric Knight
- [■] **Native American Heritage Comm.**
  Debbie Treadway
- [■] **Public Utilities Commission**
  Supervisor
- [ ] **Santa Monica Bay Restoration**
  Guangyu Wang
- [■] **State Lands Commission**
  Jennifer Deleong
- [ ] **Tahoe Regional Planning Agency (TRPA)**
  Cherry Jacques

Cal State Transportation Agency CalSTA

- [■] **Caltrans - Division of Aeronautics**
  Philip Crimmins
- [ ] **Caltrans – Planning HQ LD-IGR**
  Christian Bushong
- [■] **California Highway Patrol**
  Suzann Ikeuchi
  Office of Special Projects

Dept. of Transportation

- [ ] **Caltrans, District 1**
  Rex Jackman
- [ ] **Caltrans, District 2**
  Marcelino Gonzalez
- [ ] **Caltrans, District 3**
  Susan Zanchi
- [ ] **Caltrans, District 4**
  Patricia Maurice
- [ ] **Caltrans, District 5**
  Larry Newland
- [■] **Caltrans, District 6**
  Michael Navarro
- [ ] **Caltrans, District 7**
  Dianna Watson
- [ ] **Caltrans, District 8**
  Mark Roberts
- [ ] **Caltrans, District 9**
  Gayle Rosander
- [ ] **Caltrans, District 10**
  Tom Dumas
- [ ] **Caltrans, District 11**
  Jacob Armstrong
- [ ] **Caltrans, District 12**
  Maureen El Harake

Cal EPA

Air Resources Board

- [ ] **Airport & Freight**
  Jack Wursten
  - [ ] **Transportation Projects**
    Nesamani Kalandiyur
  - [ ] **Industrial/Energy Projects**
    Mike Tollstrup
- [ ] **California Department of Resources, Recycling & Recovery**
  Kevin Taylor/Jeff Esquivel
- [ ] **State Water Resources Control Board**
  Regional Programs Unit
  Division of Financial Assistance
- [ ] **State Water Resources Control Board**
  Cindy Forbes – Asst Deputy
  Division of Drinking Water
- [ ] **State Water Resources Control Board**
  Div. Drinking Water #_____
- [■] **State Water Resources Control Board**
  Student Intern, 401 Water Quality Certification Unit
  Division of Water Quality
- [■] **State Water Resouces Control Board**
  Phil Crader
  Division of Water Rights
- [■] **Dept. of Toxic Substances Control Reg. #_____**
  CEQA Tracking Center
- [ ] **Department of Pesticide Regulation**
  CEQA Coordinator

Regional Water Quality Control Board (RWQCB)

- [ ] **RWQCB 1**
  Cathleen Hudson
  North Coast Region (1)
- [ ] **RWQCB 2**
  Environmental Document Coordinator
  San Francisco Bay Region (2)
- [ ] **RWQCB 3**
  Central Coast Region (3)
- [ ] **RWQCB 4**
  Teresa Rodgers
  Los Angeles Region (4)
- [ ] **RWQCB 5S**
  Central Valley Region (5)
  - [■] **RWQCB 5F**
    Central Valley Region (5)
    Fresno Branch Office
  - [ ] **RWQCB 5R**
    Central Valley Region (5)
    Redding Branch Office
- [ ] **RWQCB 6**
  Lahontan Region (6)
  - [ ] **RWQCB 6V**
    Lahontan Region (6)
    Victorville Branch Office
- [ ] **RWQCB 7**
  Colorado River Basin Region (7)
- [ ] **RWQCB 8**
  Santa Ana Region (8)
- [ ] **RWQCB 9**
  San Diego Region (9)

- [ ] **Other** _____
  _____
  _____
- [ ] _____
  Conservancy

Last Updated 5/22/18

NATIVE AMERICAN HERITAGE COMMISSION
Cultural and Environmental Department
1550 Harbor Blvd., Suite 100
West Sacramento, CA 95691 Phone: (916) 373-3710
Email: nahc@nahc.ca.gov
Website: http://www.nahc.ca.gov

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December 4, 2019

Douglas Deflitch
Friant Water Authority
854 N. Harvard Ave.
Lindsay, CA 93277

RE: SCH# 2019120007, Friant-Kern Canal Middle Reach Capacity Correction Project, Tulare and Kern Counties

Dear Mr. Deflitch:

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.

AB 52

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:

Andrew.Green@nahc.ca.gov.

Sincerely,

Andrew Green

Andrew Green
Staff Services Analyst

cc: State Clearinghouse

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION IX
75 Hawthorne Street
San Francisco, CA 94105-3901

January 2, 2020

Rain Emerson
Environmental Compliance Branch Chief
Bureau of Reclamation
South Central California Area Office
1243 N Street
Fresno, California 93721

Subject: Scoping Comments for the Friant-Kern Canal Middle Reach Capacity Correction Project, Tulare and Kern Counties, California

Dear Ms. Emerson:

The U.S. Environmental Protection Agency has reviewed the Bureau of Reclamation's Notice of Intent to prepare a Draft Environmental Impact Statement for the Friant-Kern Canal Middle Reach Capacity Correction Project. Our review and comments are provided pursuant to NEPA, Council on Environmental Quality regulations (40 CFR Parts 1500-1508), and Section 309 of the Clean Air Act.

Reclamation, in partnership with the Friant Water Authority, proposes to restore the capacity of 33 miles of the Friant-Kern canal. Land subsidence has caused the canal to decline in capacity from the original 4,000 cubic-feet-per-second to a current estimated 1,900 cubic-feet-per-second. As part of the scoping process, Reclamation released an Environmental Assessment/Initial Study. The EPA has reviewed the EA and offers the following scoping recommendations to Reclamation to consider when preparing the Draft EIS including baseline environmental conditions, wetlands, groundwater, and air quality.

We appreciate the opportunity to review this scoping notice and are available to discuss our comments. When the Draft EIS is prepared for this proposed action and released for public review, please send one hard copy to the address above (mail code: TIP-2). If you have questions, please contact me at (415) 972-3098 or gordon.stephanies@epa.gov.

Sincerely,

Stephanie Gordon
Environmental Review Branch

Enclosure: EPA's Detailed Comments

U.S. EPA DETAILED COMMENTS ON THE SCOPING NOTICE FOR THE FRIANT- KERN CANAL MIDDLE REACH CAPACITY CORRECTION PROJECT, TULARE AND KERN COUNTIES, CALIFORNIA- JANUARY 2, 2020

Alternatives Analysis

All reasonable alternatives that fulfill the proposed action's purpose and need should be evaluated in detail. A robust range of alternatives will include options for avoiding significant environmental impacts. The document should clearly describe the rationale used to determine whether impacts of an alternative are significant or not. Thresholds of significance should be determined by considering the context and intensity of an action and its effects (40 CFR 1508.27).

The environmental impacts of the proposed action and alternatives should be presented in comparative form, thus sharply defining the issues and providing a clear basis for choice among options by the decision maker and the public (40 CFR 1502.14). The potential environmental impacts of each alternative should be quantified to the greatest extent possible (e.g. acres of habitat impacted; change in water quality).

Baseline Environmental Conditions

When evaluating project effects, we recommend using existing environmental conditions as the baseline for comparing impacts across all alternatives, including the no-action alternative. This provides an important frame of reference for quantifying and/or characterizing magnitudes of effects and understanding each alternative's impacts and potential benefits. This is particularly important when there are environmental protections in place that are based on current conditions, such as total maximum daily loads (TMDLs) for impaired river segments. It can also be useful, although often less certain, to compare alternatives against a no action baseline that includes reasonably foreseeable future conditions. The EPA recommends that the NEPA analysis compare and present impacts to resources against the existing conditions baseline using a consistent method to measure project impacts for all alternatives. By utilizing existing environmental conditions as a baseline, future changes to environmental resources can be more accurately measured for all alternatives, including the No Action alternative. We recommend that Reclamation consider the following when defining baseline conditions:

- Verifying that historical data (e.g., data 5 years or older) are representative of current conditions.
- Providing a detailed hydrologic analysis to adequately assess the project's potential biological and geomorphic impacts. At a minimum, include wet, average, and dry year analyses at a daily time-step. Also consider potential influences of temperature and precipitation trends on future hydrology.
- Including resources directly impacted by the project footprint within the geographic scope of analysis, as well as the resources indirectly (or secondarily) impacted by the project. These indirectly impacted areas may include downstream segments, source streams where water diversions will occur, and any other resource areas which may be affected by changes in water management or operations.

Biological Resources

The document should identify all petitioned and listed threatened and endangered species and critical habitat that might occur within the project area. Quantify which species or critical habitat might be directly, indirectly, or cumulatively affected by each alternative. The EPA recommends engaging the U.S. Fish and Wildlife Service as early in the analysis as possible to assure that the proposed alternatives account for the following:

- River restoration, flow and channel modifications, wetlands, and habitat fragmentation regarding species' habitat requirements;
- Migratory Bird Treaty Act compliance; and
- Protection from invasive species.

Wetlands

The protection, improvement and restoration of wetlands and riparian areas are a high priority because they increase landscape and species diversity, support many species of western wildlife, and are critical to the protection of water quality and designated beneficial water uses. In order to illustrate effects to wetlands in the area, we recommend that the Draft EIS specifically include the following analyses or descriptions:

- Description of impacts under individual or nationwide permits authorizing the discharge of fill or dredge materials to waters of the U.S.;
- Maps, identifying wetlands and regional water features;
- Identify the direct, indirect, and cumulative impacts to wetlands in the geographic scope, including impacts from changes in hydrology even if these wetlands are spatially removed from the construction footprint. Include the indirect impacts to wetlands from loss of hydrology from water diversion/transfers, as well as the cumulative impacts to wetlands from future development scenarios based on population and growth estimates.
- For wetlands potentially impacted by project alternatives, include wetland delineations and functional analysis.

Groundwater

Since the Environmental Assessment states that the need of this project is to address the effects of subsidence to infrastructure in the project area, this project has the potential to impact groundwater resources whether directly or indirectly. In assessing the potential impacts of each alternative on groundwater systems in the project area, we recommend that the Draft EIS examine the potential for changes in the volume, storage, flow and quality of groundwater using available characterization of groundwater resources and groundwater use. If any adverse impacts to groundwater resources are identified, we recommend considering alternatives, mitigation measures or operational controls that would avoid, reduce or minimize impacts on groundwater.

Air Quality

The project would take place in a federal nonattainment area for ozone and $PM_{2.5}$. The EPA recommends that Reclamation coordinate closely with the San Joaquin Valley Air Pollution Control District to ensure that the project moves forward in a manner that reduces air quality impacts to the greatest extent possible. It is critical that the Draft EIS provide a robust air quality impact analysis, including ambient air conditions (baseline or existing conditions), National Ambient Air Quality Standards (NAAQS), criteria pollutant nonattainment areas, and potential air quality impacts of the proposed action, including indirect and cumulative impacts. Such an evaluation is necessary to ensure compliance with state and federal air quality regulations, and to disclose the potential impacts from temporary or cumulative degradation of air quality.

Estimate emissions of criteria pollutants from the proposed project and discuss the timeframe for release of these emissions over the construction period of the project. Specify emission sources by pollutant from mobile sources, stationary sources, and ground disturbance. Use source-specific information to identify appropriate mitigation measures and areas in need of the greatest attention.

Construction Emissions
Include a list of all mitigation measures to be implemented as part of the construction emissions mitigation plan developed for the project. In addition to measures necessary to meet all applicable local, state, and federal requirements, the EPA recommends the following mitigation measures be included in the construction emissions mitigation plan:

Fugitive Dust Source Controls:

- Stabilize open storage piles and disturbed areas by covering and/or applying water or chemical/organic dust palliative where appropriate. This applies to both active and inactive sites during workdays, weekends, holidays, and windy conditions.
- Install wind fencing and phase grading operations where appropriate and operate water trucks for stabilization of surfaces under windy conditions.
- When hauling material and operating non-earthmoving equipment, prevent spillage and limit speeds to 15 miles per hour (mph). Limit speed of earth-moving equipment to 10 mph.

Mobile and Stationary Source Controls:

- Reduce unnecessary idling from heavy equipment.
- Prohibit engine tampering to increase horsepower, except when meeting manufacturer's recommendations.
- Lease or buy newer, cleaner equipment using the best available emissions control technologies.
    - Use lower-emitting engines and fuels, including electric, liquified gas, hydrogen fuel cells, and/or alternative diesel formulations, if feasible.
    - *On-Highway Vehicles* - On-highway vehicles should meet, or exceed, the U.S. EPA exhaust emissions standards for model year 2010 and newer heavy-duty on-highway compression-ignition engines (e.g., drayage trucks, long haul trucks, refuse haulers, shuttle buses, etc.).[1]
    - *Nonroad Vehicles & Equipment* - Nonroad vehicles and equipment should meet, or exceed, the U.S. EPA Tier 4 exhaust emissions standards for heavy-duty nonroad compression-ignition engines (e.g., nonroad trucks, construction equipment, cargo handlers, etc.).[2]

Administrative Controls:

- Coordinate with appropriate air quality agencies to identify a construction schedule that minimizes cumulative impacts from other planned projects in the region, if feasible.
- Locate diesel engines, motors, and equipment staging areas as far as possible from residential areas and other sensitive receptors (e.g., schools, daycare centers, hospitals, senior centers, etc.).
- Avoid routing truck traffic near sensitive land uses to the fullest extent feasible.
- Use cement blended with the maximum feasible amount of fly ash or other materials that reduce GHG emissions from cement production.
- Use lighter-colored pavement where feasible.

[1] See https://nepis.epa.gov/Exe/ZyPDF.cgi?Dockey=P100O9ZZ.pdf
[2] See https://nepis.epa.gov/Exe/ZyPDF.cgi?Dockey=P100OA05.pdf

- Recycle construction debris to the maximum extent feasible.
- Prepare an inventory of all equipment prior to construction and identify the suitability of add-on emission controls for each piece of equipment before groundbreaking.[3]
- Reduce construction-related trips of workers and equipment, including trucks.
- Develop a construction traffic and parking management plan that minimizes traffic interference and maintains traffic flow.
- Identify all commitments to reduce construction emissions and quantify air quality improvements that would result from adopting specific air quality measures.
- Identify where implementation of mitigation measures is rejected based on economic infeasibility.

General Conformity

EPA's General Conformity Rule, established under Section 176(c)(4) of the Clean Air Act, provides a specific process for ensuring that federal actions do not interfere with a state's plans to attain or maintain NAAQS. For any criteria pollutants in the air basin of the project area where the air quality status is in nonattainment or attainment – maintenance,[4] complete a general conformity applicability analysis (i.e., a comparison of direct and indirect emissions for each alternative with *de minimis* thresholds of 40 CFR 93.153). We recommend including a draft general conformity determination in the Draft EIS to fulfill the public participation requirements of 40 CFR 93.156.

Cumulative Impacts

Understanding the cumulative impacts associated with the proposed project can help identify opportunities for minimizing pressures to resources as a whole. In the Draft EIS, identify which resources are analyzed for cumulative impacts, which ones are not, and why. Define the geographic boundary for each resource and describe its current health and historic context. Identify other on-going, planned, and reasonably foreseeable projects in the study area that may contribute to cumulative impacts. Use existing studies on the environmental impacts of these other projects to quantify cumulative impacts where feasible. We suggest the methodology developed by Federal Highways Administration and Caltrans, with assistance from EPA, for use in assessing cumulative impacts.[5] While this guidance was prepared for highway projects in California, the principles and the 8-step process outlined therein can be applied to other types of projects, including canals. Propose mitigation for any adverse cumulative impacts identified. Clearly state Reclamation's mitigation responsibilities, the mitigation responsibilities of other entities (such as Friant Division contractors), and the mechanism to be used for implementation.

In analyzing cumulative impacts associated with each alternative, we recommend describing past diversion impacts in the project area including incremental impacts from historical water management operations and their impacts to streams, associated wetlands and aquatic habitat. If there are other reasonably foreseeable water diversion and water management projects that will have a relationship with this project, we recommend that the Draft EIS identify those relationships to aid in the disclosure of any cumulative impacts to the affected environment.

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[3] Suitability of control devices is based on: whether there is reduced normal availability of the construction equipment due to increased downtime and/or power output, whether there may be significant damage caused to the construction equipment engine, or whether there may be a significant risk to nearby workers or the public.

[4] Maintenance areas redesignated to attainment more than twenty years in the past are no longer required to comply with general conformity.

[5] Available at https://dot.ca.gov/ser/cumulative_guidance/approach.htm