

RESPONSE TO COMMENTS ON THE
DRAFT INITIAL STUDY/NEGATIVE DECLARATION (IS/ND)

MATHER DAM IMPROVEMENT PROJECT

CONTROL NUMBER: PLER2014-00067

The text that follows introduces each Draft IS/ND reviewer and present their comments in either as stated or paraphrased form. Responses to those comments immediately follow. Written comments received in full letter format conclude the Response to Comments.

Comment letters were received from the following individuals and/or agencies:

- Letter 1** Central Valley Flood Protection Board, Andrea Buckley, Acting Environmental Branch Chief. 1400 Tenth Street, Rm 121, Sacramento CA 95814
- Letter 2** Central Valley Regional Water Quality Control Board, Stephanie Tadlock, Environmental Scientist. 11020 Sun Center Drive #200, Rancho Cordova, CA 95670
- Letter 3** Sacramento Municipal Utility District, Rob Ferrera, Environmental Specialist. 6201 S Street, Sacramento CA 95852
- Letter 4** Governor's Office of Planning and Research State Clearinghouse. 1400 Tenth Street, Sacramento, CA 95812

LETTER 1: CENTRAL VALLEY FLOOD PROTECTION BOARD

COMMENT 1.1 (PARAPHRASED):

The proposed project occurs within a regulated stream (Morrison Creek) under the Central Valley Flood Protection Board (CVFPB) jurisdiction and may require a CVFPB permit prior to construction. Other Federal, State and local agency permits (U.S. Army Corps of Engineers Section 10 and 404) may also be required and are the applicant's responsibility to obtain.

RESPONSE 1.1:

Comment noted and forwarded to Sacramento County Department of Water Resources (SacDWR) for consideration. The Initial Study (pg.IS-14) provides a discussion of CVFPB jurisdiction over Morrison Creek.

LETTER 2: CENTRAL VALLEY REGIONAL WATER QUALITY CONTROL BOARD

COMMENT 2.1 (PARAPHRASED):

Our agency is delegated with the responsibility of protecting the quality of surface and groundwaters of the state; therefore, our comments will address concerns surrounding those issues – Construction Storm Water General Permit, Phase I and II Municipal Separate Storm Sewer System (MS4) Permits, Industrial Storm Water General Permit, Clean Water Act Section 404 Permit, Clean Water Act Section 401 Permit Water Quality Certification, Waste Discharge Requirements, Regulatory Compliance for Commercially Irrigated Agriculture and Low or Limited Threat General NPDES Permit.

RESPONSE 2.1:

Comment noted and forwarded to SacDWR for consideration.

LETTER 3: SACRAMENTO MUNICIPAL UTILITY DISTRICT

COMMENT 3.1 (PARAPHRASED):

As a Responsible Agency, SMUD aims to ensure that the proposed project limits the potential for significant environmental effects on SMUD facilities, employees, and customers. SMUD has overhead distribution lines in the project area that would likely need to be relocated for construction to accommodate the Project. SMUD assumes any impact associated with relocating our lines to accommodate this Project is addressed in your Negative Declaration. Please contact SMUD to facilitate the relocation of our facilities.

RESPONSE 3.1:

Comment noted and forwarded to SacDWR for consideration. Relocation of the utility lines in the project area is not proposed.

LETTER 4: GOVERNOR'S OFFICE OF PLANNING AND RESEARCH STATE
CLEARINGHOUSE

COMMENT 4.1 (PARAPHRASED):

The State Clearinghouse submitted the above named Negative Declaration to selected state agencies for review. The review period closed on September 22, 2016. This letter acknowledges that you have complied with the State Clearinghouse review requirements for draft environmental documents, pursuant to the California Environmental Quality Act.

RESPONSE 4.1:

Comment noted and forwarded to SacDWR.

ATTACHMENTS

COMMENT LETTERS IN FULL LETTER FORMAT

CENTRAL VALLEY FLOOD PROTECTION BOARD

3310 El Camino Ave., Ste, 170
SACRAMENTO, CA 95821
(916) 574-0609 FAX: (916) 574-0682

RECEIVED



September 9, 2016

SEP 16 2016

Ms. Catherine Hack
Sacramento County
827 Seventh Street, Room 225
Sacramento, California 95814

County Of Sacramento
Department of Community Development
Planning and Environmental Review Division

Subject: CEQA Comments: Mather Dam Improvements Project, Negative Declaration,
SCH Number: 2016082063

Location: Sacramento County

Dear Ms. Hack,

Central Valley Flood Protection Board (Board) staff has reviewed the subject document and provides the following comments:

The proposed project is within Morrison Creek, a regulated stream under Board jurisdiction, and may require a Board permit prior to construction.

The Board's jurisdiction covers the entire Central Valley including all tributaries and distributaries of the Sacramento and San Joaquin Rivers, and the Tulare and Buena Vista basins south of the San Joaquin River.

Under authorities granted by California Water Code and Public Resources Code statutes, the Board enforces its Title 23, California Code of Regulations (Title 23) for the construction, maintenance, and protection of adopted plans of flood control, including the federal-State facilities of the State Plan of Flood Control, regulated streams, and designated floodways.

Pursuant to Title 23, Section 6 a Board permit is required prior to working within the Board's jurisdiction for the placement, construction, reconstruction, removal, or abandonment of any landscaping, culvert, bridge, conduit, fence, projection, fill, embankment, building, structure, obstruction, encroachment, excavation, the planting, or removal of vegetation, and any repair or maintenance that involves cutting into the levee.

Permits may also be required to bring existing works that predate permitting into compliance with Title 23, or where it is necessary to establish the conditions normally imposed by permitting. The circumstances include those where responsibility for the works has not been clearly established or ownership and use have been revised.

Other federal (including U.S. Army Corps of Engineers Section 10 and 404 regulatory permits), State and local agency permits may be required and are the applicant's responsibility to obtain.

Board permit applications and Title 23 regulations are available on our website at <http://www.cvfpb.ca.gov/>. Maps of the Board's jurisdiction are also available from the California Department of Water Resources website at <http://gis.bam.water.ca.gov/bam/>.

Ms. Catherine Hack
September 9, 2016
Page 2 of 2

Please contact me at (916) 574-0651, or via email at james.herota@water.ca.gov if you have any questions.

Sincerely,



Andrea Buckley
Acting Environmental Branch Chief
Environmental Services and Land Management Branch

cc: Governor's Office of Planning and Research
State Clearinghouse
1400 Tenth Street, Room 121
Sacramento, California 95814

Central Valley Regional Water Quality Control Board

15 September 2016

Catherine Hack
Sacramento County
827 7th Street, Room 225
Sacramento, CA 95814

CERTIFIED MAIL
91 7199 9991 7035 8362 8912

COMMENTS TO REQUEST FOR REVIEW FOR THE NEGATIVE DECLARATION, MATHER DAM IMPROVEMENTS PROJECT, SCH# 2016082063, SACRAMENTO COUNTY

Pursuant to the State Clearinghouse's 25 August 2016 request, the Central Valley Regional Water Quality Control Board (Central Valley Water Board) has reviewed the *Request for Review for the Negative Declaration* for the Mather Dam Improvements Project, located in Sacramento County.

Our agency is delegated with the responsibility of protecting the quality of surface and groundwaters of the state; therefore our comments will address concerns surrounding those issues.

I. Regulatory Setting

Basin Plan

The Central Valley Water Board is required to formulate and adopt Basin Plans for all areas within the Central Valley region under Section 13240 of the Porter-Cologne Water Quality Control Act. Each Basin Plan must contain water quality objectives to ensure the reasonable protection of beneficial uses, as well as a program of implementation for achieving water quality objectives with the Basin Plans. Federal regulations require each state to adopt water quality standards to protect the public health or welfare, enhance the quality of water and serve the purposes of the Clean Water Act. In California, the beneficial uses, water quality objectives, and the Antidegradation Policy are the State's water quality standards. Water quality standards are also contained in the National Toxics Rule, 40 CFR Section 131.36, and the California Toxics Rule, 40 CFR Section 131.38.

The Basin Plan is subject to modification as necessary, considering applicable laws, policies, technologies, water quality conditions and priorities. The original Basin Plans were adopted in 1975, and have been updated and revised periodically as required, using Basin Plan amendments. Once the Central Valley Water Board has adopted a Basin Plan amendment in noticed public hearings, it must be approved by the State Water Resources Control Board (State Water Board), Office of Administrative Law (OAL) and in some cases, the United States Environmental Protection Agency (USEPA). Basin Plan amendments

only become effective after they have been approved by the OAL and in some cases, the USEPA. Every three (3) years, a review of the Basin Plan is completed that assesses the appropriateness of existing standards and evaluates and prioritizes Basin Planning issues.

For more information on the *Water Quality Control Plan for the Sacramento and San Joaquin River Basins*, please visit our website:

http://www.waterboards.ca.gov/centralvalley/water_issues/basin_plans/.

Antidegradation Considerations

All wastewater discharges must comply with the Antidegradation Policy (State Water Board Resolution 68-16) and the Antidegradation Implementation Policy contained in the Basin Plan. The Antidegradation Policy is available on page IV-15.01 at:

http://www.waterboards.ca.gov/centralvalleywater_issues/basin_plans/sacsjr.pdf

In part it states:

Any discharge of waste to high quality waters must apply best practicable treatment or control not only to prevent a condition of pollution or nuisance from occurring, but also to maintain the highest water quality possible consistent with the maximum benefit to the people of the State.

This information must be presented as an analysis of the impacts and potential impacts of the discharge on water quality, as measured by background concentrations and applicable water quality objectives.

The antidegradation analysis is a mandatory element in the National Pollutant Discharge Elimination System and land discharge Waste Discharge Requirements (WDRs) permitting processes. The environmental review document should evaluate potential impacts to both surface and groundwater quality.

II. Permitting Requirements

Construction Storm Water General Permit

Dischargers whose project disturb one or more acres of soil or where projects disturb less than one acre but are part of a larger common plan of development that in total disturbs one or more acres, are required to obtain coverage under the General Permit for Storm Water Discharges Associated with Construction Activities (Construction General Permit), Construction General Permit Order No. 2009-009-DWQ. Construction activity subject to this permit includes clearing, grading, grubbing, disturbances to the ground, such as stockpiling, or excavation, but does not include regular maintenance activities performed to restore the original line, grade, or capacity of the facility. The Construction General Permit requires the development and implementation of a Storm Water Pollution Prevention Plan (SWPPP).

For more information on the Construction General Permit, visit the State Water Resources Control Board website at:

http://www.waterboards.ca.gov/water_issues/programs/stormwater/constpermits.shtml.

Phase I and II Municipal Separate Storm Sewer System (MS4) Permits¹

The Phase I and II MS4 permits require the Permittees reduce pollutants and runoff flows from new development and redevelopment using Best Management Practices (BMPs) to the maximum extent practicable (MEP). MS4 Permittees have their own development standards, also known as Low Impact Development (LID)/post-construction standards that include a hydromodification component. The MS4 permits also require specific design concepts for LID/post-construction BMPs in the early stages of a project during the entitlement and CEQA process and the development plan review process.

For more information on which Phase I MS4 Permit this project applies to, visit the Central Valley Water Board website at:

http://www.waterboards.ca.gov/centralvalley/water_issues/storm_water/municipal_permits/.

For more information on the Phase II MS4 permit and who it applies to, visit the State Water Resources Control Board at:

http://www.waterboards.ca.gov/water_issues/programs/stormwater/phase_ii_municipal.shtml

Industrial Storm Water General Permit

Storm water discharges associated with industrial sites must comply with the regulations contained in the Industrial Storm Water General Permit Order No. 2014-0057-DWQ.

For more information on the Industrial Storm Water General Permit, visit the Central Valley Water Board website at:

http://www.waterboards.ca.gov/centralvalley/water_issues/storm_water/industrial_general_permits/index.shtml.

Clean Water Act Section 404 Permit

If the project will involve the discharge of dredged or fill material in navigable waters or wetlands, a permit pursuant to Section 404 of the Clean Water Act may be needed from the United States Army Corps of Engineers (USACOE). If a Section 404 permit is required by the USACOE, the Central Valley Water Board will review the permit application to ensure that discharge will not violate water quality standards. If the project requires surface water drainage realignment, the applicant is advised to contact the Department of Fish and Game for information on Streambed Alteration Permit requirements.

¹ Municipal Permits = The Phase I Municipal Separate Storm Water System (MS4) Permit covers medium sized Municipalities (serving between 100,000 and 250,000 people) and large sized municipalities (serving over 250,000 people). The Phase II MS4 provides coverage for small municipalities, including non-traditional Small MS4s, which include military bases, public campuses, prisons and hospitals.

If you have any questions regarding the Clean Water Act Section 404 permits, please contact the Regulatory Division of the Sacramento District of USACOE at (916) 557-5250.

Clean Water Act Section 401 Permit – Water Quality Certification

If an USACOE permit (e.g., Non-Reporting Nationwide Permit, Nationwide Permit, Letter of Permission, Individual Permit, Regional General Permit, Programmatic General Permit), or any other federal permit (e.g., Section 10 of the Rivers and Harbors Act or Section 9 from the United States Coast Guard), is required for this project due to the disturbance of waters of the United States (such as streams and wetlands), then a Water Quality Certification must be obtained from the Central Valley Water Board prior to initiation of project activities. There are no waivers for 401 Water Quality Certifications.

Waste Discharge Requirements – Discharges to Waters of the State

If USACOE determines that only non-jurisdictional waters of the State (i.e., “non-federal” waters of the State) are present in the proposed project area, the proposed project may require a Waste Discharge Requirement (WDR) permit to be issued by Central Valley Water Board. Under the California Porter-Cologne Water Quality Control Act, discharges to all waters of the State, including all wetlands and other waters of the State including, but not limited to, isolated wetlands, are subject to State regulation.

For more information on the Water Quality Certification and WDR processes, visit the Central Valley Water Board website at:

http://www.waterboards.ca.gov/centralvalley/help/business_help/permit2.shtml.

Dewatering Permit

If the proposed project includes construction or groundwater dewatering to be discharged to land, the proponent may apply for coverage under State Water Board General Water Quality Order (Low Risk General Order) 2003-0003 or the Central Valley Water Board’s Waiver of Report of Waste Discharge and Waste Discharge Requirements (Low Risk Waiver) R5-2013-0145. Small temporary construction dewatering projects are projects that discharge groundwater to land from excavation activities or dewatering of underground utility vaults. Dischargers seeking coverage under the General Order or Waiver must file a Notice of Intent with the Central Valley Water Board prior to beginning discharge.

For more information regarding the Low Risk General Order and the application process, visit the Central Valley Water Board website at:

http://www.waterboards.ca.gov/board_decisions/adopted_orders/water_quality/2003/wqo/wqo2003-0003.pdf

For more information regarding the Low Risk Waiver and the application process, visit the Central Valley Water Board website at:

http://www.waterboards.ca.gov/centralvalley/board_decisions/adopted_orders/waivers/r5-2013-0145_res.pdf

Regulatory Compliance for Commercially Irrigated Agriculture

If the property will be used for commercial irrigated agricultural, the discharger will be required to obtain regulatory coverage under the Irrigated Lands Regulatory Program. There are two options to comply:

1. **Obtain Coverage Under a Coalition Group.** Join the local Coalition Group that supports land owners with the implementation of the Irrigated Lands Regulatory Program. The Coalition Group conducts water quality monitoring and reporting to the Central Valley Water Board on behalf of its growers. The Coalition Groups charge an annual membership fee, which varies by Coalition Group. To find the Coalition Group in your area, visit the Central Valley Water Board's website at: http://www.waterboards.ca.gov/centralvalley/water_issues/irrigated_lands/app_approval/index.shtml; or contact water board staff at (916) 464-4611 or via email at IrrLands@waterboards.ca.gov.
2. **Obtain Coverage Under the General Waste Discharge Requirements for Individual Growers, General Order R5-2013-0100.** Dischargers not participating in a third-party group (Coalition) are regulated individually. Depending on the specific site conditions, growers may be required to monitor runoff from their property, install monitoring wells, and submit a notice of intent, farm plan, and other action plans regarding their actions to comply with their General Order. Yearly costs would include State administrative fees (for example, annual fees for farm sizes from 10-100 acres are currently \$1,084 + \$6.70/Acre); the cost to prepare annual monitoring reports; and water quality monitoring costs. To enroll as an Individual Discharger under the Irrigated Lands Regulatory Program, call the Central Valley Water Board phone line at (916) 464-4611 or e-mail board staff at IrrLands@waterboards.ca.gov.

Low or Limited Threat General NPDES Permit

If the proposed project includes construction dewatering and it is necessary to discharge the groundwater to waters of the United States, the proposed project will require coverage under a National Pollutant Discharge Elimination System (NPDES) permit. Dewatering discharges are typically considered a low or limited threat to water quality and may be covered under the General Order for *Dewatering and Other Low Threat Discharges to Surface Waters* (Low Threat General Order) or the General Order for *Limited Threat Discharges of Treated/Untreated Groundwater from Cleanup Sites, Wastewater from Superchlorination Projects, and Other Limited Threat Wastewaters to Surface Water* (Limited Threat General Order). A complete application must be submitted to the Central Valley Water Board to obtain coverage under these General NPDES permits.

For more information regarding the Low Threat General Order and the application process, visit the Central Valley Water Board website at:

http://www.waterboards.ca.gov/centralvalley/board_decisions/adopted_orders/general_orders/r5-2013-0074.pdf

For more information regarding the Limited Threat General Order and the application process, visit the Central Valley Water Board website at:
http://www.waterboards.ca.gov/centralvalley/board_decisions/adopted_orders/general_orders/r5-2013-0073.pdf

NPDES Permit

If the proposed project discharges waste that could affect the quality of the waters of the State, other than into a community sewer system, the proposed project will require coverage under a National Pollutant Discharge Elimination System (NPDES) permit. A complete Report of Waste Discharge must be submitted with the Central Valley Water Board to obtain a NPDES Permit.

For more information regarding the NPDES Permit and the application process, visit the Central Valley Water Board website at:
http://www.waterboards.ca.gov/centralvalley/help/business_help/permit3.shtml

If you have questions regarding these comments, please contact me at (916) 464-4644 or Stephanie.Tadlock@waterboards.ca.gov.



Stephanie Tadlock
Environmental Scientist

cc: State Clearinghouse unit, Governor's Office of Planning and Research, Sacramento



September 22, 2016

Catherine Hack
Sacramento County
827 Seventh Street, Room 225
Sacramento, CA 95814

Subject: Negative Declaration, Mather Dam Improvements Project

Dear Ms. Hack,

The Sacramento Municipal Utility District (SMUD) appreciates the opportunity to provide comments on the Negative Declaration for the Mather Dam Improvements Project. SMUD is the primary energy provider for Sacramento County and the proposed project area. SMUD's vision is to empower our customers with solutions and options that increase energy efficiency, protect the environment, reduce global warming, and lower the cost to serve our region. As a Responsible Agency, SMUD aims to ensure that the proposed project limits the potential for significant environmental effects on SMUD facilities, employees, and customers.

SMUD has overhead distribution lines in the project area that would likely need to be relocated for construction to accommodate the Project. SMUD assumes any impact associated with relocating our lines to accommodate this Project is addressed in your Negative Declaration. Further, please contact SMUD through the Local Agency ABC process, outlined on our website - <https://www.smud.org/en/business/customer-service/support-and-services/dcs-journey-ABC.htm> - to facilitate the relocation of our facilities.

Environmental leadership is a core value of SMUD and we look forward to collaborating with you on this project. Again, we appreciate the opportunity to provide input on the Mitigated Negative Declaration. If you have any questions regarding this letter, please contact Emily Bacchini, SMUD Environmental Specialist at (916) 732-6334.

Sincerely,

A handwritten signature in black ink, appearing to read "Rob Ferrera", with a long horizontal line extending to the right.

Rob Ferrera
Environmental Specialist
Environmental Management
Workforce and Enterprise Services
Sacramento Municipal Utility District

Cc: Emily Bacchini
Jose Bodipo-Memba
Pat Durham
Joseph Schofield



STATE OF CALIFORNIA

GOVERNOR'S OFFICE of PLANNING AND RESEARCH

STATE CLEARINGHOUSE AND PLANNING UNIT



EDMUND G. BROWN JR.
GOVERNOR

KEN ALEX
DIRECTOR

September 23, 2016

Catherine Hack
Sacramento County
827 Seventh Street, Room 225
Sacramento, CA 95814

Subject: Mather Dam Improvements Project
SCH#: 2016082063

Dear Catherine Hack:

The State Clearinghouse submitted the above named Negative Declaration to selected state agencies for review. On the enclosed Document Details Report please note that the Clearinghouse has listed the state agencies that reviewed your document. The review period closed on September 22, 2016, and the comments from the responding agency (ies) is (are) enclosed. If this comment package is not in order, please notify the State Clearinghouse immediately. Please refer to the project's ten-digit State Clearinghouse number in future correspondence so that we may respond promptly.

Please note that Section 21104(c) of the California Public Resources Code states that:

"A responsible or other public agency shall only make substantive comments regarding those activities involved in a project which are within an area of expertise of the agency or which are required to be carried out or approved by the agency. Those comments shall be supported by specific documentation."

These comments are forwarded for use in preparing your final environmental document. Should you need more information or clarification of the enclosed comments, we recommend that you contact the commenting agency directly.

This letter acknowledges that you have complied with the State Clearinghouse review requirements for draft environmental documents, pursuant to the California Environmental Quality Act. Please contact the State Clearinghouse at (916) 445-0613 if you have any questions regarding the environmental review process.

Sincerely,

Scott Morgan
Director, State Clearinghouse

Enclosures
cc: Resources Agency

**Document Details Report
State Clearinghouse Data Base**

SCH# 2016082063
Project Title Mather Dam Improvements Project
Lead Agency Sacramento County

Type Neg Negative Declaration
Description The project involves the removal and replacement of the existing Mather Dam spillway, installation of a permanent pedestrian/vehicular bridge over the new spillway, repair of the spillway outfall area and re-contouring improvements of Morrison Creek, and reinforcement of the existing earthen embankments of the main dam and the wing dam.

Lead Agency Contact

Name Catherine Hack
Agency Sacramento County
Phone (916) 874-6141 **Fax**
email
Address 827 Seventh Street, Room 225
City Sacramento **State** CA **Zip** 95814

Project Location

County Sacramento
City Rancho Cordova
Region
Lat / Long 38° 33' 22.28" N / 121° 15' 32.71" W
Cross Streets Douglas Rd/Zinfandel Dr
Parcel No. 067-0030-072-000
Township 8N **Range** 6E **Section** 7 **Base** MD

Proximity to:

Highways
Airports
Railways
Waterways Morrison Creek
Schools EGUSD
Land Use Recreation/Special Planning Area/Recreation

Project Issues Air Quality; Archaeologic-Historic; Drainage/Absorption; Flood Plain/Flooding; Recreation/Parks; Toxic/Hazardous; Vegetation; Water Quality; Wetland/Riparian; Wildlife

Reviewing Agencies Resources Agency; Department of Fish and Wildlife, Region 2; Department of Parks and Recreation; Central Valley Flood Protection Board; Department of Water Resources; Office of Emergency Services, California; California Highway Patrol; Caltrans, District 3 S; State Water Resources Control Board, Division of Water Rights; Regional Water Quality Control Bd., Region 5 (Sacramento); Air Resources Board, Transportation Projects; Native American Heritage Commission; State Lands Commission

Date Received 08/24/2016 **Start of Review** 08/24/2016 **End of Review** 09/22/2016