

## **APPENDIX M: CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD COORDINATION**

In December 2013, the Central Valley Regional Water Quality Control Board (CRWQCB) submitted substantive comments on the Restoration of Native Species in High Elevation Aquatic Ecosystems Draft Environmental Impact Statement (Restoration Plan/DEIS). Park staff contacted a representative from the Board to seek a better understanding of their comments and to help determine what permits would be needed under each alternative.

The Central Valley Regional Water Quality Control Board would determine whether to grant Waste Discharge Requirements and whether the proposed piscicide treatments are consistent with provisions for piscicide treatments in the Water Quality Control Plan for the Tulare Lake Basin and the Sacramento River Basin and San Joaquin Basin.

Prior to project implementation, SEKI would obtain the necessary permits. If piscicide applications are approved, a project-specific National Pollutant Discharge Elimination system (NPDES) permit for rotenone application would be obtained. The NPDES permit for the proposed treatments would contain receiving water limits applicable to rotenone projects as contained in the Tulare Basin, and Sacramento and San Joaquin Plans (CRWQCB). It would also require water quality monitoring to verify compliance with receiving water limits within the project area and in downstream waters both during and after the treatment.

If blasting of rock underlying a natural cascade to create a vertical fish barrier is selected for implementation, the parks would obtain a Section 401 Water Quality Certification from the Central Valley Regional Water Quality Control Board in order to be permitted to alter a stream course.

The following is the correspondence related to coordination with the Central Valley Regional Water Quality Control Board on the proposed project.

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## United States Department of the Interior

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IN REPLY REFER TO:

1.A.1.

May 20, 2016

Debra Mahnke  
Central Valley Regional Water Quality Control Board  
1685 East Street  
Fresno, California, 93706

Dear Debra:

We would like to provide you with an update on our Restoration of Native Species in High Elevation Aquatics Ecosystem Plan and Final Environmental Impact Statement (Restoration Plan/FEIS). In December 2013, you submitted substantive comments on our draft environmental impact statement (EIS) and Restoration Plan. We have spent the past two years reviewing the comments, preparing responses, and updating the plan based on the input we received during the 2013 public review period. We have also completed a peer review of the Restoration Plan, involving outside agencies and universities. We will send you a full copy of the updated Restoration Plan/FEIS when it is available later this summer.

We appreciate your close review of the document and your thoughtful comments, and your follow up telephone conversations with our environmental protection specialist Nancy Hendricks, and our aquatic ecologist Danny Boiano to help address your questions.

We are using our EIS as an Environmental Impact Report (EIR) per the California Environmental Quality Act (CEQA) to allow us to proceed with state permitting once an alternative is selected. If we receive approval for the plan with a Record of Decision, we will initiate the necessary permitting, including a National Pollutant Discharge Elimination System (NPDES) permit for the discharge of aquatic pesticides (piscicides) to waters of the United States. If the project is approved, we expect the permitting effort to begin this fall.

If approved, piscicide treatments in the Restoration Plan/FEIS would follow guidance and standard operating procedures documented in Planning and Standard Operating Procedures for the Use of Rotenone in Fish Management (Finlayson et al. 2010) and project plans used at North Cascades National Park (NPS 2015) and Silver King Creek, California (FWS 2010). We have included the detailed piscicide treatment protocols, which will be appendix N in the Restoration Plan/FEIS, for your information. Piscicide application would be carried out in a manner that strictly adheres to practices permitted by the product labeling, including use of personal protective equipment (PPE) for applicators, controlling public access during application, determining the maximum necessary application concentrations, and all other applicable guidelines. Experienced piscicide applicators would be directly involved in piscicide treatments in SEKI, and all treatments would be managed by applicators certified by the state of California to apply piscicides in state waters. Though not a requirement for federal land managers, we

believe this certification would help us to ensure applications are correct and best management practices are applied during treatment activities. All of the restoration crew working with piscicides would be trained in proper use of PPE, product safety measures, and they would operate under the direction of the certified applicator(s) and in accordance with project safety plans or job hazard analysis.

The key revisions in this Restoration Plan/FEIS made in response to comments received during the public review of the draft plan and EIS are summarized below:

Chapter 1 – Purpose and Need — Updated with clarified text for plan goals, objectives, and background. Figure 2 has been updated to reflect one additional year of data (2013). Figure 4 has been updated to reflect two additional years of data (2012 and 2013) and corrected to account for re-analysis of the survey data. Table 4 has been updated to include additional information obtained since 2013. The Issues and Impact Topics section has been updated to include information from the public review period.

Chapter 2 - Alternatives — Updated to include clarified, revised or additional information in the following sections: Elements Common to All Action Alternatives, alternative B (preferred), alternative C, alternative D, and Alternatives Considered But Dismissed From Detailed Analysis. The primary topics include site assessments, restoration of mountain yellow-legged frogs (MYLFs), monitoring, fish disposal, and piscicide use (including methods for treatment and monitoring for invertebrates and water quality).

Specific changes for fish eradication in alternative B (preferred) include:

- Total number of fish eradication waterbodies decreased from 87 to 85;
- Total acreage of fish eradication waterbodies decreased from 708 to 634;
- Total number of fish eradication stream miles decreased from 41 to 31;
- Number of physical treatment waterbodies increased from 49 to 52;
- Acreage of physical treatment waterbodies increased from 483 to 492;
- Number of physical treatment stream miles increased from 14 to 15;
- Number of piscicide treatment waterbodies decreased from 38 to 33;
- Acreage of piscicide treatment waterbodies decreased from 225 to 142;
- Number of piscicide treatment stream miles decreased from 27 to 16;
- Number of physical treatment lake basins increased from 15 to 17;
- Number of piscicide treatment basins decreased from 11 to 9;
- Physical treatment in two lakes in Swamp Basin was added. These lakes were proposed but not selected in the Preliminary Restoration of MYLFs project (NPS 2001), and were overlooked when the Restoration Plan/DEIS was developed;
- Treatment in the outlet of Horseshoe was changed from physical to piscicide, based on the basin site assessment completed in late summer 2013 (after the Restoration Plan/DEIS was developed);

- Piscicide use in Barrett, Slide, and Tablelands was removed after re-evaluating the habitat restoration needed in each area and determining that sufficient restoration could be achieved with a decrease in the proposed fish eradication area, which would allow for the project objectives to be met using physical fish eradication methods.

Specific changes for restoration of mountain yellow-legged frogs in “Elements Common to All Action Alternatives” include 1) clarifying methods for frog translocations and antifungal treatment, and adding methods for capture-mark-recapture surveys, captive rearing and immunizations, salvaging drought-threatened populations, and garter snake relocation; and 2) increasing (from 40 to 55) the number of basins containing fishless habitat important for conservation of MYLFs and other native species. The methods added had not emerged as recommended restoration actions in the MYLF Conservation Strategy when the Restoration Plan/DEIS was published in 2013, but were developed and included in the now nearly-complete strategy, expected for publication in 2016 (FWS in preparation). Similarly, the 15 basins added were either identified in the strategy as frog conservation areas or were known to have been recently occupied by MYLFs, and thus all are good potential frog recovery sites.

Chapter 3 – Affected Environment — This chapter has been updated to clarify, revise, or add information.

Chapter 4 – Environmental Consequences — This chapter has been updated to clarify, revise or add information in the following impact topics: special status, wildlife (vertebrate and invertebrate sections), wild and scenic rivers, water quality (related to the federal and state antidegradation policies and beneficial uses), wilderness character, health and safety, visitor experience and recreation, and sustainability and long-term management.

Appendices — All of the appendices of the document have been updated to include clarified, revised or additional information.

To address your specific comments, we have reviewed California Code of Regulations, title 14, section 15126, and the following topics are included in the FEIS:

- (a) Significant Environmental Effects of the Proposed Project.
- (b) Significant Environmental Effects Which Cannot be Avoided if the Proposed Project is Implemented.
- (c) Significant Irreversible Environmental Changes Which Would be Involved in the Proposed Project Should it be Implemented.
- (d) Growth-Inducing Impact of the Proposed Project.
- (e) The Mitigation Measures Proposed to Minimize the Significant Effects.
- (f) Alternatives to the Proposed Project.

The Restoration Plan/FEIS is a NEPA/CEQA compliant document. It discusses significant environmental effects on the proposed project (“Chapter 4, Environmental Consequences”) and includes significant environmental effects which cannot be avoided (“Chapter 4 – Environmental Consequences, Adverse Impacts that could not be Avoided”) and significant irreversible environmental changes which would be involved in the proposed project should it be implemented (“Chapter 4 – Environmental Consequences, Irreversible or Irrecoverable Commitment of Resources”). Mitigation measures are detailed in “Chapter 2 - Alternatives, Mitigation Measures Common to All Alternatives”, as are alternatives to the proposed

project. There is not potential for growth-inducing impact resulting from the proposed project. The project occurs in wilderness and there is no potential for the project to foster population growth or economic growth in the parks' wilderness as a result of project implementation. Therefore we ruled out growth inducing impacts as an issue in this plan under "Impact Topics Dismissed from Further Analysis."

We have updated the "Chapter 3 - Affected Environment" to include information on the designated beneficial uses of the water bodies in the project area, as identified in the Central Valley Water Board's Water Quality Control Plan for the Tulare Lake Basin (Second Edition, revised January 2015) and Water Quality Control Plan for the Sacramento River and San Joaquin River Basins (Fourth Edition, revised June 2015).

We anticipate releasing the final Restoration Plan/FEIS this summer which will be followed by a 30-day no action period. We will be submitting the document to the California State Clearinghouse at that time. Once the 30-day no action period ends, we will forward the document with a recommended alternative to the NPS Pacific Regional Director, who will issue the Record of Decision for the plan.

If you have any questions, please contact aquatic ecologist Danny Boiano at (559) 565-4273 or by email at [danny\\_boiano@nps.gov](mailto:danny_boiano@nps.gov).

Sincerely,



Woody Smek  
Superintendent

Attachment

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