

JOHN GARAMENDI
3RD DISTRICT, CALIFORNIA



UNITED STATES CONGRESS

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2438 RAYBURN HOUSE OFFICE BUILDING
WASHINGTON, DC 20515
PHONE: (202) 225-1880
FAX: (202) 225-5914

DISTRICT OFFICES:

412 G STREET
DAVIS, CA 95616
PHONE: (530) 753-5301
FAX: (530) 753-5614

1261 TRAVIS BOULEVARD, SUITE 130
FAIRFIELD, CA 94533
PHONE: (707) 438-1822
FAX: (707) 438-0523

795 PLUMAS STREET
YUBA CITY, CA 95991
PHONE: (530) 329-8865
FAX: (530) 763-4248

ARMED SERVICES COMMITTEE
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AVIATION SUBCOMMITTEE

U.S Army Corps of Engineers, Sacramento District
Attn: Planning Division
1325 J St
Sacramento, CA 95814

RE: Congressman John Garamendi Comments on Draft Feasibility Report/Environmental Assessment for the Yuba River Ecosystem Restoration Feasibility Study

California's 3rd Congressional District, which I represent, includes almost all of the Yuba River below New Bullards Bar Dam. As the only major river in California without a hatchery, the Yuba is uniquely suited for fisheries restoration efforts, especially for two of California's signature species, salmon and steelhead. Restoring the Yuba is one of my top priorities and must be done to mitigate the damage done by previous decades of irresponsible hydraulic mining in the region.

I applaud the U.S. Army Corps of Engineers' (Corps) effort to continue restoration efforts of the Yuba but I am deeply concerned that the Draft Feasibility Report/Environmental Assessment (FR/EA) does not include a Daguerre Point Dam step pool alternative (step pool).

The Sacramento Valley has been highly altered for flood control and water supply purposes since it was first settled in the mid-19th century. While it is impossible to return the valley to its original pristine state, the Corps can and should play a more responsible role in restoring and enhancing existing habitat, where possible, to improve the environment. Habitat restoration is a crucial piece of this overall goal but it is not the only piece – the modification of existing infrastructure is an equally important part of the solution. This includes the construction of a new step pool at Daguerre Point Dam. Such a structure, which would be comprised of a number of ascending, curved steps, beginning at the top of the dam and cascading away on the downstream side would allow migrating fish and wildlife to safely pass over the dam, both upstream and downstream, and at all times of the year. While the environmental benefits of a step pool are clear, the project would also save lives.

There is no question that a step pool would greatly improve public safety at Daguerre Point Dam. There have been numerous accidents and fatalities at the dam since it was built in the early 20th century – a fact that I am continually reminded of by my constituents in the area. Most recently, an Air Force Chief and his stepson tragically drowned at Daguerre in 2011. It is frustrating that the FR/EA does not include an analysis of the public safety benefits that would occur as a result of the step pool. The underlying authorization for the FR/EA, P.L. 87-874 authorizes the Secretary of the Army to “cause surveys for flood control and allied purposes....” It is hard to imagine a world in which public safety would not be an “allied purpose” of flood control, therefore the FR/EA is an appropriate place to address it.

I appreciate the transparent way in which the Corps has worked with my staff and me to answer questions about the approach used to develop the Tentatively Selected Plan (TSP). However, the reasoning that I have been provided to justify the exclusion of a step pool is difficult to rationalize, at best. Throughout our discussions, the Corps has maintained that there is an insufficient body of scientific information to understand whether Daguerre Point Dam is a barrier to fish passage on the Yuba River. The Corps has stated that the presence of spawning redds above the dam indicate that it may not be a significant barrier to fish passage. It is simply common sense that while the current system of ladders at Daguerre undoubtedly allows some level of passage, a step pool would improve passage for salmon and steelhead and allow better access to the higher quality habitat above the dam for larger numbers of spawning fish.

The FR/EA notes ongoing restoration projects that are already occurring at various places along the Yuba River, including the Hallwood Side Channel and Floodplain Restoration project (below Daguerre Point Dam) and the Hammon Bar Restoration Project (above Daguerre Point Dam). The Corps’ TSP also includes restoration measures above and below Daguerre Point Dam. The habitat connectivity benefits that would be created by a step pool at the dam cannot be understated. Absent a step pool, restoration efforts on the Yuba will continue in a piecemeal fashion that does not realize the full ecosystem benefit potential.

Page ES-8 of the FR/EA notes:

“Specifically, the TSP would not resolve the problem of blocked and impaired fish passage and altered hydrologic and sediment transport regimes caused by existing dams. Additional investigation of this unresolved problem could be addressed in a future study under the same authority.”

I appreciate the budget and schedule constraints the Corps has faced during this study process. However, from a purely pragmatic standpoint, it seems the Corps should have addressed the issues at Daguerre Point Dam in the FR/EA. An additional study, as suggested in the FR/EA, will likely require more time and funding than would have been needed in the current study.

The ongoing 45-day public comment period is a critical component of the study development process. I strongly encourage the Corps to carefully review and consider the suggestions and concerns that are submitted during this period, particularly those related to the step pool. As mentioned above, while the Corps may have exhausted its budget and schedule for this study, the Council on Environmental Quality (CEQ) guidance on agency response to public comments found in 40 CFR 1503.4 states:

“An agency preparing a final environmental impact statement shall assess and consider comments both individually and collectively, and shall respond by one or more of the means listed below, stating its response in the final statement. Possible responses are to:

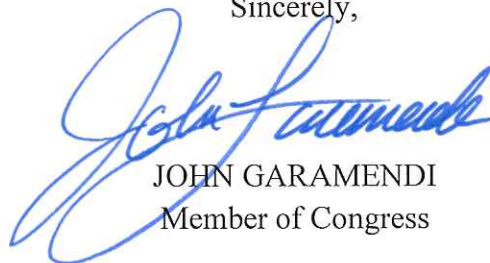
(1) Modify alternatives including the proposed action.

(2) Develop and evaluate alternatives not previously given serious consideration by the agency”

This guidance clearly provides an opportunity for the Corps to reevaluate the proposed alternatives and make modifications in the final EIR/EIS. I strongly recommend the Corps further review the step pool alternative and include it in its final recommendation to the Chief of Engineers.

I greatly appreciate your attention to the issues raised in this letter and look forward to your response. Please contact Garrett Durst in my office at 202-225-1880 or Garrett.Durst@mail.house.gov if you have questions or need additional information.

Sincerely,



JOHN GARAMENDI
Member of Congress