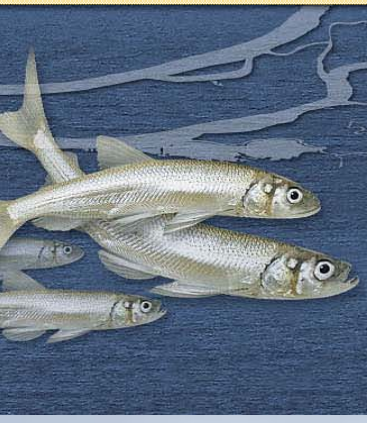
SCOPING REPORT

May 2009



Franks Tract Project

SCOPING REPORT FOR THE FRANKS TRACT PROJECT

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1 INTRODUCTION

1.1 PURPOSE OF THIS SCOPING REPORT

The purpose of scoping is to provide an open process for determining issues to be addressed, alternatives to be considered, and the need to focus on specific issues during the impacts and benefits analysis. Scoping provides an opportunity to involve stakeholders, other agencies, and the public early in the environmental process to identify concerns and collect information from the public, agencies, and other stakeholders related to the Franks Tract Project Environmental Impact Statement/Environmental Impact Report (EIS/EIR). The information to be collected is related to resource issues and approach to impact assessments, participation in the study, potentially affected geographical areas, alternatives to be considered, related activities, and general approach to preparation of the EIR/EIS. Scoping is conducted as part of the compliance with the National Environmental Policy Act (NEPA) and California Environmental Quality Act (CEQA). The NEPA process is more formalized than the CEQA process.

This scoping report summarizes the process and outcome of the scoping meetings and other public outreach activities that were undertaken in preparation of the EIS/EIR for the Franks Tract Project. Specifically, this report includes an overview of scoping requirements; a list of documents/products generated for project outreach; a summary of comments made during the scoping process, both written and verbal; a description of the topics anticipated to be addressed in the EIS/EIR; and appendices that include copies of all written comments, summaries of the scoping meetings, and other informational materials used to inform interested parties about the Proposed Action and the EIS/EIR.

The content of this scoping report reflects the understanding of the Franks Tract Project at the beginning of the scoping process. Since that time, the alternative gate locations and gate types being considered for the project have undergone continued planning, engineering and environmental analysis, and refinement.

1.2 FRANKS TRACT PROJECT OVERVIEW

The California Department of Water Resources (DWR) and the Bureau of Reclamation propose to implement the Franks Tract Project to improve water quality and to protect fish resources in the Sacramento–San Joaquin Delta (Delta). The Proposed Action consists of constructing and operating a flow control facility in the vicinity of Franks Tract that would allow better management of hydrodynamic (flow) conditions to protect fish species of concern, and reduce salinity levels in the central Delta.

Reclamation, the Federal lead agency under NEPA, and DWR, the State lead agency under CEQA, have determined that a joint EIS/EIR will be prepared because the project requires both Federal and State actions which may have significant impacts on the environment. Responsible and trustee agencies under CEQA for the Franks Tract Project may include the California Department of Fish and Game (DFG), Central Valley Flood Protection Board (formerly the Reclamation Board), Central Valley Regional Water Quality Control Board (CVRWQCB), California Department of Parks and Recreation (State Parks), and State Water Resources Control Board (SWRCB). Cooperating agencies under NEPA may include the U.S. Fish and Wildlife Service (USFWS), National Marine Fisheries Service (NMFS), and U.S. Army Corps of Engineers (USACE).

1.3 FRANKS TRACT PROJECT BACKGROUND

The Delta encompasses more than 700,000 acres and is a maze of rivers, sloughs, and waterways flowing between numerous leveed tracts and islands and surrounding the confluence of the Sacramento and San Joaquin Rivers. It is the largest estuary on the west coast of the continental United States, providing habitat for hundreds of fish, wildlife, and plant species. It provides water for a wide range of beneficial uses, including drinking water for millions of Californians, irrigation water for thousands of acres of agricultural land, and spawning and rearing habitat for multiple fish species and aquatic organisms. Over the past several decades, increasing demand for the Delta's resources has increased conflict between the needs of water users and efforts to sustain the estuary's aquatic ecosystem and support the recovery of fish species that have special protection in accordance with the Federal Endangered Species Act (ESA) and California Endangered Species Act (CESA).

The conflict between uses of the Delta has resulted in the need to address water quality and fish protection concerns. Delta water quality is directly affected by operations of the Central Valley Project (CVP) and State Water Project (SWP), which modify Delta hydrodynamics, resulting in the intrusion of higher salinity water into the central Delta and sometimes causing exceedances of water quality standards. Fish protection concerns include the effect of CVP and SWP operations on Delta hydrodynamics, which affect the distribution of fish species of concern in the Delta. These species include delta smelt (Hypomesus transpacificus), longfin smelt (Spirinchus thaleichthys), Chinook salmon (Oncorhynchus tshawytscha), Central Valley steelhead (Oncorhynchus mykiss), and green sturgeon (Acipenser medirostris).

The CALFED Bay-Delta Authorization Act of 2004 (Public Law 108-361, Section 103) authorizes the Secretary of the Interior to prepare a feasibility study of actions at Franks Tract to improve water quality in the Delta. Reclamation is carrying out ongoing alternatives analysis and feasibility studies and is participating with DWR in the preparation of the EIS/EIR based on this authorization.

On July 17, 2007, Governor Arnold Schwarzenegger directed DWR to take immediate action to improve conditions in the Delta, including helping to restore its natural habitat and protect delta smelt and other species. The Franks Tract Project is included among the governor's immediate actions to restore the Delta ecosystem and improve water flow patterns. The Delta Vision Committee Implementation Report dated December 31, 2008 identified and recommended implementation of a near-term action consisting of evaluating the effectiveness of gate in Threemile Slough in 2009 and begin construction of Delta gates and barriers that improve water quality, water supply reliability, and ecosystem function.

1.4 PROPOSED ACTION

The Franks Tract Project proposes installing and operating flow control gates on up to two Delta waterways to protect fish resources and reduce seawater salinity intrusion into the central Delta. The two waterways being considered for installation of the gates are Threemile Slough and West False River. A flow control gate on one or both of these waterways would be implemented as part of the project.

Four flow control gate site alternatives on Threemile Slough (Figure 1) are being considered after an extensive review of all potential sites. The first location is approximately 700 feet east of the State Route (SR) 160 bridge, the second location is approximately 4,100 feet from the SR 160 bridge, the third location is approximately 8,600 feet north of the southwestern corner of Twitchell Island along Threemile Slough, and the fourth location is approximately 1,600 feet north of the southwestern corner of Twitchell Island along Threemile Slough.

On West False River, only one flow control gate site (Figure 1) is being considered after reviewing all potential sites. The location is approximately 1,800 feet east of the confluence with the San Joaquin River. Each of the alternative locations would have the following common components.

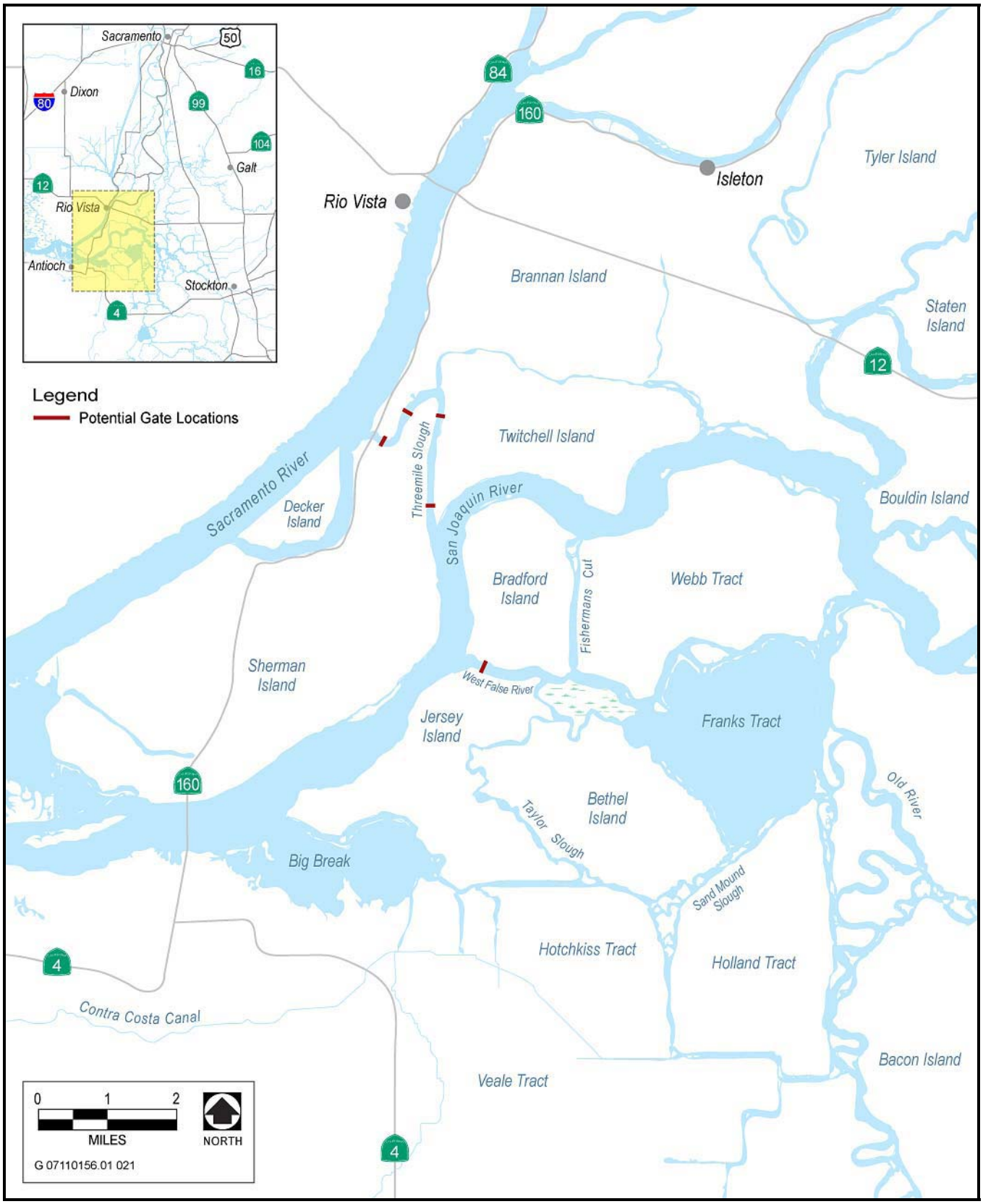

Figure 1: Flow Control Gate(s) Site Alternatives

1.4.1 Flow Control Gate

The flow control structure would include a boat passage facility (lock) and gates extending across the width of the river channel. It would be designed to provide commercial and recreation boat passage through the lock when the gates are closed and not obstruct boat passage when the gates are open. Several gate design options are being considered, including bottom-hinged gates, side-hinged flap gates, butterfly gates, wicket gates, and radial gates.

1.4.2 Materials Borrow Sites

If levees adjacent to the gate structure require strengthening, off-site earthen materials may need to be imported and used for levee improvements. Local on-site sources and existing commercial off-site sources would be considered to provide mineral soils suitable for use as levee fill.

1.4.3 Other On-Site Improvements

A control building would be constructed to house the gate operation and maintenance equipment. The building also would house control and electrical power systems for the facility. A road would be constructed to provide access to the control building. Other on-site improvements would include a radio communications antenna, electric power lines, and designated parking and storage areas.

1.4.4 Potential Environmental Effects

The EIS/EIR will evaluate the potential effects of installing and operating flow control gates on Threemile Slough and/or West False River, as well as the No-Action Alternative. Direct, indirect, and cumulative effects will be analyzed. The range of environmental topics will include those associated with (1) the direct physical changes to the gate sites, including the in-channel and adjacent upland areas; (2) the direct effect on the hydrodynamic characteristics of Delta waterways and resultant changes in salinity at various locations in the Delta; (3) the potential direct and indirect effects on the movement of Delta fish species of concern and changes to their habitat quality and location; and (4) the potential cumulative effect of project operations on the physical and biological conditions of the environment that occur when combined with other past, present, and reasonably foreseeable future projects.

1.5 NEPA AND CEQA SCOPING REQUIREMENTS

Scoping is conducted as part of compliance with both NEPA and CEQA but is a more formalized process under NEPA. Scoping can be conducted in various forms and may involve numerous

participants, but it generally involves the solicitation of input from the public and/or interested agencies to determine the scope, focus, and contents of an environmental document.

1.5.1 NEPA Requirements

NEPA requires a formal scoping process for the preparation of an EIS. Under NEPA, scoping is the process by which a lead agency for EIS preparation solicits input on the range and extent of topics and impacts to be addressed in the EIS and the methods by which they will be evaluated. NEPA specifically requires the lead agency to consult with Federal agencies having jurisdiction by law and/or special expertise on the Proposed Action and to solicit information from the public during EIS preparation.

The Council on Environmental Quality NEPA guidance requires the lead agency's scoping process to:

- invite affected Federal, State, and local agencies, Indian tribes, project proponents, and other interested persons to participate in the EIS process;
- determine the potentially significant environmental topics to be analyzed in depth in the EIS;
- identify and eliminate topics determined to be insignificant or addressed in other documents;
- allocate assignments among the lead agency and any cooperating agencies regarding preparation of the EIS, including impact analysis and identification of mitigation measures;
- identify related environmental documents being prepared; and
- identify other environmental review and consultation requirements.

The NEPA lead agency is required to publish a notice of intent (NOI) to prepare an EIS in the Federal Register. Although not specifically required by NEPA, the lead agency may also hold scoping meetings. This scoping report was prepared to identify and summarize the topics raised during the scoping process and declare how each topic will be considered during preparation of the EIS/EIR. The scoping period for the Franks Tract Project was from September 22 through November 21, 2008.

1.5.2 CEQA REQUIREMENTS

Scoping under CEQA is recognized as a means to help identify the range of actions, alternatives, environmental effects, assessment methods, and mitigation measures to be analyzed in depth in an EIR and is used to eliminate from detailed study those topics that are found not to be important.

Tools used to determine the scope of an EIR include early public and interagency consultation, the notice of preparation (NOP) of an EIR, and scoping meetings with agencies and the public. Of these tools, only the NOP is a mandatory requirement under CEQA for the preparation of an EIR. Issuance of the NOP, similar to the NOI under NEPA, serves as the trigger for soliciting comments on the proposed project. The scoping period for the Franks Tract Project was from September 22 through November 21, 2008.

2 SCOPING PROCESS

2.1 GENERAL DESCRIPTION

Scoping for the Franks Tract Project was undertaken in accordance with the guidelines for compliance with NEPA and CEQA. The information in this document was obtained through the four public scoping meetings and written input from interested individuals and agencies. This report presents the views and concerns of the participants in those meetings and those who submitted written or verbal comments. Appendices are provided to present detailed information as follows:

- Appendix A, "Notice of Intent"
- Appendix B, "Notice of Preparation"
- Appendix C, "Meeting Announcements"
- Appendix D, "Franks Tract Web Site Materials"
- Appendix E, "Scoping Meeting Materials"
- Appendix F, "Meetings and Scoping Comments"
- Appendix G, "Scoping Letters"

2.2 INITIAL PUBLIC OUTREACH ACTIVITIES

Initial consultations with interested agencies and meetings with potentially affected landowners began in spring 2008 to provide an overview of the Proposed Action and solicit their early input. Initial outreach and informational meetings were held locally to inform the landowners of the project and to gain access to their lands to assess potential project locations. After the project could be defined in general terms and potential project locations had been determined, four scoping meetings were scheduled and announced publicly through mailings, newspaper notifications, and postings on the project Web site and in the project area.

During this initial effort, consultation was held with the following representatives from the Franks Tract Project area: Bradford Reclamation District (RD) 2059, Brannan Island RD 2067, Brannan-Andrus Levee Maintenance District, Jersey RD 830, Ironhouse Sanitary District, Sherman Island RD 341, and Twitchell Island RD 1601. DWR also met with representatives for Brannan Island State Recreation Area, the North Delta Water Agency, and the landowners properties adjacent to proposed project sites. The meetings were intended for the adjacent landowners but were open to the public. Other interested parties, such as nearby marina owners and local property owners not immediately adjacent to the project area, attended most of the meetings. Additional meetings with these stakeholders are anticipated throughout the planning phase of the project. In addition, DWR has been meeting with local

marina owners and continues soliciting input from angling and other recreation organizations in the area. A small group of marina owners in the project area was formed to provide specific project input. The most recent meeting was on January 27, 2009. A list of the meetings, locations, and key participants is presented in Appendix F.

2.3 PUBLIC NOTIFICATIONS

Numerous outreach efforts have been undertaken to inform stakeholders about the Franks Tract Project and the scoping process and to solicit their input. Scoping activities for the Franks Tract Project were formally initiated with the release of the NOP and NOI on September 22, 2008, and DWR and Reclamation requested that comments be submitted by November 21, 2008, resulting in a 61-day comment period. The following text provides an overview of the tools used for public notification about the project and the scoping meetings. These notices and advertisements are presented in Appendices A through C of this report.

2.3.1 JOINT AGENCY NEWS RELEASE

DWR and Reclamation issued a joint news release on September 22, 2008, announcing the scoping meetings and soliciting public input on the project. The joint news release was distributed via Marketwire, a media distribution service, to all major print and broadcast outlets in northern California. Appendix C includes the text of the news release.

2.3.2 WEB SITE AND DELTA E-NEWS

DWR maintains a project Web site for the Franks Tract Project (http://www.water.ca.gov/frankstract) that contains public documents, provides an overview of the project, lists project contact information, provides project updates, and enables submission of electronic comments and requests to be added to the mailing list. Scoping meeting information was posted on the project web site on September 16, 2008, and was available when the NOI and NOP were published.

A notice about the scoping meetings and a link to the project Web site also were distributed through Delta E-News, an electronic newsletter by the California Resources Agency designed to keep the interested public current on topics affecting the Delta. The Franks Tract Project scoping meetings were announced in Delta E-news on September 25, 2008, and October 2, 2008. Appendix D includes a screenshot of the project web site and copies of the Delta E-news newsletters.

2.3.3 Newspaper and Online Notices

Advertisements were placed in four newspapers (Contra Costa Times, Sacramento Bee, Tracy Press, and Rio Vista River Herald) with distribution in the project area. A notice was also placed The Fish Sniffer website, a west coast fishing magazine used by anglers in the Delta. The distribution schedule is listed in the table below.

Publication	Local Section	Date of Publication
Contra Costa Times	East County Times	September 24, 2008
Rio Vista River Herald	Delta Local section	September 24, 2008
Sacramento Bee	Elk Grove/Laguna section	October 2, 2008
Tracy Press	Not applicable	September 24, 2008
Fish Sniffer Web site	Event calendar	September 22 through October 9, 2008

Copies of the newspaper advertisements and the online notice are included in Appendix C.

2.3.4 News Update Mailings

DWR distributed a four-page project news update in a mailing to more than 1,400 stakeholders in September 2008, including the 51 recipients of DWR's NOP mailing. The recipient list included primarily residents living on the islands in the project area, as well as agencies and organizations known to be interested in Delta topics. In addition, an electronic version was posted on the project website. The news update provides an overview of the Proposed Action; describes DWR and Reclamation's project objectives; provides a project timeline and contact information; and features an invitation to the public scoping meetings with a list of locations, dates, and times. The news update also was made available at the public scoping meetings and is reproduced in Appendix C.

2.3.5 Notices Posted in Project Vicinity

A fact sheet and meeting announcement were posted in public locations in the project area on October 1, 2008, the week before the scoping meetings. Additional handouts and information were provided to all locations. Posting locations included:

- Brannan Island State Recreation Area (SRA) (handouts and information were made available at the fee booth);
- Rio Vista Chamber of Commerce, post office, and library;
- Isleton post office and library; and
- Delta Harbor Marina in Rio Vista, the Vieira's Resort, and Eddo's Harbor & RV Park.

The fact sheet and meeting announcement are included in Appendix C.

2.4 SCOPING MEETINGS

Four scoping meetings were held the week of October 6, 2008, to provide opportunities for interested parties to learn about the Proposed Action and to provide input. Comment cards and copies of the project news update and fact sheet were made available to participants. In addition, four information boards, including a map of the project area, were displayed. Each meeting included a presentation describing the project background, the environmental review process, and the public outreach efforts. Meeting locations, dates, and times were as follows:

Location	Dates, Times, and Meeting Facility Addresses	Number of Attendants*
Sacramento, CA	Monday, October 6, 2008, 10:00 a.m. to 12:00 p.m. Federal Building, Cafeteria Conference Rooms C-1001 and C-1002, 2800 Cottage Way	8
Rio Vista, CA	Tuesday, October 7, 2008, 6:00 p.m. to 8:30 p.m. Memorial Building, 610 St. Francis Way	26
Antioch, CA	Wednesday, October 8, 2008, 6:00 p.m. to 8:30 p.m. Contra Costa Public Library, 501 West 18th Street	47
Stockton, CA	Thursday, October 9, 2008, 6:00 p.m. to 8:30 p.m. Memorial Civic Auditorium, North Hall, 525 North Center Street	7

* Numbers are approximate. Not everyone signed the sign-in sheets or stayed the entire meeting. Project team members and DWR or Reclamation representatives are not included in these numbers.

A copy of the scoping presentation is included in Appendix E. Appendix F includes sign-in sheets of the meeting attendees and a summary of oral comments and questions from the meetings.

3 SCOPING COMMENTS

3.1 TYPES OF COMMENTS RECEIVED

Comments were received in written format through letters, comment sheets, and e-mail messages and through the online comment tool on the project website, as well as orally at the public scoping meetings. The agencies and the individuals and nongovernmental organizations that provided comments are presented in Tables 1 and 2, respectively. Notes were taken during the scoping meetings to record the attendees' questions and comments. The notes and a table of written comments are provided in Appendix F.

TABLE 1 LIST OF AGENCIES THAT PROVIDED COMMENTS
Federal
U.S. Environmental Protection Agency, Communities and Ecosystems Division, Environmental Review Office – Kathleen M. Goforth, Manager
State
California Department of Parks and Recreation, Gold Fields District – Scott Nakaji
California Department of Transportation, District 3, Planning – Ken Champion
California Department of Transportation, Office of Community Development, Division of Transportation Planning – Betty Miller
California Department of Water Resources, Central District – Bob Nozuka
California State Lands Commission, Division of Environmental Planning and Management – Gail Newton, Chief
Regional and Local
City of Antioch – Phillip L. Harrington, Director of Capital Improvements/Water Rights
Central Delta Water Agency – Dante Nomellini, attorney
Contra Costa Water District – Leah Orloff, water resources manager
Delta Protection Commission – Linda Fiack
East Bay Municipal Utility District – Alexander Coate
East Bay Municipal Utility District – Joe Miyamoto
North Delta Water Agency – Joseph Schofield, attorney, Downey Brand
Reclamation District 1601 – Chris Neudeck, district engineer
Sacramento Metropolitan Air Quality Management District – Karen Huss
Town of Discovery Bay Community Services District – Shannon Murphy-Teixeira

TABLE 2 LIST OF INDIVIDUALS AND NONGOVERNMENTAL ORGANIZATIONS THAT PROVIDED COMMENTS	
Commenters who Provided Written Comments	
► Barbara Joy Davis, Alameda	► John Anderson, Oxbow Marina
► Bill Worrell, Sportsman Inc. Yacht Club/Antioch	► LaDonna Bubak, Latitude 38 magazine, Associate Editor
► Bob Raney, Bethel Island Property Owner	► Linda Bendsen, Recreational Boaters of California (RBOC), Director
► Cathy Akers, Modesto	► Mark Galbraith, Brentwood
► Clare and Dave Spensley, Andrus Island	► Matthew Emrick, Law Offices of Matthew Emrick, Rocklin
► David Riggs, Sugar Barge Resort and Marina, Bethel Island	► Mike Guzzardo, 94505.com; Delta Sun Times
► Dennis Greene, Walnut Creek	► Myron Cabral, Landowner along Threemile Slough (Sherman Island)
► Edwin Coats, Discovery Bay	► Reg Smith, Pacific Inter-Club Yacht Association
► Elizabeth J. Reuter, Delta recreational boater	► Reni Della Maggiore
► Ian Boyd, Restoration Resources	► Ruth Roberts, Brentwood Press
► Jay Uhalt, Rio Vista	► Shirley Sorbet, Bethel Island Property Owner
► Jim Gibson, Isleton	► Yvonne Wood, Rio Vista
► Jim La Fond, Delta Yacht Club	
Form Letter 1 (Sportsman Inc. Yacht Club and Driftwood Yacht Club members)	
► Adam LaCourse, Antioch	► John Hunter, Clayton
► Al Acorn, Antioch	► John Pfund, Antioch
► Albert J. Fray, Oakley	► John Tonner, Pleasant Hill
► Alice Gibson, Pittsburg	► Ken Couppe, Discovery Bay
► Alice Jackman, Martinez	► Kenneth L. Williams, Concord
► Angelic and Gary Huhet, Antioch	► Kevin L. Shropshire, Walnut Creek
► Ann Marie Clark, Antioch and Kelly Odum, Oakley	► Lommi Gibson, Pittsburg
► Anthony Russo, Antioch	► Lynn London
► Anthony Silno, Pittsburg	► Manuel Soliz, Anitoch
► Bob and Shirley Karr, Sutter Creek	► Mario Palomes, Pittsburg
► Bryan W. Smith, Oakley	► Mary Soliz, Antioch
► Carol Hunter, Clayton	► Patrick Brown, Antioch
► Carol J. Fray, Oakley	► Patrick R. Sebers, Antioch
► Cynthia Bane Mammon, Oakley	► Petra Smith, Oakley
► D. Curry, Antioch	► Ray Tomlinson, Discovery Bay
► Dan Ferryman, Merced	► Rick and Anita Hinds, Clayton
► Dave and Sharon Seling, San Ramon	► Rod Kreiss, Antioch
► David K. Williams, Oakley	► Russ and Cheryl Morgan, Pleasanton
► Donna McClane, Antioch	► Russell Ford, Antioch
► Ed Collins, Walnut Creek	► Sarah Young, Discovery Bay
► Ed Elledge, Antioch	► Steve A. Martiner, Antioch
► Ed Salmon, Antioch	► Steve Gessi, Clayton
► George Brayton, Antioch	► Steven W. Jackman, Martinez
► George H. Greer, Walnut Creek	► Thom Parrino, Antioch
► Janet Alvez, Brentwood	► Thomas Tucker, Pleasanton
► Jay Smith, Antioch	► Tim Lamb, Oakley

TABLE 2 LIST OF INDIVIDUALS AND NONGOVERNMENTAL ORGANIZATIONS THAT PROVIDED COMMENTS	
► Joann Tucker, Pleasanton	► Vincent Rafanan, San Ramon
Form Letter 2	
► Dean Ziemer, Delta Bass Tactics Club, President ► Rick Sauls, Delta Bass Tactics Club Member	► Thomas L. Coss, Discovery Bay ► Wade Menard, Delta Bass Tactics Club Member
Form Letter 3	
► Rich Hanset, Commodore, Weber Point Yacht Club	► Thomas M. Lee, Commodore Discovery Bay Yacht Club
Commenters Who Provided Verbal Comments and Their Names at the Public Scoping Meetings	
► Casey Curry, Antioch ► Chris Neudeck, Reclamation District 1601, District Engineer ► Dante Nomellini, Attorney for Central Delta Water Agency ► Gary Dew, Novato ► Jim Dawson, Antioch ► Joe Miyamoto, EBMUD	► Lendra Clark, Antioch, RBOC ► Leonard Hodgson, Outrigger Marina, Rio Vista ► Ray Tomlinson, Discovery Bay ► Tony Rosenthal, Twitchell Island Landowner ► Walt Williams, Fremont ►

Most of the written comments received during the scoping process were provided by members of the public. DWR and Reclamation received 105 written comments, of which 60 were signed form letters. The U.S. Environmental Protection Agency (EPA), California Department of Transportation (Caltrans), State Parks, the California State Lands Commission, the Sacramento Metropolitan Air Quality Management District (SMAQMD), and the Delta Protection Commission (DPC) provided written comments as interested agencies. East Bay Municipal Utility District (EBMUD), Contra Costa Water District (CCWD), the North Delta Water Agency (NDWA), the City of Antioch, and the Town of Discovery Bay also submitted comment letters. Written comments from Federal, State, and local agencies, as well as other stakeholders, were received by comment sheet, mail, and electronic mail. A table of the received comments and copies of the full original text of the written comments are provided in Appendix F and Appendix G, respectively.

3.2 SUMMARY OF COMMENTS

This section presents a summary of the comments provided by Federal, State, and local agencies, as well as other stakeholders that were received during the scoping period.

3.2.1 FEDERAL AGENCY

EPA was the only Federal agency that provided comments during the scoping period. EPA recommends that the EIS/EIR:

- demonstrate the functional and economic justification for this project in the context of long-term planning efforts in the Delta;
- account for the hydrodynamic effects of other Delta projects in the analysis, if appropriate;
- consider use of Central Valley Regional Water Quality Control Board (CVRWQCB) information and tools created during the development of its Central Valley Drinking Water Policy;
- address potential effects on salmon, steelhead, pelagic organisms in decline, and other aquatic resources; and
- coordinate the design and implementation of monitoring, assessment, and reporting activities with the CVRWQCB Delta regional monitoring strategy.

3.2.2 State Agencies

Comments were received from the following state agencies: DWR, Caltrans, State Parks, California State Lands Commission, and the Delta Protection Commission. The comments received from state agencies are summarized in Table 3.

Table 3
Summary of Comments by State Agencies

State Agency	Comment Summary
DWR, Central District	► Gates can also be used to reduce turbidity migration from Sacramento River through Old Middle River channels to Cross Channel Facility.
California Department of Transportation, District 3, Division of Transportation Planning, Office of Community Development	► Address impacts on the State Highway System (SHS) and any SHS facilities, including potential impacts on the structural integrity and operation and maintenance of SR 160, and determine whether an encroachment permit from Caltrans would be required for access to the SHS right-of-way and whether a Transportation Permit for the transport of oversized truck loads would be required. ► Consider potential impacts on the SR 160 drawbridge: • whether gates would limit the sight distance for the bridge to observe vessel traffic; • the change in the hydraulics resulting from implementing the project, and potential impacts that could potentially affect the water surface elevation; sediment transport; or changes in flow, flow direction, or drainage, etc.; • the influence of the gates on the amount of logs and other flotsam against the bridge; and • increased construction traffic. ► Consider the potential impact on the integrity of levee roads related to construction traffic. ► Consider the potential impact on marina operators near proposed gate

TABLE 3 SUMMARY OF COMMENTS BY STATE AGENCIES	
State Agency	Comment Summary
	locations and potential impacts on Brannan Island SRA. ► Describe contingency plans (e.g., for possible gate damage or operational problems), planned operation of the control buildings, the monitoring schedule, and the anticipated open/close schedule and gate configuration in both positions. ► Describe warning devices for the gates to warn large commercial vessels and recreational boaters when conditions would be unsafe because of seasonal dense fog.
California Department of Parks and Recreation, Gold Fields District	► State Parks supports the goals of the Franks Tract Project of improving water quality conditions and protecting and enhancing conditions for fish species of concern. ► Evaluate potential land use and construction impacts on: • existing and future recreation use and facilities at Brannan Island SRA and Franks Tract SRA; • an existing campground on Brannan Island for Threemile Slough Site 2 (TMS-2); • an existing dirt service road/informal trail at Threemile Slough Site 1 (TMS-1); • potential future facilities at Brannan Island and loss of use of the area for group camping area or trails because of Threemile Slough Site 1 (TMS-1); • fishing and other informal uses at both sites; • public access to and recreation use of Brannan Island SRA; and • vegetation in Brannan Island SRA at TMS-1 or TMS-2, including elderberry, which is the host plant of the Federally listed valley elderberry longhorn beetle. ► Evaluate potential operations impacts on boating and recreation use: • Operations of the gates, including delays, may have substantial impact on recreational boating traffic along Threemile Slough and on the use of Brannan Island SRA as a launching point. • A gate facility at Site 1 (TMS-1) or 2 (TMS-2) may affect the quality of camping and other upland recreation experiences at Brannan Island SRA, including noise, lighting, and other topics associated with the facility at TMS-1 or TMS-2. ► This could have a long-term impact on the recreational use of Brannan Island SRA, which would affect revenues, generated from park user fees. ► Operations of the gates could affect use of Franks Tract SRA, particularly if constructed at the False River site. ► Mitigation options for recreation impacts could include development of new recreation facilities, such as a small new visitor center; improvements to existing facilities at Brannan Island SRA; or improved facilities for boating,

TABLE 3 SUMMARY OF COMMENTS BY STATE AGENCIES	
State Agency	Comment Summary
	such as improvements to the boat launch or marina. ► Interpretation and education regarding the purpose of the flow gate, including the ecology, hydrology, and human use of the Delta, would help the recreating public better understand and accept the flow gate facility, which may have impacts on recreation and boating use.
Division of Environmental Planning and Management, California State Lands Commission	► Project activities for any activities water-ward of the high-water mark would require a lease from the California State Lands Commission. ► Evaluate potential submerged cultural resources in the project area. ► Consider a range of alternatives for prevention programs for aquatic invasive species, and consider the current and proposed aquatic invasive species prevention programs. ► Examine project objectives and determine whether the project would favor nonnative fisheries in the Delta. ► Evaluate impacts on water quality, including turbidity on benthic species and habitat, as a result of dredging and construction activities in the water. ► Evaluate noise impacts on fish and/or marine mammals from construction activities in the water. ► A Central Valley Flood Protection Board encroachment permit may be required. ► Federal Section 404 and 10 permits may be required from the U.S. Army Corps of Engineers. ► Additional permits may be required to alter the Federal levee system under U.S. Code 33 Section 408. ► Include greenhouse gas emissions information consistent with the California Global Warming Solutions Act (Assembly Bill 32). ► Evaluate temporary and permanent loss of recreational resources in the area during construction and operation of the proposed gate. ► Identify the designed passage criteria for commercial and recreational vessels to design adequate mitigation. ► Discuss potential changes to and impacts on the current transportation routes into and out of the project area during construction, and include mitigation measures that address residents and tourists. ► Evaluate the cumulative impacts of gates proposed on Threemile Slough and West False River with gates proposed on Old River and Connection Slough, and the proposed work at Horseshoe Bend SRA.
Delta Protection Commission, Resources Agency	► Consider policies pursuant to the 1992 Delta Protection Act and the 1995 Land Use and Resource Management Plan (LURMP), including Water Policies 1 and 3 and Recreation Policy 3 from the LURMP.

3.2.3 LOCAL AGENCIES

The following local agencies provided comments during the scoping period: Sacramento Metropolitan Air Quality Management District (SMAQMD), East Bay Municipal Utility District (EBMUD), Contra Costa Water District (CCWD), North Delta Water Agency (NDWA), Central Delta Water Agency (CDWA), the City of Antioch, the Town of Discovery Bay, and Reclamation District 1601. Local agency comments are summarized in Table 4.

TABLE 4
SUMMARY OF COMMENTS BY LOCAL AGENCIES

Local Agency	Comment Summary
Sacramento Metropolitan Air Quality Management District	► The project should comply with SMAQMD rules and regulations. ► The project may generate short-term construction air quality impacts in excess of established thresholds. An air quality analysis should be performed to determine impact significance.
East Bay Municipal Utility District	► EBMUD supports the project objective of fish protection. ► The project should distinguish between the lower Mokelumne River/"eastside tributaries" and the San Joaquin River and its tributaries. ► There is an EBMUD project in place currently to restore salmonids on the Mokelumne River. Salmonids have been found to migrate through West False River (WFR) back to the ocean. Four steelhead released from the Mokelumne Hatchery with transmitters went through WFR this year (2008). Analyze cumulative impacts on Mokelumne River–origin salmonids from the project, as well as from other projects and changes in Delta operations. Consider: • delays in downstream outmigration of juvenile salmon and steelhead from the Mokelumne River, • delays in upstream migration of adult salmon and steelhead to the Mokelumne River, • the congregation of predators near the operable barriers, and • increased entrainment risk at the south Delta export pumps. ► Evaluate changes in hydrology that may create slough habitat more favorable to warm-water predatory fishes upstream of the barriers. ► Implement a monitoring program to determine route selection and specific survival probabilities for Mokelumne River–origin salmon and steelhead. ► Conduct monitoring of predators in the vicinity of the barriers with cameras. ► Fish community surveys and hydrodynamic studies are needed to determine the changes from riverine to slough habitat upstream of the project.
Contra Costa Water District	► CCWD is fully supporting this effort to address critical habitat needs and improve water quality in the Delta through a flow control facility in the vicinity of Franks Tract. Such efforts are urgently needed to find solutions for the challenges that face the Delta. ► Consider water quality impacts during the period of operation for fisheries

TABLE 4 SUMMARY OF COMMENTS BY LOCAL AGENCIES	
Local Agency	**Comment Summary**
	benefits. ► Consider that any improvements to water quality may allow changes to water supply operations that may offset the potential water quality improvements. ► The ability to adaptively manage the project for both water quality and fish benefits in response to actual Delta conditions should be incorporated into the EIS/EIR analysis. ► The locations of the three current and one future CCWD intakes (Mallard Slough, Rock Slough, Old River, and the Alternative Intake Project on Victoria Canal) should be included in the analysis. ► Potential benefits (e.g., entrainment reductions, improved access to suitable habitat) to all listed fish species in the Delta should be determined, and the spatial extent and timing of such benefits should be documented. ► Cumulative analysis should include the two-barrier project that is being implemented south of Franks Tract.
North Delta Water Agency	► Include a detailed evaluation of the potential water quality effects on all Delta channels within NDWA's boundaries, including Threemile and Sevenmile Sloughs and the Sacramento and San Joaquin Rivers. ► Modeling for the project must also address the potential effects on Delta channels in other reaches of the northern Delta. ► Include discussion on how the State of California intends to continue to meet its water quality obligations under the 1981 contract if the modeling indicates that there may be a reduction in water quality. ► Modeling must clarify the proposed gates' effects on flow conditions and salinity in conjunction with the alternatives proposed in the Final Delta Vision Strategic Plan and as part of the Bay Delta Conservation Plan process. Other potential projects must also be accounted for, including marsh and habitat creation; potential upstream storage projects, such as raising Shasta Dam; other projects to receive funding under the CALFED Bay-Delta Authorization Act; and the Freeport Regional Water Project, which is scheduled to begin deliveries in December 2009. ► Evaluate the potential for gate openings and closings to affect nearby pumping operations, as well as gate-induced water fluctuations that may cause seepage or erosion damage to the Delta channels, impacts that are prohibited by the 1981 contract. ► The project has the potential to foster threatened and endangered fish species in the vicinity of the existing NDWA water intakes, thereby potentially leading to entrainment. ► To mitigate the environmental effects on such species, address the need to install fish screens and undertake other measures to protect aquatic and terrestrial species introduced into new locations in the Delta. ► Identify the significant effects on navigability, transportation, and beneficial

TABLE 4 SUMMARY OF COMMENTS BY LOCAL AGENCIES	
Local Agency	**Comment Summary**
	use of the local waterways for recreation, including boating, waterskiing, and fishing, and propose sufficient mitigation measures to address those impacts.
Central Delta Water Agency	► Look at the Delta as a nonsustainable system—to preserve it. ► Address whether West False River, Fishermans Cut, and Dutch Slough barriers, as envisioned in the 1960s, are no longer necessary to achieve the benefits of the Franks Tract Project. ► Consider the 1960s Master Levees Program and sea level rise as part of project planning.
City of Antioch	► Ensure adequate Sacramento River flows into the San Joaquin River. The City of Antioch depends on Sacramento River tributary flows for water quality and supply. ► Include specific measures to protect the City of Antioch's water supply and quality. ► Include a plan to coordinate operation of the gate(s) with the city. ► Consider the cumulative impacts of other proposed and contemplated projects affecting the Delta, such as the Bay Delta Conservation Plan, the South Delta Improvements Program, and the Delta Vision process. ► Consider impacts on circulation patterns of recreational vessels in the western Delta.
Town of Discovery Bay Community Services District	► Some residents feel strongly that the project is just a piece of the overall puzzle to construct a Peripheral Canal. ► The boating community is very concerned about possible navigational delays and the extra fuel necessary to travel around the gates. ► Some residents feel or believe that the project gates would hamper the natural fish flow, their populations, and their food source in proximity to the gates as well as further south in the various Delta sloughs. ► Consider possible short- and long-term water quality topics that may result because of the project.
Reclamation District 1601	► Creating seismic resistance in the levee would be a challenge. Project decisions should be based on levee foundation materials, not bathymetric surveys. ► Describe how dredging of the channel would be performed if there is a permanent structure in the channel. ► Cutting off Chevron Point could be a win-win situation, using the area for wetland restoration.

3.2.4 Other Stakeholders

Comments also were received by other stakeholders, including local organizations; business owners; and residents from Twitchell, Sherman, and Bethel Islands. The local organizations and commercial businesses that submitted comments during the scoping period are identified in Table 2.

Most of the comments submitted by the other stakeholders addressed the potential impacts of the Proposed Action on recreational users. Another key topic was the overall situation in the Delta and the effect of water exports to the Central Valley and southern California. Most commenters shared a strong concern with the state of the Delta and concern that the Proposed Action would not improve conditions for fish resources and would have water quality benefits. They expressed concern that the project could increase water exports, which most oppose, and that implementing the project could result in poorer water quality and further degraded ecosystem conditions in their area. Many attendees in the meetings commented that reducing or stopping exports is preferable to implementing the Proposed Action.

In addition to comments regarding potential navigation- and recreation-related impacts, comments that were project specific addressed potential impacts on Delta hydrodynamics, including effects on the adjacent levees, channel maintenance, and water quality; fish resources; socioeconomics; and cumulative effects.

Not all the comments received are relevant to the EIS/EIR. Those that may be relevant to the EIS/EIR are presented below. A table of written comments along with the summarized scoping meeting notes is provided in Appendix F.

Alternatives

- Reduce exports at canals to improve Delta water quality. There is no need for this project with reduced exports. Look at salinity effects of reducing exports via canals/intakes.
- No project should be contemplated that attempts in any way to modify the normal in/out tidal flow that is the natural condition of the Delta estuary. Extend the water export curtailment temporarily put into place by the courts.
- Consider one large set of gates where all rivers converge at Pittsburg.
- Consider again the Auburn Dam.

- Use a concerted and focused effort to use less water. Try raising the price of water times 5 to reduce usage.
- Develop desalination plants instead. Include desalination plants in your plan/modeling as solution.
- Consider storage in the Central Valley for winter runoff instead of taking more Delta water.
- Consider coordinating with levee defense to construct a setback levee at Twitchell Island/ Chevron Point.

Purpose and Need

- The project description is lacking specific information describing the need for this project in terms of improving salinity levels and habitat conditions for species of concern in the central and south Delta.

Relation of Project to Other Delta Actions

- The project is a way to facilitate the Peripheral Canal.
- Coordinate your study with the Bay Delta Conservation Plan. The BDCP is looking at flooding Sherman Island, which conflicts with the Franks Tract Project.
- Consider the effects of reduced flow from the Peripheral Canal.

Navigation and Recreation

- The Recreational Boaters of California (RBOC) seek identification and implementation of alternatives to preserve recreation boat passage, seek to have operable boat locks as integral design components to mitigate for the impacts caused by the control structure, and ask that the installation and maintenance of any control structures be without cost or expense to recreational boaters.
- There is concern about boat passage on navigable waters, the timing of the gate closures, the depth of the gates, and possible navigational delays.
- Consider navigation impacts and safety matters when the gate is closed and at night.
- The project would create impediments to the safe and continued access to Delta waterways and would interfere with the free flow of recreational boat traffic in the area.

- Placing dams near the Threemile Slough bridge would add another hazard and create a dangerous situation for recreational and commercial watercraft due to prevailing northwest and north winds combined with strong tides of the Sacramento River, Horseshoe Bend, and Threemile Slough combined with at times 3-foot waves and the bend of the slough close to the bridge, making passage difficult.
- Opposed to proposal of flow control gates regardless of locks or other facilities to allow boat passage. Weekend boat traffic would have very long delays.
- Maneuvering a sailboat in heavy boat traffic in the narrow confines of a slough would be extremely difficult.
- Recreational, commercial, and emergency response passage of boat passage would be restricted.
- There may be concerns with the Coast Guard station in Rio Vista being able to reach places on the San Joaquin River when the gate is closed.
- The project would add hours to any emergency response discussed as part of DWR's Delta Emergency Rock and Transfer Facilitation Project at Rio Vista.
- Evaluate the depth and size of the boat lock and the navigability of large watercraft during gate operation.
- Evaluate how barges would travel from the Sacramento River to the San Joaquin River.
- Evaluate whether boaters would still be able to leave the southeast Delta and travel through False River toward Antioch.
- The only alternative is a 21-mile journey down the Sacramento River and up the San Joaquin River. This is impractical for sailboats.

Delta Hydrodynamics

- Don't just focus on the Sacramento River. Look at the entire Delta.
- Evaluate the rise in water surface elevation, and show minimum impacts on water level.
- Evaluate the water rise at Outrigger Marina.

- Address wind and wake concerns and how that may affect water levels and levee maintenance in the EIS/EIR.
- Check the status of levee categorization for Threemile Slough Site 4 (TMS-4). It is shallower than the bathymetry shows.
- Monitor sedimentation rates that could affect hydraulic capacity or marinas nearby.
- There is concern that lock operations will affect water levels in the San Joaquin River and thus the ability of farmers and ranchers to siphon irrigation water.
- Evaluate changes in water flow and water levels.
- Implementing the Proposed Action would increase water stagnation (key topics: increased egeria and sedimentation).
- The action of the gates would decrease water velocity in Franks Tract.
- Evaluate the modification of the normal in/out tidal flow that is the natural condition of the Delta estuary.
- Evaluate sediment matters in the EIS/EIR.
- Consider the effects of the gates on flood protection and how they would respond to seismic events.

Water Quality at Other Delta Intakes

- Implementing the project would violate the riparian water rights of the City of Antioch; concern that the project could be increasing salt content at its pumping station and could make the water unusable for domestic use.
- Modeled salinity projections may not be an accurate account of what would really happen under the project.
- Concern that the gate would not be effective in improving water quality and that implementing the project would not reduce or control salinity intrusion.
- Water quality, chemical oxygen demand, biological oxygen demand, and toxins all need to be addressed in the EIS/EIR.

Fish Resources

- The project benefits are based on a “numerical model” without model verification. Need to do better with this EIS/EIR than the EIR/EIS for the South Delta Improvements Program.
- A barrier would reduce fisheries in False River. West False River has productive fishing grounds due to tidal flows.
- Implementing the project would cause harm to the water quality of waterways downstream of the gates and kill off of many native fish and plant species in the area.
- Consider how the project will affect water quality and fish in Suisun Marsh.
- Stop smelt from going to pumps? If you stop migration to Discovery Bay, you mess with striped bass feeding grounds.

Socioeconomic Effects

- This project is devaluing our properties.
- Stakeholders commented on the cost of the Proposed Action, sources of funding, and potential financial impacts on commercial businesses that rely on revenue from tourism and boater traffic. They also commented on costs associated with the extra fuel necessary to navigate around or through the gate structures.
- The gates could have a significant impact on the users of the waterways and thus major financial impact on local businesses that rely on users of the Delta.
- Concern that there won’t be money to operate the gate; concern that topics with funding of the project costs could lead to eliminating part of the project, such as the locks.

Cumulative Effects of Project

- Need to include the cumulative effects of other barriers.

4 ANALYSIS OF SCOPING COMMENTS

This chapter summarizes the comments presented in Chapter 3, grouping them by topic and identifying the breadth of the public's concern regarding particular topics. This approach differentiates those topics that are of concern to a few from those that are of concern to a broader section of the public. This chapter also indicates which of these comments will be addressed in the EIS/EIR.

As described in Chapter 3, numerous comments were provided in response to the issuance of the NOI and NOP for the Franks Tract Project EIS/EIR and at the scoping meetings conducted between October 6 and October 9, 2008. One hundred and five (105) written comments were provided in the form of letters, e-mail messages, postings on the project Web page, and comment sheets submitted at scoping meetings. Sixty (60) of the submitted letters consisted of one of three form letters addressing the project. Thirteen (13) of the written comments were submitted by Federal, State, or local agencies with jurisdictional authority over elements of the project or with a vested interest regarding the operation or construction of an operable gate located in the Delta. The remainder of the written comments was provided by interested members of the public. Approximately 70 percent of the topics identified in the written comments related to the format, content, or structure of the EIS/EIR. The remaining topics were opinions and comments regarding the merits of the project, questions regarding project components, questions regarding other Delta-related development and facilities, and other items not relevant to scoping the format, content, or structure of the EIS/EIR.

Numerous spoken comments were provided at the scoping meetings. Eleven (11) of the commenters identified themselves by name. Of these 11 commenters, eight (8) were provided by interested members of the public, and three (3) were provided by nongovernmental organizations. Approximately 50 percent of the topics raised at the scoping meetings were not related to the format, content, or structure of the EIS/EIR. The remaining topics were opinions and comments regarding the merits of the project; questions regarding project components; questions regarding other Delta-related development and facilities; and other items not relevant to scoping the format, content, and structure of the EIS/EIR.

4.1 SUMMARY OF COMMENTS BY TOPIC

All comments received as a part of the scoping process will be considered by DWR and Reclamation in preparation of the draft EIS/EIR. On the basis of preliminary consideration of the Proposed Action as described in the NOP and NOI, and taking into account the public and agency input received during the

scoping process, DWR and Reclamation have determined that the following topics will be addressed in the draft EIS/EIR.

Alternatives Considered

Eight (8) comments were received requesting that the EIS/EIR address alternatives to the project, including nonstructural improvements such as reducing Delta exports, conducting inflow/outflow management, and modifying CVP/SWP water operations. Four (4) commenters inquired about the role of desalinization as a solution to the project objectives either located in the Delta or in southern California.

Purpose and Need

Three (3) comments received during the scoping meetings and as part of a form letter noted that there was insufficient information regarding the need for the project and that the EIS/EIR needed to provide a greater level of detail to adequately explain the reasons for implementing the project.

Relation of Project to Other Delta Actions

Seven (7) commenters requested that the EIS/EIR discuss the relation of the Franks Tract Project to other ongoing and future actions proposed to take place in the Delta. Specifically, it was requested that the EIS/EIR address the relation of the Franks Tract Project to continued CVP/SWP exports in the south Delta, as well as the relationship to the proposed Bay Delta Conservation Plan elements, including the Peripheral Canal.

Navigation

Thirty-two (32) comments were submitted regarding the need to address potential impacts of the Franks Tract Project on navigation on affected waterways of the Delta. Specifically, these comments focused on the gates interfering with or delaying boat traffic; posing an obstruction to recreational, emergency, and commercial boaters that would require different routes; interfering with recreational boating use on Threemile Slough; or substantially increasing the distance of boat travel in the Delta. Other comments focused on weekday versus weekend effects, the time of day, restrictions on boat size, and potential hazards created by the gate structure.

Recreation

Twenty (20) comments were received requesting that the EIS/EIR address the direct impact of installing and operating a barrier gate on recreational boating in Threemile Slough and the indirect effects on recreational boating elsewhere in the Delta. The comments focused on the gate's potential to obstruct

recreational boater access to the Sacramento River, effects on boaters using Threemile Slough, ramifications on use of the Brannan Island boat ramp, and the potential to create hazardous conditions during peak recreational boating use periods in the vicinity of the gate location.

In addition, a comment requested that the EIS/EIR address the effects on Brannan Island SRA associated with installing an operable gate on Threemile Slough. These effects include temporary and permanent impacts on boat ramp use and operations; effects on camping and day-use facilities; effects on the recreation experience as affected by light, noise, and glare; and effects on other areas of the SRA. Several potential mitigation measures were identified and requested to be analyzed in the EIS/EIR.

Delta Hydrodynamics

Thirty-one (31) comments were received requesting that the EIS/EIR address potential effects of project operations on Delta surface water elevations and flow in the project vicinity and other areas of the Delta. These changes need to be considered in recognition of wind and wake effects on local shorelines and levees. In addition, the impact of the gates on flood water elevations needs to be addressed. Effects of the project on Threemile Slough hydraulic conditions and the effect on the SR 160 bridge need to be assessed. In addition, it was requested that changes in surface water elevation be assessed in relation to the ability of local water intakes to operate for agricultural water deliveries.

Water Quality at Other Delta Intakes

Twenty (20) comments received requested that the EIS/EIR address the consequences of Franks Tract Project operations on water quality at the location of other Delta water intakes. Specifically, the comments requested that the EIS/EIR address changes in Delta salinity concentrations at the existing CCWD, City of Antioch, and NDWA public water supply intakes. As part of these comments, the EIS/EIR should address conflicts with existing water rights and contract requirements that would occur with project implementation. In addition, it was requested that the EIS/EIR address changes to CVP/SWP operations that may occur in association with reductions in Delta salinity. Other changes in contracted-water deliveries that may be altered by Franks Tract Project operations should be discussed.

Fish Resources

Thirty-five (35) comments were received regarding the benefits of the project on Delta fish and other fish populations that reside or pass through the Delta. Several specific comments requested that the EIS/EIR address the impact of the operable gates on Mokelumne River salmonids and migration

patterns, delays, or obstructions of salmon and steelhead. Other topics requested to be addressed included the effects on water temperature and fish population, noise impacts on fish and/or marine mammals from construction activities in the water, congregation of salmonids near the gates, and whether the project would favor nonnative fish species. In addition, effects on other nonsalmonid species, including pelagic species and special-status species, as well as specific project monitoring to assess adaptive management actions, need to be addressed.

Socioeconomic Effects

Two (2) commenters, including a local marina owner, requested that the EIS/EIR address the impact of installing an operable gate on Threemile Slough on local businesses that rely on recreational boaters and other water users. Specifically, it was requested that the impact of reduced boater use on Threemile Slough and the associated economic effect on local marinas be addressed. In addition, effects of an operable gate on boater maintenance costs and fuel use should be addressed in the EIS/EIR.

One (1) comment requested that the EIS/EIR address the potential to affect overall tourism and use of the Delta, including other areas not in the immediate vicinity of the project.

Cumulative Effects of Project

Seven (7) commenters requested that the EIS/EIR address the potential cumulative effects of implementing the Franks Tract Project in combination with other Delta actions. Reference to other ongoing actions in the Sacramento–San Joaquin River basins suggested the need to consider other actions as part of Delta hydrodynamic studies using the CALSIM II computer model. Specific reference was made to the Delta Vision planning process, two-gate project, South Delta Improvements Program, Bay Delta Conservation Plan, and the CCWD Alternative Intake Project.

Other Comment Topics

Other comment topics brought up less frequently than those above but that will still be considered in preparing the EIS/EIR are as follows:

Air Quality

- Include information on greenhouse gas emissions in accordance with Assembly Bill 32.
- Address project effects on short-term and long-term air quality.

Public Health and Safety

- Evaluate future sea level rise in consideration of future project operations.

- Evaluate the hazard of multiple levees failing from seismic activity.

Traffic and Transportation

- Address the effects of the project on local roadways, the state highway system, and operations of the SR 160 drawbridge.
- Evaluate the potential effects of construction activities and equipment passage on local levees and roadways.
- Evaluate the risk of increased debris and flotsam in the vicinity of the gate facilities.

Aquatic Resources

- Evaluate potential changes in biotic conditions and population, including aquatic species, resulting from gate installation.

Cultural Resources

- Address the potential impact on unknown submerged cultural resources that may be present in local waterways and the project vicinity.

4.2 RESOLUTION OF COMMENTS

4.2.1 TOPICS THAT WILL NOT BE ADDRESSED IN THE EIS/EIR

A wide range of opinions and topics was raised during the comment period by interested stakeholders. Many of these opinions were expressions regarding the merits of the project; commentary on the state of the Delta; or simply questions to help individuals achieve a better understanding of the project, its components, and its operations.

These opinions and other topics raised did not pertain to, or contribute to, the format, content, or structure of the EIS/EIR. They were not classified, therefore, as comments for consideration in this scoping report. These opinions and other topics are presented in Appendix F of this report for a complete documentation of the scoping process but are not considered further in this analysis of comments. Specific topics not being addressed in the EIS/EIR include project funding and effects of other actions on the Delta.

PROJECT FUNDING AND COST

A detailed economic analysis of the project will be performed as part of a Federal feasibility report that is being prepared by Reclamation; however, project funding and cost will not be specifically evaluated in the EIS/EIR. Project funding and cost are not factors used to determine whether an action has a significant impact on the environment, and they are not weighed in comparison with environmental

impacts of alternative actions in an environmental document. Project funding and cost, however, are considered with respect to evaluating the practicability of alternatives during alternatives evaluation.

Effects of Other Delta Actions

The EIS/EIR will not speculate about impacts of other Delta actions that are not currently known or are otherwise unavailable. To the degree practicable without undue speculation, the EIS/EIR will address the cumulative effect and relation of the Franks Tract Project with other Delta actions that are considered to be "probable" or "reasonably foreseeable," but the Franks Tract Project EIS/EIR will not substitute as a separate environmental document evaluating the merits or environmental effects of these other Delta actions.

4.2.2 Major Topics That Will Be Addressed in the EIS/EIR

On the basis of preliminary consideration of the Proposed Action as described in the NOP and NOI, and taking into account the public and agency input received during the scoping process, DWR and Reclamation have determined that the following major topics will be addressed in the draft EIS/EIR, as well as other required topics in compliance with NEPA and CEQA.

Alternatives Considered

The EIS/EIR will identify and address a reasonable range of alternatives. A separate alternatives analysis addressing the full range of alternatives to the Franks Tract Project is being prepared and will be included as an appendix to the EIS/EIR. This analysis will document all the alternatives considered to date and will provide the basis on which they were forwarded for continued analysis in the EIS/EIR or were eliminated from further consideration. In addition, Reclamation is conducting a separate evaluation of alternatives in the Franks Tract Project Initial Alternatives Investigation Report. This document will be referenced, where applicable, in the EIS/EIR to document the consideration of a range of reasonable alternatives.

Purpose and Need

The purpose of and need for the project will be addressed in the EIS/EIR. A specific section will be dedicated to this subject and will provide the basis for considering and implementing the Proposed Action alternatives.

Relation of Project to Other Delta Actions

The EIS/EIR will address the relation of the Franks Tract Project with other Delta actions to the degree that they are known and can be evaluated without speculation. In some cases, because of the lack of

available information, this analysis will be limited to a qualitative assessment. This EIS/EIR will not substitute as a separate environmental impact assessment of these other actions. It will, however, provide the reader with an understanding of the relation and interaction of the Franks Tract Project with other existing, ongoing, probable, and reasonably foreseeable Delta actions.

Navigation

The EIS/EIR will address the potential impacts on navigation during project construction and operation of the proposed gate structure. An evaluation of potential impacts would include boat passage; navigation delays; and accessibility of different vessel types, including recreational, commercial, and emergency response vessels. The EIS/EIR will also evaluate the changes in boating circulation as a result of implementing the Proposed Action. Potential hazards, obstructions, and impacts on safety for different types of vessel operators also will be evaluated.

Recreation

The EIS/EIR will evaluate the potential impacts on recreation and recreation facilities in the vicinity of the Proposed Action, including Brannan Island SRA. The evaluation will include temporary and permanent impacts on recreational boater access to Delta waterways, marinas, and boat launch facilities and the effects on camping and day-use facilities. The potential for hazardous conditions during peak recreational boating use periods in the vicinity of the gate location will also be evaluated.

Delta Hydrodynamics

The EIS/EIR will address changes to Delta hydrodynamic conditions resulting from operating the Franks Tract Project operable gate. This analysis will include assessing changes to Delta flows, circulation, water surface elevation, and other factors considered in computer models.

Water Quality and Water Levels at Other Delta Intakes

Salinity changes at select locations, including existing major water supply intakes, will be evaluated in the EIS/EIR. Based on computer modeling, salinity changes, as expressed by electrical conductivity, will be evaluated to determine whether implementing the Franks Tract Project would degrade water quality for various beneficial uses. In addition, changes in water surface elevations and their effects on local agricultural water diversions will be evaluated.

Fish Resources

The effect of the Franks Tract Project on Delta fish resources, including fish migration and movement, habitat conditions, effects of water quality and Delta hydrodynamics on fish distribution, and life history

requirements will be evaluated in the EIS/EIR. Noise impacts on fish and/or marine mammals from construction activities in the water also will be evaluated.

Socioeconomic Effects

In addition to assessing the potential socioeconomic effect of project construction on local economies, the EIS/EIR will address the potential effects of operating the Franks Tract Project alternatives on local users and the associated effect on local businesses. To the degree that changes in future boater use and use patterns can be estimated, associated changes to local marina operations and other water-related businesses also will be assessed.

Cumulative Effects of Project

The cumulative effect of operating the Franks Tract Project in combination with other past, present, and reasonably foreseeable future project will be evaluated. To the degree that these other Delta actions are considered in available computer models, or can be assessed using post-processing techniques, they will be evaluated to determine their cumulative effect. Where they cannot be quantitatively assessed, the cumulative effect will be qualitatively addressed to the degree practicable.