



United States Department of the Interior
BUREAU OF LAND MANAGEMENT
Bakersfield Field Office
3801 Pegasus Drive
Bakersfield, California 93308-6873
www.ca.blm.gov/bakersfield



1795(P)
CAC06000

October 24, 2014

To: U.S. Department of the Interior, Bureau of Reclamation
Melissa Harris, Project Manager

From: Field Manager,
BLM, Bakersfield Field Office

Subject: Bureau of Land Management (BLM) comments on the Upper San Joaquin River
Basin Storage Investigation Draft EIS

The Bureau of Land Management (BLM) appreciates the opportunity to review and provide comment regarding the Upper San Joaquin River Basin Storage Investigation Draft EIS. The BLM Bakersfield Field Office has been an active cooperating agency for this investigation, has provided information and comments during the development of the Draft EIS, and now offers the attached comments.

If you have any questions, please contact Steve Larson, Assistant Field Manager for Resources at the above address or by phone at 661-391-6099.

Sincerely,

/s/ *Gabriel Garcia*
Gabriel Garcia
Bakersfield Field Manager
Bureau of Land Management

Chapter 2, Alternatives

- 1) The estimated increase in recreation visitor-days for the Action Alternatives presented in the DEIS Table 2-14 is inaccurate.**

Page 2-103 notes that the Temperance Flat RN 274 Reservoir could support recreation, particularly boating activities and bases the increase in recreation visitor-days solely on potential (flat-water) boating activity. There is no attempt to quantify land-based recreation activity increases or to consider the loss in recreation visitor-days for current recreation activities that would no longer be available (e.g., whitewater boating, caving, bouldering, rock climbing) or limited (e.g., trail use in Madera County).

Chapter 9, Cultural Resources

- 1) Relying on the cultural resources record search without conducting a full-coverage cultural resources survey across the primary study area as required under Section 106 of the NHPA is inadequate as a basis for analysis of impacts to archaeological and historic-era resources.**

The survey data and studies included in the record search are generally outdated and may not have been completed to modern-day standards. These surveys focused on prehistoric residential settlements and bedrock milling localities and are not representative of the archaeological record. Additionally, without field verification the current condition of any sites cannot be assessed. Finally, the sensitivity analysis model has not been tested against current field inventory or sampling surveys and ethnographic studies for accuracy; therefore, the predictions from this modelling are likely to underestimate the number of cultural resources existing on the landscape affected by the action alternatives.

- 2) BLM, Bakersfield Field Office requests to be included as a consulting party for compliance with the NHPA, Section 106.**

The BLM cannot defer NHPA responsibilities without consulting with SHPO which requires the development of a Programmatic Agreement between the BLM, SHPO, the BOR, and other interested parties.

Chapter 10, Environmental Justice

- 1) Mitigation Measure ENJ-1 does not adequately address the loss of a living landscape as used by indigenous groups who still congregate, gather, recreate, and ceremonially use public lands owned/ managed by the BLM.**

The draft EIS fails to identify unknown resources of importance to such American Indian populations through new inventory and continued communication, which will result in an underestimation of the impacts and insufficient mitigated measures under ENJ-1 which only seeks to reduce impacts during construction. As some places will be lost entirely, it would be more appropriate to ensure that lost plant communities and other resource types be mitigated through off-site mitigation measures to replace the loss of traditional materials. Mitigation efforts only address loss of archaeological materials and values and do not address the loss of these resources and values from the perspective of American Indians.

2) The EIS does not adequately address concerns by American Indian groups and individuals who expressed a loss in access of a traditional landscape, ceremonial places, gathering places and other pertinent resources

The values of American Indians seem to take a back seat to the archaeological resources and scientific values which seem to have been given greater consideration regarding proposed mitigation. This is not in line with current DOI/ BLM policy. Concerns raised by tribal entities do not seem to be addressed as no mitigation is proposed under the Environmental Justice Chapter.

3) The collection of Native American Background Research was last documented in 2007 as part of a larger project with additional alternatives.

Did the BOR re-initiate communication regarding Native American Background Research after other locations have been eliminated? Asking the Indian communities to divulge all of their cultural sensitivities and values for a large area is not feasible and not necessary. The background information provided by the Indians is not complete until the BOR communicates with the appropriate entities about the specific project and not a larger region.

Chapter 17, Land Use and Agriculture

1) The DEIS is lacking accurate information about existing public land grazing administered by the BLM in the Primary Study Area and this information was not considered in the environmental analysis.

Page 17- 4 should be modified as follows:

use 4,000 acres in six grazing allotments and could use up to 1,200 animal-unit months of public land forage annually during various seasons of use (Doran 2013).

~~Cattle are grazed on lands in the Temperance Flat Reservoir Area. Approximately 4,000 acres in the northwestern portion of the Temperance Flat Reservoir Area are currently grazed at Kennedy Table during winter.~~ In addition, Reclamation owns several grazing parcels in the

general vicinity of Kennedy Table, two of which are currently leased to PG&E and the rest, although not currently leased, remain available for future grazing (see the Agricultural Resources and Grazing Lands section below for further discussion).

Page 17-10 should be modified as follows:

highest individual commodity. Cattle accounted for \$352 million and \$4.5 million of the total gross valuation of agricultural commodities in Fresno and Madera counties, respectively (Fresno County 2011; Madera County 2011). (see Chapter 23, "Socioeconomics," for a detailed discussion of the prominent business and industry types in the primary study area).

There are no active grazing lands within the area of project features or the Millerton Lake below RM 274. The land managed by BLM in the San Joaquin River Gorge within the primary study area is leased to local property owners for cattle grazing. Four BLM grazing lessees use 4,000 acres in six grazing allotments and could use up to 1,200 animal-unit months of public land forage annually during various seasons of use (Doran 2013). BLM grazing lessees pay grazing fees to BLM for the use of this land. BLM returns 50% of these fees to the State which returns it to the county where it was collected. In addition, BLM grazing lessees pay possessory interest taxes to the counties for their private interest on publicly held property. Approximately 4,000 acres in the northwestern portion of the Temperance Flat Reservoir Area are currently grazed at Kennedy Table during winter. In addition, Reclamation owns several parcels in the general vicinity of Kennedy Table, two of which are currently leased to PG&E; the rest, although not currently leased, remain available for future grazing. One of the currently leased grazed parcels is on rugged terrain on the north side of the San Joaquin River (Reclamation and State Parks 2010).

Grazing at Big Table Mountain was reestablished in 2000 on the experimental portion of the Big Table Mountain as part of an ongoing CDFW grazing study (Reclamation and State Parks 2010).

The grazing season on lands managed by Reclamation and State Parks in the primary study area is from October 15 to May 31. The carrying capacity of the grazing property is approximately 200 animal units or cow/calf pairs per grazing season, which is equivalent to 1,500 animal unit-months. If sufficient dry forage is available, grazing may also take place between June 1 and October 15, but at the much lower carrying capacity (Reclamation and State Parks 2010).

2) The DEIS does not adequately consider the potential conflicts with the goals and objectives for managing the BLM-administered lands in the Primary Study Area as presented in the Bakersfield Proposed Resource Management Plan.

Page 17-29 only addresses the Wild and Scenic River suitability determination for Segment 1 of the San Joaquin River. There are other conflicts between the action alternatives and the goals and objectives in the Bakersfield Proposed Resource Management Plan including eliminating certain recreation opportunities at the San Joaquin River Gorge SRMA, removal of trees and

vegetation – especially riparian communities and oak woodlands that have been identified as priority plant communities and habitats, eliminating livestock grazing, inundating a significant cave feature, etc. Include a list acknowledging these conflicts in this section with a reference to the chapters where they are discussed in detail.

3) The DEIS does not adequately consider potential mitigation measures for the conversion of forest land.

Approximately 5,110 acres of forestland would be cleared under any action alternative as described in Impact LUP-4 (pages 17-31 – 17-32). This impact would be potentially significant. The conclusion that “no feasible avoidance or minimization measures are available” is in error. While no “on-site” mitigation may be available, off-site mitigation in the form of conservation easements or other management by federal, state, or non-profit entities is a viable option that should be considered.

Chapter 22, Recreation

1) The DEIS does not consider a reasonable range of alternatives to provide continued access to Madera County from the recreation facilities in the SJRG SRMA and solely proposes a water taxi to replace the current bridge.

Without additional information about its operation, the replacement of the trail bridge over the San Joaquin River by a water taxi is not a viable mitigation (p. 22-45). The ability of a water taxi to accommodate the trail users is questionable and not adequately explained in the DEIS. Trail use can be sporadic and occur at all times of the day including early mornings and late into the evenings. While the DEIS acknowledges the reduction in trail users flexibility for access to trails, it does not analyze the potential impacts from conflicts between trail users by concentrating trail use to the hour of operation of the water taxi.

2) The conclusion in the DEIS that recreationists displaced by loss of recreation opportunities or experiences resulting from inundation of the San Joaquin River would be able to relocate their activities to another river is in error.

There are no similar locations for bouldering, climbing, caving, kayaking, equestrian trail use, or gold panning in the local area.

3) The DEIS does not adequately address the reduction or elimination of recreation opportunities for trail use due to the inundation of the San Joaquin River Bridge effectively cutting off the majority of the trail system at the SJRG SRMA.

The replacement of the bridge with a water taxi would likely concentrate use on trails to the hours of operation of the water taxi. Concentrating use on trails could also lead to decreased

visitor satisfaction due to trail crowding and loss of primitive experience. Most trail users are attracted to the Gorge because they can get away from people and experience solitude and a backcountry experience in an easily accessible frontcountry location. BLM's 2014 Visitor Satisfaction Survey showed a 98% satisfaction rating from our visitors for our facilities, services, trails and recreational opportunities. Most visitors expressed pleasure at the solitude they experienced on the trails, and gave this as a primary reason to return.

4) The DEIS does not consider alternatives to complete vegetation removal within the inundated area.

It is not necessary to remove all vegetation from the full pool level at 985 feet (1260TAF level) if most action alternatives intend for pool level to be drawn down to around 100-200TAF. This will leave a large "bathtub ring" of bare soil that will be prone to invasive species from the "wet-dry" cycle. Most tree species can tolerate some short-term inundation. Instead, remove vegetation from only the 100TAF or 200TAF level, depending upon which alternative is selected, if a safety concern for boating. Annual vegetation management costs should be factored in to overall project costs to manage invasive species and prevent further spread.

Large bare soil of "bathtub ring" will be a major impact on recreational values, particularly on the eligible wild/scenic river corridor in the SJR Gorge SRMA because it destroys the wild primitive character of the landscape and leaves a large manmade scar. This is a major visual impact for only an average of 200TAF of storage. This is in direct conflict with the BLM Bakersfield Resource Management Plan Visual Management Objectives.

5) The DEIS does not adequately address the loss of access to 11.5 miles of trails in Madera County for equestrian users due to the water taxi.

Loss of access to these trails will likely cause undue hardship and significant loss of opportunity to this user group. No alternative trails are proposed to replace the loss in Madera County. The BLM suggests providing trail access from Millerton Lake to the Wuh-ki'o trail by rerouting an existing informal trail above the maximum pool elevation to compensate for this loss of access.

6) The proposed site for relocating the BLM recreation facilities appears to be directly under the 115kV transmission line on Figure ES-7.

The BLM believes this proposed site is unacceptable and Recreation sites should be relocated away from the large transmission lines wherever possible. The BLM requests Reclamation to coordinate with BLM when relocating the existing recreational facilities to find an environmentally sustainable and suitable site that maximizes recreational opportunity and provides for maximum visitor satisfaction.

BLM visitor center was built decades ago and has asbestos in the drywall and ceilings and in the siding which is currently protected from the elements by a metal siding overlay. If project is

built, this building would need to be removed and lead and asbestos abatement measures are necessary. These costs should be factored into the up-front project cost.

The DEIS does not mention the recognized environmental site condition at the Kerckhoff powerhouse area at the SJRG SRMA (includes the BLM visitor center area). This site contains historic dumps and possible hazardous materials. Reclamation is the lead agency for this site, BLM is a cooperating agency and PGE is the responsible party. This site would be inundated by the proposed project and remediation costs should be factored into the overall project costs. The potential impacts of inundating this site on the environment, aquatic species and humans are not analyzed in this DEIS.

7) The DEIS does not adequately describe the replacement recreation facilities or the cost of construction, operations, and maintenance of these facilities.

Facilities will need a different design focus to provide for a new recreational user, such as boaters. Campgrounds and day use areas will need to provide for larger parking areas, turnarounds to accommodate longer vehicle lengths and campgrounds need to have pull-through campsites and larger turning radius on roadway corners to accommodate these longer vehicles. Campgrounds may need more amenities such as RV dump stations and RV hookups to accommodate this change in use. Boat ramps should have ample parking, vehicle/trailer turnaround areas and at least two lanes to launch. In addition, Smalley Road may need some realignment and more safety pullouts to allow for slow-moving vehicles such as those towing boats, to allow faster moving traffic to pass safely. These costs should be factored into the cost of the Project. These costs should be factored into the cost of the Project.

8) The DEIS does not adequately address the ability of the agencies managing recreation facilities to accommodate the increase in recreation anticipated by implementing the project.

Recreation use is increasing at the Gorge, especially for trails and river-based recreation. Visitation will continue to increase as public awareness of the Gorge increases through special events such as Family Fun Days, bike and foot race competitive events, education/interpretation programs and marketing efforts by the BLM. If proposed project is built and the lake fills, we estimate an exponential increase in visitation from 5-10 times the current rate of 40,000 visitors per year to an estimated 200,000+ visitors. The concern is that this increase could happen virtually overnight, as soon as the lake fills and public boating/camping facilities are available. BLM does not have the staffing or budget to handle this increase and Reclamation should provide financial support via interagency agreement to handle this increase.

Chapter 23, Socioeconomics, Populations, and Housing

- 1) The DEIS is lacking accurate information about existing public land grazing administered by the BLM in the Primary Study Area and this information was not considered in the environmental analysis.

Table 23-10 has been incorrectly summarized to exclude Farm Employment from the Industries represented within the counties and thus Page 23-13 should be modified as follows:

Industry Table 23-10 shows the industry composition and growth estimate by section for Fresno and Madera counties and for the State for EDD industry categories. The top five industries in Fresno County are: government, wholesale and retail trade, educational and health services, farms and professional and business services. The top five industries in Madera County are: government, farms, educational and health services, wholesale and retail trade, and manufacturing. The top five industries in both Fresno and Madera counties are the same: government, educational and health services, professional and business services, manufacturing, and wholesale and retail trade. Government represents the largest industry in both Fresno and Madera counties (23.1 percent and 31.3 percent, respectively). Wholesale and retail trade and educational and health services are the second and third largest industries in Fresno County, while farms and professional and business services are the fourth and fifth largest. Whereas in Madera County, farms and educational and health services are the second and third largest industries and wholesale and retail trade and manufacturing are the fourth and fifth largest industries. Wholesale and retail trade and educational and health services are the second and third largest industries in Fresno County, whereas in Madera County, educational and health services is the second largest industry and wholesale retail trade is the third largest industry. Professional and business services and manufacturing are the fourth and fifth industries, respectively, in both counties.

Page 23-14 should be modified as follows:

In both Madera County and the State, the wholesale and retail trade industry is expected to grow by more than 13 percent and 23 percent, respectively, but it is not in the top growth industries of Fresno County. Contrary to the State which shows a 1 percent increase in the Farming industry, both Madera and Fresno counties show a decline of 2 to 3 percent respectively. This is the only industry within the two counties to show a projected decline in growth over the decade.

In Table 23-19 and the headings in the rest of the chapter, the titles of the Impacts for Socioeconomics (SOC-1 through 8 and 10 through 11) should replace the terms “Increases” or “Decreases” with the term “Changes” to account for the consideration of all changes in the analysis. Impact SOC-8 should be re-named, ***“Changes in Property Tax Revenue from Acquisition of Privately Owned Land or Removal of Revenue Generating Public Land Uses”***

Page 23-37, 38 should be modified as follows:

O&M-Related Impacts Direct, indirect, and induced economic impacts resulting from O&M were estimated for each action alternative. It is expected that O&M of the Temperance Flat RM

274 Dam, intake structure, powerhouse, valve house, and permanent access roads would directly result in overall increases in employment and personal income in the six-county area over the project's 100-year lifetime. Direct expenditures for O&M would include the physical part components and other materials required for maintenance of new facilities and labor. Indirect expenditures would consist of spending on goods and services by industries that produce items purchased as part of maintenance activities, and induced expenditures would consist of spending by the households of workers involved either directly or indirectly in maintenance.

Personal income would be directly and indirectly generated/affected through payment of wages to employees required for O&M-related activities and employees in businesses that manufacture part components or otherwise support O&M and removal of income that has been generated from land uses prior to construction and O&M. Induced employment and personal income would be generated/affected by increased changes in household and business spending and would not be limited to O&M-related employment and income.

Table 23-21 shows the O&M-related expenditures, employment, and personal income that would be generated/affected per year under any of the action alternatives over the project's lifetime.

Page 23-57 should be modified as follows:

4,000 acres of BLM administered land would not be available for livestock grazing under the action alternatives. This would reduce the portion the grazing fees collected by BLM which are returned to State and then to the County where they were collected. Furthermore, federal grazing lessees on this land would no longer pay possessory interest taxes to the counties. These county revenues would be lost under all of the action alternatives. More than \$184 million in property tax revenue was generated in Fresno County and about \$31.5 million was generated in Madera County during the 2009–2010 fiscal year (Table 23-11 and Table 23-12).

2) The methodology and assumptions used in the environmental analysis within Chapter 11; Regional Economic Impact Modeling and Chapter 23; Socioeconomics, Populations and Housing are inaccurate and inadequate:

The model assumptions within Chapter 11, Economic Impact Modeling do not include a consideration of the long-term removal of public land grazing operations with O & M of the Temperance Flat RM 274 Reservoir or the indirect loss of income and employment from removing public land grazing opportunities with O&M.

The factor on Page 23-35 which addresses “Expenditures and employment from O&M of the Temperance Flat RM 274 Dam, intake structure, powerhouse, valve house, and permanent access roads” and is used by IMPLAN to estimate the potential economic effects of the alternatives to the regional economy should include the expected decrease in income and employment from removing public land grazing opportunities with O&M.

The results in Table 23-21 should be updated after the newly estimated data is re-run through IMPLAN to account for the loss of jobs and income associated with the loss of public land grazing in the primary study area under the action alternatives.

The analysis of Government and Fiscal Conditions on Page 23-41 needs to also discuss removal of revenue generating public land uses in the form of returned grazing fees and possessory interest taxes.

The analysis of Impact SOC-4 starting on page 23-51 needs to be reconsidered given the modification of job and income estimates that should be made with the updated IMPLAN results considering reduced jobs and income from lost grazing land leases.

Although these changes are not expected to change the significance of the Socioeconomic impacts from any of the action alternatives, a mitigation for the expected impacts would be to consider allowing livestock grazing in the Temperance Flat RM 274 Dam Reservoir area when forage is present below total pool level.

Chapter 26, Visual Resources

1) The description of the visual resource management objectives on page 26-24 is incorrect.

Page 26-24 should be modified as follows:

Additional criteria considered in the analysis include land management standards as described in associated planning documents developed by the Bakersfield BLM ~~regional~~field office. The Bakersfield RMP outlines the visual resource management ~~standards objectives~~ for BLM land in the ~~region~~ field office (BLM 2012). Because the Bakersfield RMP determined the primary study area to have a scenic quality rating of A, ~~and~~ the area is considered to be moderately sensitive, ~~and management of this area is held to a standard of~~ has a baseline inventory of Visual Resource Class ~~###~~III. The Visual Resource Management Objectives for management of the SJRG SRMA consists of Class I – preserves the character of the landscape; Class II – retains the character of the landscape; and Class IV – provides for management activities that require major modification of the landscape character. This designation requires existing management to partially retain existing landscape character. The level of allowable change to the characteristic landscape should be moderate, and management activities may attract attention but should not dominate a casual observer's view. Changes should repeat the basic elements found in the predominant natural features of the characteristic landscape.

Project-related activities in VRM Class I that would result in a greater-than low change to the characteristic landscape or attract attention and in VRM Class II that would result in a greater-than-~~moderate-low~~ change to the character~~istic of the~~ landscape, attract attention ~~and dominate the view~~ of the casual observer, or diverge from the basic elements found in the

predominant natural features of the characteristic landscape would result in inconsistency with BLM resource management objectives.

Chapter 27, Cumulative Effects

1) Cumulative Impacts to cultural resources (Chapter 9) are not adequately addressed as no fieldwork was conducted at this stage.

In order to address cumulative impacts for the potential new reclamation project, discussions with tribes should incorporate the loss felt by the construction of the Millerton Dam project. Did the federal government fulfill obligations during this process and how can any gaps or lapses in the mitigation process be addressed as another round of impacts are proposed to both the traditional values of American Indians who live near and use the area as well as impacts to the archaeological sites.

As noted in Chapter 10 on Environmental Justice, the failure to collect pertinent Native American Background Research that fits the project areas described in the Draft EIS is not adequate to assess impacts and therefore is inadequate to assess the cumulative impacts.