

## **Appendix F.**

### **Previous Correspondence and Meetings for the Proposed Project**

- From May 20, 2002 through November 20, 2003, DWR staff met numerous times with representatives of the U.S. Fish and Wildlife Service (USFWS), California Department of Fish and Game (CDFG), National Oceanic and Atmospheric Administration's National Marine Fisheries Service (NOAA Fisheries), Ducks Unlimited, Inc. (DU), U.S. Bureau of Reclamation (USBR), Sutter County, and Sutter Extension Water District to evaluate multiple alternatives for the project and discuss the design process. The meetings culminated in the selection of preferred alternatives for Weir No. 2 and Willow Slough Weir. DWR completed the Weir No. 2 preliminary engineering technical report in December 2003 and the Willow Slough Weir preliminary engineering technical report in February 2005. These reports include engineering drawings, construction cost estimates, an environmental checklist for structural modifications of the weirs, and documentation of the meetings.
- On May 24, 2007, DWR staff held a meeting with personnel from the regulatory agencies to provide an overview of the proposed project and to receive input on permitting issues. Participants in the meeting included representatives from USFWS Anadromous Fish Restoration Program, USFWS Sutter National Wildlife Refuge (SNWR), CDFG, DU, State Reclamation Board, and the Army Corps of Engineers (USACE).
- On June 22, 2007, DWR staff met with USFWS, SNWR, and CDFG representatives to view the project sites and discuss mitigation and permitting requirements.
- On June 28, 2007, DWR staff accompanied NOAA Fisheries representatives to view the project sites and discuss mitigation and permitting requirements.
- On August 3, 2007, DWR submitted a preliminary delineation of Waters of the U.S. including wetlands to the USACE.
- On August 21, 2007, DWR staff met with NOAA Fisheries and CDFG representatives to evaluate alternatives which address fish passage issues during the construction period at the Willow Slough Weir project site.

- On August 30, 2007, DWR staff met USACE staff at the project sites to verify DWR's preliminary wetland delineation and discuss USACE permitting requirements.
- On October 30, 2007, DWR staff met with NOAA Fisheries and CDFG personnel to decide on the preferred alternative to provide fish passage at Willow Slough Weir, during the construction period.
- On February 25, 2008, DWR submitted a draft Biological Assessment of the project to Madelyn Martinez of NOAA Fisheries.
- On March 5, 2008, DWR submitted an advance copy of the draft Biological Assessment to Peter Cross of USFWS.
- On March 31, 2008, DWR received a letter from NOAA Fisheries, which includes comments on the draft Biological Assessment and a request for additional information. The NOAA Fisheries response was provided as informal technical assistance.
- On April 8, 2008, DWR submitted final design specifications and descriptions of our proposed temporary and permanent fish ladders to Richard Wantuck of NOAA Fisheries.
- On April 18, 2008, Steve Thomas of NOAA Fisheries agreed to send a letter in response to DWR's request for approval of the proposed fish ladder designs to Madelyn Martinez of NOAA Fisheries.
- On April 23, 2008, DWR staff contacted Brian Vierria of USACE to discuss changes to the preliminary wetland delineation, the status of the cultural resources evaluation, and the USACE permitting process and timeline. USACE instructed DWR to submit two separate applications for Department of Army permits for the Weir No. 2 and Willow Slough Weir project components.
- On April 30, 2008, Terry Adelsbach, the USFWS staff person assigned to the project, notified DWR that the draft Biological Assessment had been received.
- On May 20, 2008, DWR staff submitted the following materials required for a Preconstruction Notification for a Department of Army CWA sec. 404 permit, under Nationwide Permits 3 and 33 to the USACE:

- US Army Corps of Engineers application (form ENG 4345), including project description and figures
  - a preliminary delineation of Waters of the United States including Wetlands (updated May 2008)
  - a Pre-Construction Notification
  - a statement of compliance with General Conditions
  - a statement of Avoidance and Minimization of Impacts
  - a cultural resources evaluation prepared by Janis Offerman
  - Drawings and Illustrations
  - a Biological Assessment prepared by DWR staff, May 2008
- On June 16, 2008, DWR approved the release of the IS/MND. The Notice of Completion and 15 copies of the IS/MND and the Executive Summary were submitted to the Clearinghouse on this date. Copies of the IS/MND or notices of the IS/MND were mailed to Agencies and Interested Parties, the County Clerk, the Sutter County Library, and the Yuba City Postmaster.
  - On June 16, 2008, a notice of the IS/MND was posted on the DWR home page, DWR calendar, and FPIP home page. The IS/MND was posted on the Lower Butte Creek projects page of the FPIP website.
  - On June 21, 2008, a public Notice of Availability of the IS/MND was published in the Appeal-Democrat newspaper.
  - On June 25, 2008, additional copies of the wetland delineation and Biological Assessment were submitted to the USACE (Brian Vierria) as a result of the project being split into two separate USACE applications (Willow Slough Weir Project #SPK-2008-00748 and Weir No. 2 #SPK-2007-01576) A copy of the Biological Assessment with a request for technical assistance was also sent to USFWS (Lisa Ellis) on this date.
  - On July 11, 2008, DWR submitted an application for the Willow Slough Weir project and a separate application for the Weir No. 2 project to the Central Valley Flood Protection Board for an Encroachment Permit.
  - On July 17, 2008, DWR received a letter and Document Details Report from the State Clearinghouse indicating that the public review period for the IS/MND # 2008062058 began on June 16, 2008 and ended on July 16, 2008. The only comment letter received by the Clearinghouse was submitted by the Native American Heritage Commission. The letter was dated June 23, 2008 and the Clearinghouse received it July 3, 2008.
  - DWR received a copy of the CEQA comment letter from the Native American Heritage Commission dated June 23, 2008.

- DWR received a CEQA comment via email from the Department of Toxic Substances Control on July 7, 2008.
- DWR received a CEQA comment letter dated July 15, 2008 from the Department of Fish and Game.
- DWR received a CEQA comment letter dated July 18, 2008 from Somach, Simmons, and Dunn who represent the Sutter Bypass/Butte Slough Water Users Association.
- DWR received a CEQA comment letter dated July 18, 2008 from Montna Farms, which included the Somach, Simmons, and Dunn (Sutter Bypass/Butte Slough Water Users Association) letter as an attachment.
- In letters dated August 22, 2008, USACE (Tom Schumann) initiated formal consultation under Section 7 of the ESA with NOAA Fisheries (Madelyn Martinez) and USFWS (Lisa Ellis).
- In letters dated September 8, 2008, USACE (Tom Schumann) concurred with DWR's wetland delineations as a preliminary jurisdictional determination.
- On September 9, 2008, two copies of the Historic Resource Assessment for the Lower Butte Creek Weir No. 2 & Willow Slough Weir prepared by Tanya Wattenburg Komar, CSU Chico was submitted to Tom Schumann of USACE.
- On September 11, 2008, DWR staff met with stakeholders to discuss the Montna Farms and Sutter Bypass/Butte Slough Water Users Association CEQA comment letters.
- On September 15, 2008, DWR submitted an application for a Section 401 Water Quality Certification to the Regional Water Quality Control Board (to Patrick Gillum/Greg Vaughn) and a Notification of a Streambed Alteration to the Department of Fish and Game for a Streambed Alteration Agreement (to Gary Hobgood).
- On September 16, 2008, the IS/MND was certified by DFM.
- In a letter dated September 17, 2008, USACE (Tom Schumann) requested SHPO's review pursuant to Section 106 of the NHPA.
- On September 18, 2008, the NOD for the IS/MND was filed at the State Clearinghouse.
- On September 19, 2008, DWR received the USFWS Biological Opinions for Weir No. 2 and Willow Slough Weir prepared by Lisa Ellis.
- On September 24, 2008, DWR submitted a letter describing corrections which applies to the 404 USACE application, Section 7 consultation with the USFWS and NOAA Fisheries, the Central Valley Flood Protection Board application, the DFG Notification of Streambed

Alteration, and the application for RWQCB Section 401 Water Quality Certification.

- On October 7, 2008, DWR staff described changes to the design and location of the temporary bridge at the Willow Slough Weir site to DFG (Gary Hobgood). DFG determined the changes did not cause significant environmental impacts. A description of the changes was incorporated into the SAA.
- On October 2, 2008, DWR received a Water Quality Certification from the Regional Water Quality Control Board for the project (WDID#5A51CR00044).
- On October 7, 2008, DWR staff discussed changes to the design and location of the temporary bridge at the Willow Slough Weir site with RWQCB (Greg Vaughn). RWQCB determined that the changes would not cause significant environmental impacts and requested a letter from DWR describing the changes.
- On October 7, 2008, DWR received a draft Streambed Alteration Agreement SAA #1600-2008-0260-R2 from DFG (Gary Hobgood).
- On October 8, 2008, DWR sent a letter to USACE (Tom Schumann, cc Madelyn Martinez of NOAA Fisheries) including information on changes to the design and location of the temporary bridge at the Willow Slough Weir site.
- On October 10, 2008, DWR staff spoke to DFG (James Navicky) regarding project compliance with CESA. No further consultation is needed.
- On October 10, 2008, DWR sent a letter to RWQCB (Greg Vaughn and Patrick Gillum) including information on changes to the design and location of the temporary bridge at the Willow Slough Weir site. The letter was included in the 401 cert application file and no further action by DWR was necessary.
- On October 21, 2008, DWR submitted the signed Streambed Alteration Agreement to DFG.
- The CVFPB issued Encroachment Permits for the Weir 2 project (Permit 18400 BD) on October 30, 2008 and for the Willow Slough Weir project (Permit 18399 BD) on November 3, 2008.
- Due to the need for additional funding, DWR decided in November 2008 that the Willow Slough Weir project must be postponed until 2010. The Weir No. 2 project must also be postponed until 2010 since all permits had not been obtained by January 2009.
- In March 2009, changes in the project description for both Weir No. 2 and Willow Slough Weir necessitated further consultation and environmental permitting.

- In May 2009, additional geotechnical studies were conducted and DWR determined that the permits must be modified to allow some impact pile driving at the sites, if necessary.
- In June 2009, DWR submitted a description of the project changes to the USACE, NOAA Fisheries, and the USFWS. A revised request for a preliminary jurisdictional determination was submitted to the USACE.
- On June 1, 2009, DWR staff discussed the revised project description with DFG (Gary Hobgood) who confirmed that the project changes should be covered under an amendment to the existing Streambed Alteration Agreement. DWR submitted the amendment in September 2009.
- In July 2009, DWR staff decided to recirculate the proposed initial study and mitigated negative declaration to disclose additional impacts and mitigation resulting from project changes.
- On August 19, 2009, the Greenhouse Gas Emissions section of the draft initial study was reviewed by the DWR's ad hoc Climate Change group and approved pending minor changes.
- DWR will continue to coordinate with state and federal agencies to revise the permits issued for the original project.