

Re: Exhibits 4.91 and 4.9.2

First of all, Auburn is NOT an intermittent stream, not an ephemeral stream. It is a year-round stream with its year-round natural flow as CDFW and NOAA both determined. In an attached letter dated March 10, 2015, garnered by SARSAS through Freedom of Information Act, one of the three violations listed by California Department of Fish Wildlife's (CDFW) Regional Manager Tina Bartlett against Nevada Irrigation District is F and G Code Section 1602 – "diverts the natural stream flow of Auburn Ravine Creek into Hemphill Canal". Auburn Ravine obviously has a natural flow and is NOT "an intermittent stream".

Too, Water Agencies have somehow started using Auburn Ravine, a natural waterway, for water deliveries to its customers which seems a violation of a natural waterway; is there authorization for agencies to so use these ravines?

Secondly, our concern is that SAP will create such runoff by the paving over of natural lands that the runoff which flows into Orchard Creek will definitely be polluted and Orchard Creek is a main tributary of Auburn Ravine.

Thirdly, both streams of Auburn Ravine Watershed, Racoon and Auburn Ravine, after the effluent from Orchard Creek enters Auburn Ravine, are joined at the Eastside Canal, which flows into the Eastside Canal, and then water are then mixed with those of Pleasant Valley Creek. All of these waters then flow into the Sacramento River at the fishing hamlet of Verona. Any contamination that enters any of these three creeks also negatively impacts the Sacramento River.

Pleasant Valley Creek is also erroneously listed as an intermittent creek. We just installed dual cone screens at the junction of Auburn Ravine and Pleasant Grove Canal, which diverts water from Auburn Ravine into Pleasant Grove Creek. Since Auburn Ravine is a year-round stream and its water flow into Pleasant Grove Creek, it follows the Pleasant Grove Creek is not an intermittent stream either.

These kinds of inaccuracy must be corrected and the reality addressed before any continuance of the SAP takes place.

Every effort possible should be taken to prevent this SAP contamination into our local creeks and the Sacramento River from taking place.

Jack L. Sanchez

SARSAS President and Founder



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BY OVERNIGHT MAIL AND EMAIL

MAR 10 2015

Date

#2 Remleh Scherzinger, General Manager
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#1 RON NELSON
 FROM
 TINA BARTLETT

Subject: Suspension of Notification of Lake or Streambed Alteration (Notification No. 1600-2014-0270-R2).

Dear Mr. Scherzinger:

On November 3, 2014, the Department of Fish and Wildlife received the Nevada Irrigation District's (NID) above-referenced notification (notification) to conduct maintenance activities on NID's existing Hemphill Dam (dam). As Department staff informed you on March 2, 2015, the Department is suspending processing of the notification pursuant to Fish and Game Code section 1613 for the reasons discussed during a site visit with you on February 10, 2015, and below.

Under Fish and Game Code section 1613, the Department may suspend processing a notification if it determines "the activity described in the notification, or any activity or conduct by the entity directly related thereto, violates any provision of the [Fish and Game Code]." Section 1613 applies in this case for two reasons: 1) the dam violates Fish and Game Code section 5901 because it "prevents, impedes, or tends to prevent or impede the passing of fish up and downstream"; 2) the dam substantially diverts the natural flow of Auburn Ravine Creek into Hemphill Canal, but NID has yet to notify the Department under Fish and Game Code section 1602 for this diversion. The Department understands the primary objective of the project described in the notification is to enhance the passage of anadromous fish at the dam. However, even with the project, the dam will still impede or tend to impede the passing of fish up and downstream. (5937) trust?

NID will need to address the problems described above before the Department will continue processing the notification. In the meantime, NID may not proceed with the project described in the notification.

If you have any questions regarding this matter, or would like to meet with the Department in an effort to resolve the issues described herein, please contact Patrick

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Moeszinger, Environmental Scientist, at (916) 358-2850 or by email at patrick.moeszinger@wildlife.ca.gov. Thank you for your anticipated cooperation.

Sincerely,

Tina Bartlett
Regional Manager

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