



FWS/R9/D-SCI

United States Department of the Interior

FISH AND WILDLIFE SERVICE
Washington, D.C. 20240



DEC 21 2010

Maureen F. Gorsen, Esquire
Alston & Bird, LLP
1115 Eleventh Street
Sacramento, California 95814

Craig Manson, Esquire
Council for Endangered Species Act Reliability
1990 3rd Street, Suite 400
Sacramento, California 95811

Subject: Request for Correction of Information in the Final Hatchery and Stocking
Program Environmental Impact Report/Environmental Impact Statement
Released January 2010

Dear Ms. Gorsen and Mr. Manson:

This letter is in response to your September 24, 2010, request for Correction of Information under the Information Quality Act (IQA). The request was for correction of information in the Final Hatchery and Stocking Program Environmental Impact Report/Environmental Impact Statement (EIR/EIS) released January 11, 2010, on behalf of the Council for Endangered Species Act Reliability and the California Association for Recreational Fishing.

Generally, the complaint contends, through numbered correction requests (CRs), that certain information within the EIR/EIS is incomplete, unclear, biased, inaccurate, or has violated NEPA or CEQA. We provide our responses to the CRs below. Please note that because the IQA requires only correction of information and is not the venue for assertions that environmental laws have been violated, we did not provide responses to those assertions. Proper venues for questions of whether the EIR/EIS analyses are sufficient for purposes of the National Environmental Policy Act (NEPA) are found elsewhere. Also, while the issues in your request for correction should have been raised during the public comment period on the EIR/EIS, we found no record of your organizations commenting on these issues.

Information provided in the EIR/EIS for purposes of the California Environmental Quality Act (CEQA) is not under the Service's purview, and we did not attempt to speak to those issues.

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Additionally, your request for correction conflates the use of the word “significant” in its CEQA context, and which the California Department of Fish and Game is obligated to address on an effect by effect basis, with its use under NEPA in which it is used as the trigger for the procedural requirement to prepare an Environmental Impact Statement if the proposed federal action may have a significant effect upon the human environment. We have attempted to identify where this conflation has occurred in your specific requests, by noting that where effects that are otherwise deemed to be significant in a CEQA context, that such effects would be reduced to less than significant through mitigation.

Please also note, as stated in Chapters 1 (Introduction) and 2 (Program Description) of the EIR/EIS that the Fish and Wildlife Service (Service) proposes to support only a subset of the Department of Fish and Game’s (Department) hatchery and stocking activities analyzed in the EIR/EIS through provision of Sport Fish Restoration Act (SFRA) grants. Only these activities are appropriately subject to analysis under NEPA and relevant to the IQA request. The activities subject to NEPA review include operations of the Department’s 14 trout hatcheries and the Mad River Hatchery for steelhead, associated stocking of fish produced from those hatcheries, and operation of the Department’s Fishing in the City Program and Classroom Aquarium Education Program. Provision of SFRA funds for support of private stocking permits or operation of other anadromous fish hatcheries and their associated stocking efforts is outside the scope of the Service’s proposed action and, as such, these activities are not evaluated as part of the NEPA analysis.

CR 1: Request the statement that the Court ordered preparation of an EIR/EIS be corrected to accurately represent the narrow scope of the Court's ruling with respect to the hatchery program. The EIS/EIR states: *However, the court order that directed preparation of this EIR/EIS mandated that DFG analyze its current fish stocking program.*

Response: The statement did not intend to imply that the court order directed preparation of NEPA documentation. A more accurate statement would have been: “However, the court order that directed preparation of an EIR mandated that DFG analyze its current fish stocking program.”

Although the court did not mandate that the Hatchery and Stocking Program be analyzed under NEPA, the Council on Environmental Quality’s (CEQ) NEPA regulations (40 CFR Parts 1500 et seq.), mandates that Federal agencies are required to evaluate the environmental effects of an action, including feasible alternatives, and identify mitigation measures to minimize adverse effects when they propose to carry out, approve, or fund a project that may have a significant effect on the environment. As stated in Chapter 1 of the EIR/EIS, the Service determined that its involvement in funding the existing Hatchery and Stocking Program requires compliance with NEPA and preparation of an EIS. To expediently address environmental review needs by both the Service and the Department, the Service and the Department agreed to prepare a joint EIR/EIS. The preparation of such joint environmental documents is encouraged by the CEQ’s NEPA regulations (40 CFR 1506.2) and the U.S. Department of the Interior’s (DOI) NEPA implementation regulations at 43 CFR Part 46.

Chapter 2 (Project Description) of the EIR/EIS clearly states that “The Program includes a description of the statewide system of trout, salmon, and steelhead hatcheries operated by DFG and the stocking activities that are associated with the hatcheries.”...“Hatcheries within California

that are owned and operated by the USFWS (the Coleman and Livingston Stone Hatcheries in northern California) are not included in the Program because they are not subject to DFG oversight. These USFWS hatcheries are considered in the "Cumulative Impacts" chapter (Chapter 8)." Because the effects associated with the operation of the Federal hatcheries were included only in the Cumulative Impacts section of the EIR/EIS, as such operations are not part of the proposed federal action, any NPDES permits and biological opinions associated with the operation of the Federal hatcheries are likewise not relevant to an evaluation of the proposed federal action under NEPA.

CR 2: Request that the "affected environment" and "baseline" used in the EIR/EIS be corrected to comply with the requirements of NEPA and CEQA, respectively.

Response: The IQA requires only correction of information and is not the venue for assertions that the EIR/EIS violates requirements of environmental laws. Therefore, no correction is needed. However, please see Master Response Number 1 for public comments in Volume 2 of the Final EIR/EIS for a description of the baseline and why the years 2004-2008 were chosen rather than a single point in time. Further, the CR is unclear as to what the requestors believe the baseline should have been.

CR 3: Request correction of the statement that hatchery operations may incidentally "take" listed fish by impairing essential behavioral patterns as no information to substantiate the statement is included in the EIR/EIS.

Response: The IQA requires only correction of information and is not the venue for assertions that information fails to meet requirements of environmental laws. Therefore, no correction is needed. However, as a courtesy, we submit that the Service's definition of take includes the impairing of essential behavioral patterns (50 CFR 17.3).

The allegation in CR 3 refers to page 4-4 and "related pages," but no other specific pages are mentioned. Page 4-4 is referring to the *potential* for effects of hatchery fish on listed fish through behavioral mechanisms, among others. The potential for behavioral interactions between stocked trout and other salmonids, such as competition and selection and use of habitat, is discussed on pages 4-67 and 4-68, including several cited studies in paragraphs 1 and 2 on page 4-68. Program-specific analysis in following pages generally conclude that these potential impacts would be less than significant, although mitigation would be required for impact BIO-49 to reduce potential effects on steelhead to less than significant levels. The potential for take of listed species will be addressed during a Section 7 consultation under the Endangered Species Act to evaluate the potential effects upon ESA listed species that may occur as a result of implementing the Program. A similar analysis for effects from stocking of anadromous fish is provided beginning on page 4-132.

CR 4: Request the general term "decision species" be removed as it is unclear, inaccurate, and biased.

Response: NEPA requires consideration of all potential environmental impacts, including those on species that are not protected under other laws (40 CFR 1502.16). The legally protected status

of a species is a factor in determining the significance of effects, but other factors such as the context (e.g., geographical extent of the effect) and intensity (e.g., the degree to which effects are likely to be highly controversial or may adversely affect scientific resources) of the effects must also be considered in the EIR/EIS (40 CFR 1508.27). It should be noted that the EIS is not a decision document, as a decision by the Service would be made through issuance of a subsequent Record of Decision (40 CFR 1506.10). Effects on decision species would provide part of the information considered in making a decision on the proposed federal action

CR 5: Request correction of the assumption that there are adverse environmental impacts of hatchery effluents, and that the range of those effects as the basis for making determinations as to significance of the effects of the hatchery program.

We request the discussion be corrected to do the following:

- Explain that 'vicinity' definition results in presumed effects;
- Explain that the contents and existence of NPDES permits were not considered in the identification of effects;
- Replace the assumption of effects within a 3-mile downstream area and 0.25-mile upstream area with an effect range of 0.2 miles downstream, and use that distance as a screening tool with quantitative and qualitative information to determine whether effects occur and the significance of those effects.

Response: Page 4-27 of the EIR/EIS states that literature reviews on the environmental effects due to hatchery waste loadings reported high levels of variability in downstream effects. While it has been reported that in *most* cases aquatic communities recovered within 0.2 miles downstream of hatcheries (Kendra 1989, cited in EIR/EIS), this was not *always* the case. Effects at greater distances downstream also have been reported (Westers 2002, cited in EIR/EIS). The EIR/EIS analysis established the "hatchery vicinity" (3 miles downstream and 0.25 mile upstream) as a conservative geographic area in which to capture any significant impacts arising from hatchery operations. CR 5 asserts that "...an effect is presumed based simply on presence/absence of species within the 'vicinity'...", but provides no examples of where this occurs in the EIR/EIS. The hatchery vicinity measure was used as a screening tool in Chapter 4 of the EIR/EIS to help identify *potential* effects of hatchery operations by overlaying it with the ranges and/or critical habitat of species to identify potential conflicts with hatchery discharges, hatchery water diversions, and escaped hatchery fish (EIR/EIS pages 4-26 through 4-32). Resulting potential conflicts with species are presented in Table 4-2 of the EIR/EIS. Hatchery vicinity was not used to presume effects and was not used by itself to make effects determinations. Effects determination included consideration of supplemental quantitative and qualitative information, as can be found in the discussion of each potential impact in the EIR/EIS, where the hatchery vicinity was considered, including Impacts BIO-1 through BIO 13, and BIO-15 (pages 4-32 through 4-56).

The contents and existence of National Pollutant Discharge Elimination System (NPDES) permits were in fact considered in the identification of effects of the state hatcheries. Much discussion of NPDES permits and their implications to the EIR/EIS occurs in Chapter 3 (Hydrology, Water Supply, and Water Quality). NPDES permits and associated discharger monitoring reports (DMRs), which each hatchery submits to its Regional Water Quality Control Board (RWQCB),

are cited on page 3-1 of the EIR/EIS as sources of information used to assess water quality. As stated on page 3-24 of the EIR/EIS, pollutants of concern were identified from review of the NPDES permits for the facilities, among other sources of data. The EIR/EIS also notes exceedances of pollutants relative to existing NPDES permits. For example: Table 3-8 summarizes the number of total suspended solids and turbidity exceedances for each hatchery relative to screening values set by NPDES permits, and exceedances for salinity at certain hatcheries are noted on page 3-40. As a result, no correction is needed.

CR 6: Request removal of the statement that aquaculture chemicals delivered to surface waters in hatchery water discharges may have a significant effect or provision of identifiable quantitative, qualitative, or performance level of indication that such significant effects are occurring under the current hatchery operations.

Response: The IQA requires only correction of information and is not the venue for assertions that information fails to meet requirements of environmental laws; therefore, we do not provide a response regarding the meeting of significance criteria.

However, as a courtesy, we submit that analyses for water quality (Chapter 3) and biological resources (Chapter 4) differ in purpose and significance criteria. Impact analysis and significance criteria for water quality related to hatchery effluent are based on potential adverse effects on beneficial uses of receiving water. These beneficial uses are listed in Table 3-1 of the EIR/EIS. Impact analysis and significance criteria for biological resources are based on potential adverse effects on specifically defined biological parameters (page 4-26 of the EIR/EIS). It also should be noted that regulatory limits for pollutants, by themselves as objective values, are not significance criteria used to assess effects on biological resources in Chapter 4.

Secondly, although the discussions and conclusions for impacts of aquaculture chemicals are presented somewhat differently in Chapters 3 and 4, the result is the same: the impact of aquaculture chemicals is less than significant. In Chapter 3, discontinued use of copper sulfate was implicit in the analysis of hatchery operations and development of impact conclusions (EIR/EIS page 3-49); whereas, in Chapter 4, discontinuing use of copper sulfate was included as a mitigation measure to potential impacts, even though the Department had already developed alternative treatments to copper sulfate, and had stopped using copper sulfate as of September 1, 2009, in compliance with Central Valley RWQCB Order No. R5-20040113 (EIR/EIS page 4-40).

CR 7: Request removal of the following EIS/EIR statements related to the release of invasive species by hatcheries, as they are inaccurate, incomplete, biased, and unclear:

- *Effects Due to the Spread of Invasive Species through Hatchery Discharge are significant;*
- *Effects Due to Distribution of Invasive Species by Anglers as a Result of the Trout Stocking Program are significant;*
- *Impacts of Introducing Aquatic Invasive Species into Native Ecosystems as a Result of the Salmon and Steelhead Stocking Program are significant;*
- *Effect of distribution of Invasive Species by Anglers is significant;*

- *Impacts of introducing Aquatic Invasive Species into Native Ecosystems Through Fishing in the City Program Stocking are significant;*
- *Impacts of Introducing Aquatic Invasive Species to Wild Populations of Native Fish and Native Amphibian Populations and Their Habitats through Private Stocking Permit Fish Release are significant;*
- *Impacts of Distribution of Invasive Species by Anglers as a Result of the Private Stocking Permit Program are significant;*
- *Impacts from Introduction of Invasive Species and Pathogens on Supplemental Evaluation Species are significant;*
- *Impacts of Invasive Species and Pathogens Released through Stocking Salmon and Steelhead on Supplemental Evaluation Species;*
- *Impacts of Invasive Species and Pathogens Released through Fishing in the City Program Stocking on Supplemental Evaluation Species are significant;*
- *Impacts from Introduction of Invasive Species and Pathogens on Supplemental Evaluation Species are significant.*

Response: The IQA requires only correction of information and is not the venue for assertions that the EIR/EIS violates environmental laws; therefore, we do not provide a response regarding the meeting of significance criteria. However, it should be noted that several of the effects cited by CR 7 as being significant, were in actuality determined in the EIR/EIS to be less than significant, with mitigation. Only activities proposed for funding through SFRA grants are subject to analysis under NEPA and are relevant to the IQA; assertions within CR 7 regarding the Private Stocking Permit Program are not relevant, as the Service does not propose to support private stocking with SFRA funding.

Based on the analysis in the EIR/EIS, the Service anticipates that the relevant effects cited by CR 7 could reasonably be expected to occur through implementation of actions that may be funded by SFRA grants. The document provides credible scientific information in support of these impact conclusions in general discussions prefacing presentation of specific impacts (EIR/EIS page 4-107), and/or within the discussion of each relevant impact cited in CR 7 (BIO-10, -123, -203,-224, -229, -252, -263, and -266). This information includes characteristics of invasive species and pathogens, mechanisms through which invasive species and pathogens would be expected to be transmitted, and evidence for these movements having occurred; e.g., instances where invasive species and pathogens are known to have spread. CR 7 provides no examples of where information presented in the analysis is incorrect. Therefore, no correction is needed.

CR-8 [numbered as a second number 7 in complainants' letter]: Request removal of the following statements related to the release of pathogens by hatcheries as they are inaccurate and biased:

- *Pathogen Effects on Native Amphibian Populations through Hatchery Discharge are significant;*
- *Impacts of Introducing Pathogens to Native Amphibian Populations as a Result of the Trout Stocking Program are Significant;*

- *Impacts of Introducing Pathogens to Native Amphibian Populations as a Result of the Salmon and Steelhead Stocking Program are significant;*
- *Impacts of Introducing Pathogens to Native Amphibian Populations through Fishing in the City Program Stocking are significant;*
- *Impacts of Introducing Pathogens to Wild Populations of Native Fish and Their Habitats through Private Stocking Permit Fish Releases are significant;*
- *Impacts of Introducing Pathogens to Native Amphibian Populations and Their Habitats through Private Slacking Permit Fish Releases are significant;*
- *Impacts from Introduction of Invasive Species and Pathogens on Supplemental Evaluation Species are significant*
- *Impacts of Invasive Species and Pathogens Released through Stocking Salmon and Steelhead on Supplemental Evaluation Species are significant;*
- *Impacts of Invasive Species and Pathogens Released through Fishing in the City Program Stocking on Supplemental Evaluation Species are significant;*
- *Impacts from Introduction of Invasive Species and Pathogens on Supplemental Evaluation Species are significant;*

Details of CR 8 assert that the EIR/EIS provides no statement to substantiate the existence of any example of a pathogen being transmitted via a hatchery program, and that after a speculative discussion of possibility and plausibility of such transmission, the EIS/EIR states that such releases have a significant effect, when in fact, there is no evidence that supports the conclusion.

Response: The IQA requires only correction of information and is not the venue for assertions that the EIR/EIS violates requirements of environmental laws; therefore, we do not provide a response regarding the meeting of significance criteria. However, it should be noted that several of the effects cited by CR 8 as being significant, were in actuality determined in the EIR/EIS to be less than significant, with mitigation. Only activities proposed for funding through SFRA grants are subject to analysis under NEPA and are relevant to the IQA. Assertions within CR 8 regarding the Private Stocking Permit Program are not relevant for an IQA response, as the Service does not propose to support private stocking with SFRA funding.

Based on the analysis in the EIR/EIS, the Service anticipates that the relevant effects cited by CR 8 could reasonably be expected to occur through implementation of actions that may be funded by SFRA grants. The EIS provides credible scientific information in support of these impact conclusions in general discussions prefacing presentation of specific impacts (EIR/EIS page 4-107), and/or within the discussion of each relevant impact cited in CR 8 (BIO-12, -107, -202, -28, -252, -263, -266, and -270. This information includes characteristics of invasive species and pathogens, mechanisms through which invasive species and pathogens would be expected to be transmitted, and evidence for these movements having occurred; e.g., instances where invasive species and pathogens are known to have spread. CR 8 provides no examples of where information presented in the analysis is incorrect. Therefore, no correction is needed.

CR 9: Request removal of the following inaccurate, incomplete and biased statements related to the Significance of predation, competition, and non-target effects on salmon/steelhead populations due to hatchery releases:

- *Predation and Competition Effects from Stocked Trout on Steelhead DPSs (Except Northern California DPS and Klamath Mountains Province DPS) and Chinook Salmon ESUs are significant;*
- *Effects from Trout Stocking Program due to Nontarget Harvest on Central Valley DPS Steelhead, Central California Coast DPS Steelhead, South Central Coast DPS Steelhead and Southern California DPS Steelhead are significant;*
- *Effects from the Trout Slacking Program (due to and) Nontarget Harvest on Klamath-Trinity River Spring Run, Sacramento River Winter Run, Central Valley Spring Run, and California Coast Chinook Salmon ESUs are significant; Predation and Competition Effects from Stocked Salmon and Steelhead on Coho Salmon, Southern Oregon/Northern California Coast ESU are significant;*
- *Predation and Competition Effects from Stocked Salmon and Steelhead on Chinook Salmon, Upper Klamath/Trinity Rivers ESU are significant;*
- *Predation and Competition Effects from Stocked Salmon and Steelhead on Chinook Salmon, Central Valley Spring Run ESU are significant;*
- *Predation and Competition Effects from Stocked Salmon and Steelhead on Chinook Salmon, Central Valley Fall/Late Fall-Run ESU are significant;*
- *Nontarget Harvest Effects on Central Valley Fall and Late Fall-Run Chinook Salmon ESU due to the Salmon and Steelhead Stocking Program are significant;*
- *Nontarget Harvest Effects on Upper Klamath/Trinity Rivers Chinook Salmon ESU due to the Salmon and Steelhead Stocking Program are significant;*
- *(Genetic) Effects on Steelhead, Northern California DPS from Slacking Salmon and Steelhead are significant.*

CR 9 asserts that the EIR/EIS considers only potential predation, competition and non-target effects on protected species, and fails to consider beneficial effects, such as the contribution of hatchery stock as biomass consumed by non-hatchery populations; that protected species have an abundant food supply, as a result of fish stocking, that is less able to compete and thrive; and that abundant stocks of hatchery fish reduce pressure on protected fish from predators, such as fishing birds and fish-eating mammals.

Response: The IQA requires only correction of information and is not the venue for assertions that the EIR/EIS violates requirements of environmental laws; therefore, we do not provide a response regarding the meeting of significance criteria. However, it should be noted that several of the effects cited by CR 9 as being significant, were in actuality determined in the EIR/EIS to be less than significant, with mitigation. Only activities proposed for funding through SFRA grants are subject to analysis under NEPA and are relevant to the IQA. Because the Service does not propose to fund salmon and steelhead activities described in the fourth through eighth bullets, only the statements regarding stocked trout contained in the first three bullets and salmon and steelhead contained to the last bullet are relevant for an IQA response.

The assertions made in CR 9 regard analysis of potential effects that were not included in the EIR/EIS. These are contentions of insufficiency of the EIR/EIS and not issues of incorrect information. The IQA requires only correction of information and is not the venue for assertions that the EIR/EIS violated requirements of environmental laws. CR 9 provides no examples of where information presented in the analysis is incorrect. Therefore, no correction is needed.

CR 10: Request removal of the following inaccurate, incomplete and biased statements related to the significance of genetic effects on salmon/steelhead populations due to hatchery releases:

- *Genetic Effects on Central Valley Spring Run Chinook Salmon ESU from Slacking Salmon and Steelhead are significant;*
- *Genetic Effects on Chinook Salmon, Central Valley Fall/Late Fall-Run ESU from Stocking Salmon and Steelhead are significant;*
- *Genetic Effect on Chinook Salmon, Upper Klamath/Trinity Rivers ESU, from Stocking Salmon and Steelhead are significant;*
- *Genetic Effects on Coho Salmon, Southern Oregon/Northern California Coast ESU from Stocking Salmon and Steelhead are significant;*
- *Genetic Effects on Steelhead, California Central Valley DPS, from Stocking Salmon and Steelhead are significant;*
- *Effects on Steelhead, Northern California DPS, from Stocking Salmon and Steelhead are significant;*
- *Genetic Effects on Steelhead Klamath Mountains Province DPS, from Stocking Salmon and Steelhead are significant.*

CR 10 asserts that genetic effects and their significance are purely conjecture and there is no quantitative or qualitative basis for the determination of significance, and that the analysis fails to account for the over 100 years of stocking that has taken place throughout the state and to acknowledge and quantify the genetic purity (or lack thereof) of the native or wild trout and salmon. Also CR 10 alleged problems with use of the All-H Analyzer Tool as the basis for significance of genetic effects.

Response: The IQA requires only correction of information and is not the venue for assertions that the EIR/EIS violates requirements of environmental laws; therefore, we do not provide a response regarding the meeting of significance criteria. Only activities proposed for funding through SFRA grants are subject to analysis under NEPA and are relevant to the IQA. Because the Service proposes to fund stocking of anadromous fish only from the Mad River Hatchery (steelhead), the only statement in CR 10 applicable to an IQA response is that addressing (*Genetic Effects on Steelhead, Northern California DPS, from Stocking Salmon and Steelhead*). The other statements of effect cited within CR 10 do not involve stocking of fish from the Mad River Hatchery, so are not relevant for an IQA response.

Based on the analysis in the EIR/EIS, the Service anticipates that the effects cited by CR 10 on steelhead, Northern California DPS, from stocking salmon and steelhead could reasonably be expected to occur through implementation of actions that may be funded by SFRA grants. The EIS provides credible scientific information in support of these impact conclusions in general discussions prefacing presentation of specific genetic impacts (EIR/EIS pages 4-110 to 4-115), and/or within the discussion of the genetic impact for Northern California DPS Steelhead (BIO-215). Please note that the All-H Analyzer Tool was not used for assessing impacts on this steelhead DPS. CR 10 provides no examples of where information presented in the analysis is incorrect. Therefore, no correction is needed.

CR 11: Request removal of the following inaccurate and biased statements that the hatchery program has significant predation/competition effects on a number of species:

- *Predation and Competition Effects from Stocked Trout on Oregon Spotted Frog are significant;*
- *Predation and Competition Effects from Stocked Trout on California Red-Legged Frog are significant;*
- *Predation and Competition Effects from Stocked Trout on Foothill Yellow-Legged Frog are significant;*
- *Predation and Competition Effects from Stocked Trout On Mountain Yellow-Legged Frog are significant;*
- *Predation and Competition Effects from Stocked Trout on Northern Leopard Frog are significant;*
- *Predation and Competition Effects from Stocked Trout on San Francisco Garter Snake are significant;*
- *Predation and Competition Effects from Stocked Trout on Willow Flycatcher are significant;*
- *Predation and Competition Effects from Stocked Salmon and Steelhead on Steelhead, Klamath Mountains Province DPS are significant;*
- *Predation and Competition Impacts from Fishing in the City Program- Slacked Fish on Sensitive, Native, or Legally Protected Fish and Wildlife Species are significant;*
- *Predation and Competition Impacts from Fish Released under Private Stocking Permits on Sensitive, Native, or Legally Protected Fish and Wildlife Species are significant;*
- *Predation and Competition Impacts from Stocked Trout on California Black Rail are significant;*
- *Predation and Competition Impacts from Stocked Salmon and Steelhead on California Black Rail are significant;*
- *Predation and Competition Impacts from the Private Stocking Program on Supplemental Evaluation Species are significant.*

The statements are inaccurate as the EIR/EIS does not meet the applicable thresholds of significance under either CEQA or NEPA. There is neither quantitative nor qualitative information that supports a determination that the effects are significant. The statements are biased in that they assume both the adverse effects and the significance of those effects with no basis for the assumptions.

Response: The IQA requires only correction of information and is not the venue for assertions that the EIR/EIS violates requirements of environmental laws; therefore, we do not provide a response regarding the meeting of significance criteria. However, it should be noted that several of the effects cited by CR 11 as being significant, were in actuality determined in the EIR/EIS to be less than significant, with mitigation. Only activities proposed for funding through SFRA grants are subject to analysis under NEPA and are relevant to the IQA. Because the Service does not propose to fund salmon and steelhead activities described in the eighth bullet, nor private stocking described in the tenth and thirteenth bullets, these impact statements are not relevant for an IQA response. In addition, the black rail impacts described in eleventh and twelfth bullets are not within the geographic range of Mad River steelhead stocking, so also are not relevant for an

IQA response. Only the statements regarding stocked trout contained in the first seven bullets and fish stocked under the Fishing in the City Program cited in the ninth bullet are relevant for an IQA response.

Based on the analysis in the EIR/EIS, the Service anticipates that the relevant effects cited by CR 11 on amphibians from stocking of trout, and impacts on sensitive, native, or legally protected fish and wildlife species from stocking of fish under the Fishing in the City Program could reasonably be expected to occur through implementation of actions that may be funded by SFRA grants. The EIR/EIS provides credible scientific information in support of these impact conclusions in general discussions prefacing presentation of specific impacts (EIR/EIS pages 4-58 to 4-60, 4-66 to 4-69, and 4-74 to 4-77), and within the discussion of each relevant impact (BIO-69, -71, -72, -74, -75, -83, -87, and -226). CR 11 provides no examples of where information presented in the analysis is incorrect. Therefore, no correction is needed.

CR 12: Request that the finding that disturbance of riparian systems due to use of vehicles and foot travel to access fishing locations as a result of the trout stocking program will have significant effects be corrected as it is inaccurate, biased, and incomplete.

Anglers have been fishing for hatchery fish throughout the state for over 135 years. The EIR/EIS acknowledges that numbers of anglers has been decreasing. It is not analytically possible for the EIR/EIS to conclude that the impact from anglers is increasing and therefore, causing a significant impact. The EIR/EIS fails to provide any evidence that current anglers are more destructive than past anglers. The statement is inaccurate, biased, and unclear.

Response: The IQA requires only correction of information and is not the venue for assertions that the EIR/EIS violates requirements of environmental laws; therefore, we do not provide a response regarding the meeting of significance criteria.

The EIR/EIS does not conclude that the impact from anglers is increasing. The impacts are described based on the potential for ongoing impacts from anglers; destructiveness of current anglers compared to past anglers is not at issue. Based on the analysis in the EIR/EIS, the Service anticipates that the effects cited by CR 12 on riparian systems from stocking of trout could reasonably be expected to occur through implementation of actions that may be funded by SFRA grants. The EIR/EIS provides a general discussion in support of the impact analysis (EIR/EIS page 4-120), and credible scientific information within the impact discussion in support of the impact conclusion (BIO-120). This information includes the reasons for riparian area sensitivity, likelihood of presence or absence of susceptible species; level of susceptibility relative to occurrences of small, highly localized populations; and mechanisms and nature of potential impacts. The discussion also cites the disproportionately high use of sensitive riparian areas by anglers. CR 12 provides no examples of where information presented in the analysis is incorrect. Therefore, no correction is needed.

CR 13: Request the impact analysis be corrected to include multiple important impacts of changes to the hatchery program examined under options 2 and 3, as the impact analysis is incomplete.

The impact analysis fails to examine the impact of the following changes to the hatchery program. These changes are significant and provide important information necessary to make an informed decision under CEQA and NEPA. Impacts which were not examined: loss of prey to piscivorous species, loss of prey to protected species, loss of hatchery prey will increase pressure on protected species from piscivorous predators, loss of subsistence fishing opportunities, loss of mitigation required by law for operation of water project facilities, decrease in observed species.

Response: CR 13 asserts that analysis of potential effects were not included in the EIR/EIS. These are contentions of insufficiency of the EIR/EIS and not issues of incorrect information. The IQA requires only correction of information and is not the venue for assertions that the EIR/EIS violates requirements of environmental laws. CR 13 provides no examples of where information presented in the analysis is incorrect. Therefore, no correction is needed.

CR 14: Request correction of the statement that no information is available on private stocking activities as the DFG requires permittees to collect the information, therefore it is available.

CR 15: Request correction of the statement that private hatchery activities form a minimal component of the California Recreational Fishing Industry.

CR 16: Request the private stocking mitigation measured in the EIR/EIS be removed as they are inaccurate, biased, and unsubstantiated.

Response for CR 14, CR 15, and CR 16: Only activities proposed for funding through SFRA grants are subject to analysis under NEPA and are relevant to the IQA. Assertions within CR 14, CR 15, and CR 16 regarding the Private Stocking Permit Program are not relevant for an IQA response, as the Service does not propose to support private stocking with SFRA funding. Therefore, no correction is needed.

Sincerely,



Ralph O. Morgenweck
Senior Science Advisor