# Chapter 26
# Other Required Disclosures

## 26.1 Significant Adverse Effects that Cannot be Avoided If a Project is Implemented

Section 21100(b)(2)(A) of CEQA requires an EIR to include a detailed statement setting forth "any significant effect on the environment that cannot be avoided if the project is implemented." Chapters 4 through 25 of this EIS analyze in detail all of the project's potentially significant environmental impacts, including cumulative impacts; list feasible mitigation measures that could avoid, minimize, rectify, reduce or eliminate, or compensate for the project's significant impacts; and specify whether these mitigation measures would reduce the impacts to a less-than-significant level. If no feasible mitigation measure is available to reduce a significant impact to a less-than-significant level, then the impact would be a significant and unavoidable impact.

After consideration of actions, operations, and features to avoid, mitigate, and/or compensate for adverse effects, the action alternatives would likely result in the following significant and unavoidable direct and indirect impacts:

- **Geology, Geomorphology, Minerals, and Soils** – Loss or diminished availability of known mineral resources that would be of future value to the region; lost or diminished soil biomass productivity; and substantial soil erosion or loss of topsoil due to shoreline processes (all action alternatives).

- **Air Quality and Climate** – Short-term emissions of criteria air pollutants and precursors at Shasta Lake and vicinity during project construction (all action alternatives).

- **Agriculture and Important Farmland** – Direct and indirect conversion of forest land to nonforest uses in the vicinity of Shasta Lake (all action alternatives).

- **Botanical Resources and Wetlands** – Loss of Multi-Species Conservation Strategy (MSCS) covered species; loss of USFS sensitive, U.S. Department of the Interior, Bureau of Land Management (BLM) sensitive, or California Rare Plant Rank (CRPR) species; loss of jurisdictional waters; and loss of general vegetation habitats (all action alternatives).

- **Wildlife Resources** – Take and loss of habitats for the Shasta salamander, bald eagle, northern spotted owl, and Pacific fisher; impact on the foothill yellow-legged frog, tailed frog, northwestern pond turtle, purple martin, special-status bats, American marten, ringtail, terrestrial mollusks, and their habitat; impact on willow flycatcher, Vaux's swift, yellow warbler, yellow-breasted chat, long-eared owl, northern goshawk, Cooper's hawk, great blue heron, and osprey, and their foraging and nesting habitat; permanent loss of general wildlife habitat; take and loss of foraging and nesting habitat for other birds of prey and migratory bird species; and loss of critical deer winter and fawning range (all action alternatives).

- **Cultural Resources** – Inundation of Traditional Cultural Properties (all action alternatives).

- **Land Use and Planning** – Conflict with existing land use goals and policies of affected jurisdictions (Shasta Lake and vicinity and upper Sacramento River), and disruption of existing land uses (Shasta Lake and vicinity and upper Sacramento River) (all action alternatives).

- **Aesthetics and Visual Resources** – Inconsistency with guidelines for visual resources in the STNF LRMP, degradation and/or obstruction of a scenic view from key observation points, and generation of increased daytime glare and/or nighttime lighting (all action alternatives).

- **Wild and Scenic River Considerations for McCloud River** – Effect on McCloud River's eligibility for listing as a Federal Wild and Scenic River and effects to McCloud River resources identified in the California Public Resources Code, Section 5093.542 (all action alternatives).

The action alternatives could also result in the following significant and unavoidable cumulative impacts (i.e., an impact would make a considerable contribution to a significant cumulative effect):

- **Geology, Geomorphology, Minerals, and Soils** – Cumulative effects from use of soil and mineral resources, leading to diminished regional availability of cement, concrete sand, and aggregate and loss of soil productivity (all action alternatives).

- **Air Quality and Climate** – Cumulative effects from emissions of nitrogen oxide during project construction (all action alternatives).

- **Hydrology, Hydraulics, and Water Management** – Cumulative effects on south Delta water levels, X2 position, and Delta outflow (all action alternatives).

- **Botanical Resources and Wetlands** – Cumulative effects from inundation at Shasta Lake, leading to take and loss of habitat for special-status species at Shasta Lake and vicinity; cumulative effects from increased water delivery in the service areas and growth-related loss of sensitive plant communities and special-status plant species (all action alternatives).

- **Wildlife Resources** – Cumulative effects from inundation at Shasta Lake, leading to take and loss of habitat for numerous special-status species at Shasta Lake and vicinity (all action alternatives).

- **Cultural Resources** – Inundation of Traditional Cultural Properties (all action alternatives).

- **Aesthetics and Visual Resources** – Changes to aesthetic values and resources at Shasta Lake (all action alternatives).

- **Power and Energy Resources** – Changes to SWP and CVP power production and consumption (CP1).

- **Environmental Justice** – Cumulative effects from disproportionate placement of environmental impacts on Native American populations, leading to disturbance or loss of resources associated with locations considered by the Winnemem Wintu and Pit River Madesi Band members to have religious and cultural significance in the vicinity of Shasta Lake (all action alternatives).

Feasible mitigation will be implemented to reduce these impacts but would not be sufficient to reduce these impacts to a less-than-significant level.

## 26.2 Relationship of Short-Term Uses and Long-Term Productivity

NEPA requires consideration of "the relationship between short-term uses of man's environment and the maintenance and enhancement of long-term productivity" (40 Code of Federal Regulations (CFR) Section 1502.16 [40 CFR Section 1502.16]). This involves using all practicable means and measures, including financial and technical assistance, in a manner calculated to: foster and promote the general welfare; to create and maintain conditions under which man and nature can exist in productive harmony; and fulfill the social, economic, and other requirements of present and future generations of Americans.

All action alternatives analyzed in this EIS would involve new construction, such as raising Shasta Dam, replacing bridges, and relocating/reconstructing recreational facilities and access roads adversely affected by higher reservoir

levels. Specific activities would modify the Pit River Bridge, modify/replace six other bridges, relocate various recreation facilities, utilities and related infrastructure, and inundate numerous small segments of existing paved and unpaved roads. All of the action alternatives would result in indirect and induced employment, which may support hiring in businesses that would provide materials to the construction effort; in service-related industries that would provide food, beverages, and other goods to construction workers; or in more technical industries, such as consulting firms and other businesses (see Chapter 16, "Socioeconomics, Population, and Housing"). Sales and profits for businesses that support the construction industry in the primary study area would increase over the 4.5- to 5-year construction period.

Potential habitat- and recreation-related losses caused by enlarging the dam and reservoir would irreversibly affect habitats and developments near the dam inundation area. Impacts on habitat areas within the dam inundation area would be mitigated by preservation of similar habitats elsewhere. Construction activities would include short-term uses of capital, labor, fuels, and construction materials; habitats; and recreation areas. General commitments of construction materials are largely irreversible because most construction materials are unsalvageable.

Potential benefits of the action alternatives include an increase in water supply reliability and a reduction in the probability of experiencing a potential flood-related loss of resources, property, and human life. Environmental uses and habitat for a variety of aquatic and terrestrial species along the Sacramento River and waterways within the primary and extended study areas would be maintained and potentially enhanced with the proposed mitigation. No adverse effects would pose a long-term risk to health and safety.

## 26.3 Irreversible and Irretrievable Commitments of Resources

The State CEQA Guidelines require a discussion of the significant irreversible environmental changes that would be caused by implementation of the proposed project. In addition, an EIS prepared under NEPA must analyze irreversible and irretrievable commitments of resources, such as soils, wetlands, waterfowl habitat, and cultural resources (40 CFR1502.16).

The irreversible and irretrievable commitment of resources is the permanent loss of resources for future or alternative purposes. Irreversible and irretrievable resources are those that cannot be recovered or recycled, or those that are consumed or reduced to unrecoverable forms. The action alternatives would result in the irreversible and irretrievable commitment of the following energy and material resources during project construction and maintenance:

- Construction materials, including resources such as soil and rocks

- Land area committed to new/expanded project facilities and water inundation areas

- Energy expended in the form of electricity, gasoline, diesel fuel, and oil for equipment and transportation vehicles that would be needed for project construction, operations, and maintenance

Nonrenewable resources are expected to account for a minimal portion of the region's resources; the project's use of nonrenewable resources would not affect the availability of these resources for other needs within the region. Construction activities would not result in inefficient use of energy or natural resources. The selected construction contractors would use best available engineering techniques, construction and design practices, and equipment-operating procedures. Furthermore, mitigation would be provided to offset any loss of habitat areas and other land uses within the proposed dam inundation areas. Long-term project operation would not result in substantial long-term consumption of energy and natural resources, and increased energy production would result from the additional storage capacity at Shasta Lake.

## 26.4 Growth-Inducing Impacts

CEQA requires that an EIR discuss how a project may induce growth. NEPA requires that an EIS consider indirect effects of a project, which are often the result of growth inducement. A project is considered potentially growth inducing if it is reasonably foreseeable that the project may foster economic or population growth or may result in the construction of additional housing (California Code of Regulations Section 15126.2(d)[CCR 15126.2(d)]). The increase in water supply reliability that would result from the construction of any of the proposed action alternatives would be potentially growth inducing because it would foster economic growth and potentially remove an obstacle to development.

The purpose of this section is to disclose how the action alternatives that are analyzed in this EIS could be growth inducing and to describe how the potential resulting environmental effects would be addressed. In *Napa Citizens for Honest Government v. Napa County Board of Supervisors* (2001) 91 Cal.App.4th 342, 367–371 [110 Cal.Rptr.2d 579], the California Court of Appeal, Fourth District, provided clear direction on the standards for disclosure of growth-inducing effects in an EIR that also is relevant to an EIS. The lead agency also may consider mitigation measures for the anticipated effects. Growth-inducing impacts are evaluated for the project alternatives in accordance with the California Court of Appeal finding in *Napa Citizens for Honest Government v. Napa County Board of Supervisors* (2001):

> *Neither CEQA itself, nor the cases that have interpreted it, require an EIR to anticipate and mitigate the effects of a*

> *particular project on growth on other areas. In circumstances such as these, it is sufficient that the final EIR (FEIR) warns interested persons and governing bodies of the probability that additional housing will be needed so that they can take steps to prepare for or address that probability. The FEIR need not forecast the impact that the housing will have on as yet unidentified areas and propose measures to mitigate that impact. That process is best reserved until such time as a particular housing project is proposed.*

The increase in water supply reliability resulting from the action alternatives would make additional water resources available for municipal, industrial, and agricultural uses in the CVP and SWP service areas. The additional water resources could be used for actions that sustain and support growth.

Growth-inducing effects resulting from the increase in water supply reliability that were caused by the action alternatives would be indirect. However, Reclamation's ability to forecast the extent and location of these effects throughout its extensive service area is extremely limited. More than likely, the effects would be spread throughout the CVP and SWP service areas, would change annually, and would depend on how the additional water supply stored in Shasta Lake is ultimately used. Because the potential indirect, growth-inducing effects are speculative, amorphous, and not site specific, no feasible mitigation measures are available or proposed. No mitigation measure could be feasibly applied across the entire CVP and SWP service areas. Direct impacts on traffic and air quality and changes to the jobs/housing balance would be evaluated and mitigated by the local land use agency during general plan updates and project-specific application review. The following potential effects of an increase in water supply reliability are discussed:

- Existing fallow agricultural land and rangeland may be converted to irrigated row crops or irrigated orchard. This land use change could increase effects of local economic growth on farmers and could result in more local employment opportunities.

- If water supply is an obstacle to expansion of industrial facilities, this obstacle may be removed. Increased industrial capacity could result in economic growth and provide more local employment opportunities.

- If water supply is an obstacle to residential development, this obstacle may be removed, and local land use authorities may be encouraged to approve residential development projects on currently zoned agricultural land:

  - Residential development would result in the construction of houses.

- Residential development may cause economic growth through the collection of development fees.

The project analysis covers the primary study area and an extended study area. The primary study area encompasses Shasta Dam and Shasta Lake; inflowing rivers and streams including the Sacramento River, McCloud River, Pit River, and Squaw Creek; and the Sacramento River downstream to about the Red Bluff Pumping Plant. Because of the potential influence of Shasta Dam modification on natural resources along the Sacramento River as well as on other programs and projects in the Central Valley, the project also evaluates an extended study area that includes the Sacramento River basin downstream from the Red Bluff Pumping Plant, the American River basin, the Delta, the San Joaquin River basin, and the CVP and SWP service areas.

The extended study area includes CVP and SWP reservoirs and the portions of tributaries that are downstream from these reservoirs and affect the Sacramento River, San Joaquin River, Trinity River, and Delta flows. These reservoirs and tributaries include Lake Oroville, Folsom Lake, Millerton Lake, San Luis Reservoir, New Melones Reservoir, and Trinity Lake, and portions of the Trinity, Feather, American, and Stanislaus rivers. The CVP and SWP service areas include much of the Sacramento and San Joaquin valleys, and substantial portions of the Bay Area and Southern California.

The following sections describe mechanisms that could be growth inducing and analyze potential growth-inducing effects of the action alternatives.

### 26.4.1 Increased Construction Work

The action alternatives would create new construction jobs in the primary study area, but this temporary effect would not be growth inducing. Concrete workers, workers with large-scale construction experience, general laborers, and others would be drawn from the local construction industry. These jobs would represent a relatively small increase (i.e., less than 0.5 percent) in the total labor force in the two counties of the primary study area (Shasta and Tehama counties), but also would represent a substantial increase in employment for many of the cities surrounding the project, where employment has consistently been below the state average (EDD 2010, 2011). Therefore, jobs created by the action alternatives would be serviced by the local workforce and would not be growth inducing (see Chapter 16, “Socioeconomics, Population, and Housing”).

### 26.4.2 Increased Flood Risk Reduction

The action alternatives also are anticipated to provide some flood risk reduction benefits, but these benefits would not be growth inducing. The added reservoir capacity at Shasta Lake would give Reclamation greater flexibility in using the reservoir for flood management purposes, thereby increasing the threshold at which seasonal heavy-rain events produce flood conditions downstream from Shasta Dam. The benefits of this increase in reservoir capacity and related flood management options would be most evident along the upper Sacramento River

in the primary study area, and would decrease downstream where other major tributaries, such as the Feather and American Rivers, join the Sacramento River. Structures in and inhabitants of this floodplain experience the most direct effects from storage releases during flood events. The action alternatives would reduce the frequency, magnitude, and duration of some potential future flood events, like those that have affected structures and residents in this part of the primary study area in the past.

As a result of the added reservoir capacity, the overall risk of flooding and its related consequences below Shasta Dam is expected to be reduced. Although heavy-rain events would continue to occur in the region, and potentially increase as a result of global climate change, enlarging the dam is intended to provide greater flexibility in flood management in the lower Sacramento River and Delta area because of the increased capacity of the reservoir. As a result, less damage to existing structures in or near the lower Sacramento River and Delta floodplains would be expected over time although the probability of certain flood events of a substantial size would not be decreased from the increased reservoir capacity at Shasta Lake. Most importantly, the flood risk reduction benefits of the dam enlargement would not change the existing floodplain or Federal Emergency Management Agency flood zone designations, so the action alternatives would not remove an obstacle to development or even reduce any obstacles to development. Flood risk reduction benefits from any of the action alternatives, therefore, are not growth inducing.

### 26.4.3 Increased Water Supply Reliability

Implementing any of the action alternatives would improve water supply reliability in the primary and extended study areas. This improved water supply reliability would better accommodate existing water contracts by increasing the available water supply in some years. The environmental consequences of these contracts have been (and in the future will be) evaluated in separate environmental review processes. The improvement in water supply reliability would not change long-term contract amounts or deliveries within their existing historical ranges.

A variety of factors indirectly influence business, residential, and population growth in the region. Among these are city and county general plans and policies, and the availability of utility services, public schools, and transportation services. Water is one of the primary public services needed to support urban development, including businesses, industry (including agriculture), and housing; a deficiency in water service capacity could constrain future development.

Implementing any of the action alternatives also would increase water supplies for CVP/SWP deliveries, which would have the potential to be growth inducing. The expected increase in water deliveries relative to the CVP and SWP service areas would be small (i.e., less than 1 percent), and increased deliveries likely would be provided to a number of geographic areas within the CVP and SWP

service areas. Also, a substantial portion of this water would substitute for groundwater pumping, would allow for changes in agricultural irrigation practices, or would return idle cropland to production. For this reason, implementing any of the action alternatives would result in beneficial effects on agricultural resources, which would intrinsically benefit the economies in the affected localities. An increase in the reliability of water provided to agricultural areas would not necessarily lead to a direct increase in population because the water primarily would service existing agricultural lands and would not be expected to foster expansion into undeveloped natural communities. Substantial acreages of existing agricultural lands are idle because of reduced water reliability, and some of these existing acreages would receive water and be put back into agricultural production. However, the cumulative effect of a more reliable water source would be to increase agricultural effectiveness, a key economic sector in the region, which could indirectly result in growth-inducing impacts by bringing more money into the local economies.

The proposed action alternatives would increase water supply reliability for agricultural and/or municipal and industrial (M&I) uses. Agriculture is the most important segment of the economy below Shasta Dam and throughout California's Central Valley. Anticipated increases in agricultural water supply reliability are based on simulated CVP and SWP irrigation deliveries. The average annual increase in CVP and SWP irrigation deliveries under action alternatives would be up to 62,200 acre-feet per year. Anticipated increases in M&I water supply reliability are estimated based on simulated increases in CVP and SWP M&I deliveries. The average annual increase in CVP and SWP M&I deliveries under action alternatives would be up to 25,000 acre-feet per year.

Anticipated increases in total water supply reliability are based on the sum of simulated increases in agricultural and M&I water supply reliability. Average annual increases in total water supply reliability under action alternatives would be up to 75,900 acre-feet per year. Therefore, the action alternatives would result in increases in agricultural and/or M&I water supply reliability, which potentially would be a growth-inducing effect.

If residential development is constrained by water supply, then increased water supply reliability may remove an obstacle to residential development. Therefore, any of the action alternatives potentially would be growth inducing. Local land use authorities are required to demonstrate sufficient water supply reliability, pursuant to Senate Bill 610 (Chapter 643, Statutes of 2001), in addition to completion of a water supply evaluation required by CEQA. Water supply reliability may be demonstrated with surface water, water contracts, groundwater, and combinations thereof. Impacts on the physical environment would be evaluated and mitigated at a project level. The locations of potential residential development on existing agricultural or rangeland cannot be predicted, and because of the speculative and amorphous nature of potential growth-inducing impacts, no feasible mitigation for impacts of the action alternatives is available at this time.

Increased reliability of the water supply could reduce a limitation on growth throughout the primary and extended study areas; however, any project that could affect natural resources or otherwise accommodate growth in the study areas would have to comply with existing planning documents and would be subject to project-specific public environmental analysis and review. The effects of subsequent growth would be analyzed in general plan EIRs and in project-level CEQA compliance documents for the local jurisdictions in which the growth would occur. Mitigation of these potential effects would be the responsibility of these local jurisdictions, not Reclamation.

In summary, the expected increase in water deliveries relative to the entire CVP service area would be extremely small and could be provided to any number of geographic areas within the CVP service area (and in part would substitute for ongoing groundwater pumping). Water provided to agriculture would be used primarily if not exclusively to return idle cropland to production. Furthermore, it would be speculative to identify specific areas where growth could occur or the indirect effects on specific community service facilities in a particular service area. For these and other reasons specified above, the growth-inducing effects from the action alternatives are limited, minimal, and can be effectively mitigated through local jurisdictions as needed.

## 26.5 Environmentally Preferable Alternative/Environmentally Superior Alternative

CEQ Regulations require identification of an environmentally preferable alternative and the CEQA Guidelines require identification of an environmentally superior alternative. However, the CEQ Guidelines and CEQA Guidelines do not require adoption of the environmentally preferable/superior alternative as the preferred alternative for implementation. This Final EIS identifies a preferred alternative (see Chapter 32, “Final EIS,” Section, 32.4.1 “Preferred Alternative.” The selection of the preferred alternative is independent of the identification of the environmentally preferable/superior alternative, although the identification of both will be based on the information presented in this EIS.

Section 1505.2(b) of the CEQ Regulations requires the NEPA lead agency to identify the environmentally preferable alternative in a Record of Decision. The CEQ Regulations define the environmentally preferable alternative as “…the alternative that will promote the national environmental policy as expressed in NEPA's Section 101. Ordinarily, this means the alternative that causes the least damage to the biological and physical environment; it also means the alternative which best protects, preserves, and enhances historic, cultural, and natural resources.” Similar to the environmentally preferable alternative under NEPA, the CEQA Guidelines, Sections 15120 and 15126.6(e)(2), require identification of an environmentally superior alternative. If the environmentally superior alternative is the “no project” alternative, the CEQA Guidelines, Section

15126.6(e)(2), require identification of an environmentally superior alternative among the action alternatives.

Each action alternative generally has similar characteristics as all alternatives vary based on combinations of dam raise height, water management, and environmental restoration, and gravel augmentation. The primary distinguishing factors between action alternatives are related to dam raise height, water supply reliability, anadromous fish survival, and other project objectives. CP1, CP2, and CP3 primarily address water supply reliability and anadromous fish survival; however, each of these plans also would contribute to other project objectives. Furthermore, the likelihood that each of these three plans would meet its intended objectives is very high because the plans generally would not rely on any other actions. However, CP4 or CP4A would emphasize anadromous fish survival through an increase in the Shasta Lake storage dedicated to cold-water supply each year, Sacramento River environmental restoration, and gravel augmentation, and CP5 specifically addresses reservoir area environmental restoration and gravel augmentation. For Sacramento River and reservoir area environmental restoration, success would depend on the continued effectiveness of the environmental restoration facilities/features proposed as part of the SLWRI – enhanced lake area habitat, increased native vegetation, and new riparian rehabilitation areas – well past completion of construction.

Construction-related impacts would be similar for all of the action alternatives, and the significance determinations for each of the action alternatives generally are the same. Varying magnitudes of impacts generally would be related to the height of the dam raise because additional construction resources would be required for the larger raise and more land would be affected within the larger inundation area. All of the action alternatives would provide additional opportunities for flood risk reduction and increased anadromous fish survival; they also would provide greater water supply reliability during extremely dry years, which would benefit all water users. CP1 and CP2 would have less of an impact on land uses within the reservoir area than the other action alternatives because they would raise the dam by 6.5 feet and 12.5 feet, respectively, compared to the 18.5-foot increase proposed under CP3, CP4, CP4A, and CP5. However, water supply reliability and anadromous fish survival would be maximized with the larger raise.

Impacts associated with each alternative are summarized at the end of each resource chapter and in Table S-1 in the Summary.

This EIS provides a substantive portion of the environmental information necessary for Reclamation to determine the Environmentally Preferable Alternative. Accordingly, and consistent with NEPA requirements, the environmentally preferable alternative will be identified in the Record of Decision.

## 26.6 Least Environmentally Damaging Practicable Alternative

The SLWRI would require discharge of dredged or fill material into waters of the United States. Section 404 of the Federal Clean Water Act (CWA) authorizes USACE to issue permits for the discharge of dredged or fill material into waters of the United States, including wetlands (33 United States Code [USC] 1344). Guidelines promulgated by the U.S. Environmental Protection Agency and commonly known as the Section 404(b)(1) Guidelines (40 CFR 230 et seq.), regulatory guidelines of USACE (33 CFR 320 et seq.), and NEPA guidelines (40 CFR 1500 et seq.) are substantive environmental criteria used to evaluate permit applications submitted to USACE. An analysis of practicable alternatives is the primary screening mechanism used by USACE to determine the appropriateness of permitting a discharge. A key element of this approval is the requirement that USACE approve only the Least Environmentally Damaging Practicable Alternative (LEDPA), in accordance with guidance provided by Section 404(b)(1) of the CWA.

An alternative is considered practicable if it is available and capable of being implemented after considering cost, existing technology, and logistics in light of overall project purposes (40 CFR 230.3[q]). Practicable alternatives may include placing a project in an area not owned by the applicant that could be reasonably obtained by the project applicant to achieve the overall purpose of the project (40 CFR 230.10[a][2]).

The LEDPA would be determined on the basis of the entire environmental review and identified in the Record of Decision, consistent with Section 404(b)(1) of the Federal CWA, which requires that only the LEDPA may be approved and implemented by a Federal agency. This EIS provides a substantive portion of the environmental information necessary for USACE to determine the LEDPA consistent with Section 404(b)(1) guidelines.

## 26.7 Compliance with Applicable Laws, Policies, and Plans

For more detailed descriptions of the laws, policies, and plans listed below, see Section 3.4, “Regulatory Framework.”

### 26.7.1 Federal Requirements

#### *National Environmental Policy Act*

NEPA requires that an appropriate document be prepared to ensure that Federal agencies accomplish the Act’s purposes. The Council on Environmental Quality has adopted regulations and other guidance that provide detailed procedures for Federal agencies to follow in implementing NEPA. Once finalized, Reclamation would use the Final EIS to comply with Council on Environmental Quality regulations and document NEPA compliance.

### *Clean Water Act*

**Section 404** A Section 404(b)(1) alternatives information package will be prepared for the action alternatives and submitted to USACE and the U.S. Environmental Protection Agency. In addition, Reclamation will obtain a Section 404 permit before filling any waters of the United States. USACE will issue a Record of Decision that addresses pertinent consideration and implementation requirements. Section 404 also requires that the LEDPA be identified and implemented by an authorized Federal agency.

**Section 401** Water quality certification requires evaluation of potential impacts in light of water quality standards and CWA Section 404 criteria governing discharge of dredged and fill materials into waters of the United States. The Federal government delegates water pollution control authority under Section 401 of the CWA to the states. Refer to the Porter-Cologne Water Quality Control Act discussion below.

### *Rivers and Harbors Act*

In USACE's Sacramento District, navigable waters of the United States in the project area that are subject to the requirements of the Rivers and Harbors Act include the Sacramento River and all waterways in the Sacramento-San Joaquin drainage basin affected by tidal action. Sections of the River and Harbors Act applicable to the action alternatives are described below.

**Section 9** All of the action alternatives include construction of dikes. A Section 9 approval would be required before construction of any dikes. Reclamation would obtain approval from the Chief of Engineers and the Secretary of the Army before construction of any dikes in navigable waters of the United States.

**Section 10** A Section 10 permit would be required before any activity that would alter waters of the United States. To comply with the Rivers and Harbors Act, Reclamation would apply for a permit from USACE's Sacramento District before construction, and that application would be processed simultaneously with the CWA Section 404 permit application. This EIS evaluates the environmental effects that the action alternatives would have on waters of the United States, including navigable waters.

**Section 13** The Central Valley Regional Water Quality Control Board has jurisdiction within the primary study area. The Federal government delegates water pollution control authority to states under Section 402 of the CWA. Refer to the Porter-Cologne Water Quality Control Act discussion below.

### *Federal Endangered Species Act*

Reclamation has coordinated with USFWS and NMFS regarding potential project effects on Federally listed species. The potential effects of the SLWRI on endangered and threatened species are described in Chapter 11, "Fisheries and Aquatic Ecosystems"; Chapter 12, "Botanical Resources and Wetlands";

and Chapter 13, "Wildlife Resources." Reclamation will prepare the appropriate biological assessments to address potential impacts on Federally listed species and will consult with USFWS and NMFS regarding impacts of the proposed action.

#### *Magnuson-Stevens Fishery Conservation and Management Act*

Chapter 11, "Fisheries and Aquatic Ecosystems," discusses impacts on fisheries and fisheries habitat. Reclamation will coordinate with NMFS to ensure that recommended measures be put into the Preferred Plan that would minimize adverse modifications to Essential Fish Habitat. The specific implementation plan will analyze the significance of modifications to Essential Fish Habitat and will support the habitat assessments included for restoration-specific actions during Endangered Species Act, Section 7 consultations.

#### *Fish and Wildlife Coordination Act*

Compliance with the Fish and Wildlife Coordination Act (FWCA) involves assessing the impacts of the proposed action on preservation, conservation, and enhancement of fish and wildlife habitat and preparation of a FWCA Report. Reclamation will be required to include recommendations for preserving affected habitats, mitigating their loss, and enhancing such habitats, in its documentation of compliance. Documentation of compliance with the FWCA is a separate analysis of habitats of concern to USFWS, NMFS, and CDFW, and does not replace the analysis required by Section 7 of the Federal Endangered Species Act.

#### *Migratory Bird Treaty Act*

Chapter 13, "Wildlife Resources," evaluates potential impacts on migratory bird species and identifies mitigation measures to reduce impacts on birds, nests, and eggs. In addition, Reclamation will implement all feasible measures included in the FWCA Report discussed above. Reclamation will comply with the Migratory Bird Treaty Act by implementing mitigation measures described in the EIS and in the FWCA Report, before and during implementation of the proposed action.

#### *Bald and Golden Eagle Protection Act*

USFWS has proposed new permit regulations to authorize the take of bald and golden eagles under the Bald and Golden Eagle Protection Act, generally when the take to be authorized is associated with otherwise lawful activities (72 Federal Register 31141–31155, June 5, 2007). With delisting of the bald eagle in 2007, the Bald and Golden Eagle Protection Act is the primary law that protects bald eagles as well as golden eagles. As discussed in Chapter 13, "Wildlife Resources," suitable habitat is not present for golden eagle in the primary study area; however, each of the action alternatives would have a significant and unavoidable impact on the bald eagle. Therefore, Reclamation will consult with USFWS to implement the reasonable and prudent alternative and conservation measures to reduce impacts on the bald eagle.

### *Safe Drinking Water Act*

Water used for domestic purposes must be treated in accordance with Federal and State standards by the local or regional water supply. Reclamation will be in compliance with the Safe Drinking Water Act because the action alternatives would not change existing license requirements or impede enforcement of primary drinking water standards.

### *Farmland Protection Policy Act*

As a Federal agency preparing environmental compliance documents, Reclamation has included in its analysis a farmland assessment designed to minimize adverse impacts on Prime and Unique Farmlands and provide for mitigation as appropriate. Chapter 10, "Agriculture and Important Farmland," evaluates potential effects of the action alternatives on Important Farmland.

### *National Forest Management Act*

As discussed in Chapter 1, "Introduction," USFS is a cooperating agency in this EIS. Under the National Forest Management Act, any decision emanating from a NEPA process must comply with the Land and Resource Management Plan (LRMP) to authorize an action on lands managed by Shasta-Trinity National Forest (STNF). Significant impacts on lands and resources managed by STNF are discussed in Chapter 4, "Geology, Geomorphology, Minerals, and Soils;" Chapter 12, "Botanical Resources and Wetlands;" Chapter 13, "Wildlife Resources;" Chapter 17, "Land Use and Planning;" Chapter 18, "Recreation and Public Access;" and Chapter 19, "Aesthetics and Visual Resources." These impacts may require nonsignificant, project-specific amendments to the LRMP.

The National Forest Management Act also requires that USFS maintain viable populations of existing native and desired nonnative species in the planning area. Reclamation will meet this requirement by preparing a biological evaluation and associated management indicator species assessment. Those documents will be used by USFS to make a finding that the actions disclosed in the record of decision, issued by Reclamation, will be consistent with the LRMP.

### *Federal Land Policy and Management Act*

As described in Chapter 3, "Considerations for Describing the Affected Environment and Environmental Consequences," the Federal Land Policy Management Act directs USFS and BLM to manage public lands under the principles of multiple use and sustained yield. Under the Federal Land Policy and Management Act, the use and occupancy of public lands requires authorization by a land management agency, typically under the auspices of a special-use permit. As the principal land management agency for the Shasta Unit of the Whiskeytown-Shasta-Trinity National Recreation Area, USFS and, to a lesser degree, BLM, will need to use the Final EIS to support issuance of authorizations to various parties, pursuant to the Federal Land Policy and Management Act.

### *Wild and Scenic Rivers Act*

Section 7 of the Federal Wild and Scenic Rivers Act requires STNF to manage the outstandingly remarkable values of the McCloud River, consistent with the objectives, standards, and guidelines of its LRMP. The evaluation in the LRMP concluded that the lower McCloud River, from McCloud Dam downstream about 22 miles to the river's transition to Shasta Lake at about 1,070 feet mean sea level, provides outstanding cultural, fisheries, and geologic values, and its corridor has been classified as a highly sensitive visual area by USFS (USFS 1995). Based on the outstandingly remarkable values, STNF determined that the lower McCloud River meets the eligibility requirements for designation under the Federal Wild and Scenic Rivers Act. Chapter 25, "Wild and Scenic River Considerations for McCloud River," evaluates potential effects of the SLWRI on the McCloud River.

### *Federal Water Project Recreation Act*

Compliance with the Federal Water Project Recreation Act is achieved by documenting the consideration of recreation opportunities in USACE reports and NEPA documents. Within this EIS, Reclamation has taken into consideration and addressed outdoor recreation and fish and wildlife enhancement in the primary and extended study areas.

### *National Historic Preservation Act*

Under Section 106 of the National Historic Preservation Act, Federal agencies must consider effects to eligible resources ("historic properties") from the proposed undertaking, in consultation with the California State Historic Preservation Officer (SHPO) and other parties. This includes affording the Advisory Council a reasonable opportunity to comment on such undertakings. For this project, consultation between Reclamation, USFS, any other applicable Federal agencies, SHPO, and other consulting parties would include consideration of possible options for avoiding, minimizing, or mitigating adverse effects. If SHPO, Reclamation, USFS, other applicable Federal agencies, and the Council (if participating) agree to measures to resolve adverse effects to historic properties, these are formalized in a Memorandum of Agreement (MOA). Other consulting parties may be invited to sign the MOA. The Section 106 process (36 CFR Part 800.14) is completed once the terms of the MOA have been met. Alternatively, the Federal agencies may elect to enter into a programmatic agreement that would be developed as an alternative procedure to implement the Section 106 process (36 CFR Part 800.14). In rare cases, if consultation fails to result in agreement on resolving adverse effects, consultation may be terminated pursuant to the process detailed in 36 CFR Part 800.7.

### *Indian Trust Assets*

When adverse impacts on Indian Trust Assets (ITA) cannot be avoided, appropriate mitigation or compensation will be provided. ITAs consist of lands that have been deeded to tribes or on which tribes have a historical legal claim. However, no such lands are within the primary study area. Thus, the SLWRI

would have no impact on ITAs. Because ITAs have been evaluated and the SLWRI would have no impact on these resources, the SLWRI would comply with ITAs.

### *Executive Order 11988 (Flood Hazard Policy)*

As discussed in Chapter 6, "Hydrology, Hydraulics, and Water Management," all of the action alternatives would have an effect on floodplains in the primary study area. However, none of the action alternatives would increase flood flows, and feasible mitigation would be implemented to compensate for the impact of altered flow on riparian and wetland communities.

### *Executive Order 11990 (Protection of Wetlands)*

As discussed in Chapter 12, "Botanical Resources and Wetlands," a wetland delineation will be prepared for the Preferred Plan and a USACE Section 404 permit will be obtained before construction. Reclamation will identify the location of sensitive habitats by conducting a wetland delineation, avoid and minimize impacts to the extent feasible, and compensate for any losses. However, implementation of any of the action alternatives would result in significant and unavoidable impacts on wetlands.

### *Executive Order 12898 (Environmental Justice Policy)*

As discussed in Chapter 24, "Environmental Justice," the disturbance or loss of resources associated with locations considered by Winnemem Wintu and Pit River Madesi Band members to have religious and cultural significance would result in a disproportionately high and adverse effect on Native American populations in the vicinity of Shasta Lake. Therefore, the project would contribute to disproportionate placement of environmental impacts on Native American populations and would result in a cumulatively considerable incremental contribution to a significant and unavoidable cumulative impact. No feasible mitigation is available to reduce this high and adverse effect. Compliance with Executive Order 12898 occurs through the identification of this effect and acknowledgement of the lack of feasible mitigation measures available to reduce it.

### *Americans with Disabilities Act*

The Americans with Disabilities Act of 1990 is a comprehensive law prohibiting discrimination against people with disabilities in employment practices, use of public transportation, use of telecommunication facilities, and use of public accommodations. Title II of the ADA applies to government facilities and requires that reasonable modifications must be made to services and programs so that they are readily accessible to and usable by people with disabilities. If any alternative proposed under the SLWRI is approved and authorized, Reclamation would make every reasonable effort to make any new construction or improvement fully compliant with ADA requirements. If it is found to be infeasible to make a new construction or improvement element fully ADA compliant, Reclamation would obtain any required waivers or modifications to the ADA standards.

### *Executive Order 13007 (Indian Sacred Sites) and Memorandum of April 29, 1994*

EO 13007 defines a sacred site as "any specific, discrete, narrowly delineated location on Federal land that is identified by an Indian tribe, or Indian individual determined to be an appropriately authoritative representative of an Indian religion, as sacred by virtue of its established religious significance to, or ceremonial use by, an Indian religion; provided that the tribe or appropriately authoritative representative of an Indian religion has informed the agency of the existence of such a site."

Potential impacts of the action alternatives on Native American sacred sites are addressed in Chapter 14, "Cultural Resources." Reclamation will continue to coordinate with federally recognized tribes to address potential impacts on sacred sites.

### *Executive Order 13112 (National Invasive Species Management Plan)*

A weed management plan is within the scope of the action alternatives and would include methods for managing the spread of invasive plant species. Because the details of the weed management plan have not been finalized at the time of this writing, this EIS identifies preparation and implementation of a weed management plan as a mitigation measure. Developing and implementing the weed management plan as a mitigation measure demonstrates compliance with Executive Order 13112. Reclamation will demonstrate continued compliance with this executive order by implementing the methods described in the weed management plan.

### *Federal Clean Air Act*

As discussed in Chapter 5, "Air Quality and Climate," the SLWRI would not result in long-term effects on air quality. Because the effects of the action alternatives on air quality have been evaluated and mitigated to the extent possible, any of the action alternatives would comply with the Federal Clean Air Act.

### *Federal Transit Administration*

This EIS evaluates potential groundborne-vibration impacts on sensitive receptors, including the maximum sensitivity of 65 vibration decibels for hospitals, high-technology manufacturing, and laboratory facilities. Some construction activities associated with the action alternatives could result in groundborne vibrations exceeding 65 vibration decibels. However, sensitive receptors would need to be within 250 feet of the activities to be affected, and no sensitive receptors would be within this distance. Reclamation has demonstrated consistency with this policy by evaluating the construction activities that would generate the maximum possible groundborne vibration at the highest sensitive uses.

#### *Federal Energy Regulatory Commission*

Changes to hydroelectric facilities on the Pit River, including instream flow releases or modifications to downstream structures, may necessitate a license amendment from the Federal Energy Regulatory Commission. Reclamation will support Pacific Gas and Electric Company in any application to the Federal Energy Regulatory Commission for necessary license amendments before implementing any action alternatives that would affect Pit River flows.

#### *U.S. Coast Guard*

The SLWRI has the potential to affect several bridges over inflows to Shasta Lake. Reclamation will coordinate with the U.S. Coast Guard in respect to these potential impacts.

### 26.7.2 State Requirements

The section below describes potential State or local agency requirements under CEQA if the preferred alternative or action alternatives is authorized and approved. It is possible that some state or local agencies will be unable to process and issue permits and approvals identified below.

#### *California Environmental Quality Act*

This document has been prepared in consideration of CEQA requirements. This EIS may not be sufficient to serve as a DEIR for CEQA purposes and would require scrutiny by any State or local CEQA Lead Agency before release to the public as a DEIR. Section 15221 of the CEQA Guidelines states that when a NEPA document is ready before the CEQA document, the State Lead agency shall evaluate the NEPA document for CEQA compliance and augment the CEQA document with CEQA specific analysis, as necessary. The State Lead Agency, assuming one is identified in the future, would evaluate the legal sufficiency of all aspects of the document including range of alternatives, impact assessments, mitigation measures, and effects to State protected resources including state-listed endangered and threatened species.

#### *California Endangered Species Act*

Evaluations have been conducted for State-listed endangered and threatened species, and have determined that the proposed action would affect several State-listed species. Effects on those species are discussed in Chapter 11, “Fisheries and Aquatic Ecosystems;” Chapter 12, “Botanical Resources and Wetlands;” and Chapter 13, “Wildlife Resources.” Reclamation will prepare appropriate biological assessments to address potential impacts on Federally listed species. The CEQA lead agency will consult with CDFW regarding impacts of the proposed action on State-listed species.

#### *California Fish and Game Code—Fully Protected Species*

This EIS identifies potential actions that could result in take of fully protected species, and the CEQA lead agency will work closely with CDFW to evaluate methods to avoid impacts on fully protected species.

#### *California Fish and Game Code Section 1602—Streambed Alteration*

A CDFW streambed alteration agreement must be obtained for any project that would result in an impact on a river, stream, or lake. This EIS identifies potential actions within the proposed action that would require the alteration of stream features, subject to Section 1602 of the California Fish and Game Code. The CEQA lead agency will secure an approved streambed alteration agreement before performing any actions subject to Section 1602.

#### *California Fish and Game Code Sections 5900–5904, 5930–5948, 7261, and 7370—Fish Passage*

This EIS identifies actions that could affect fish passage, and Reclamation or the CEQA lead agency will work closely with CDFW to evaluate methods to avoid impacts on sturgeon, fish passage, and designated "Heritage Trout Waters." Potential impacts on fisheries are described in Chapter 11, "Fisheries and Aquatic Ecosystems."

#### *California Native Plant Protection Act*

All action alternatives are evaluated in this EIS for consistency with this Act. Mitigation measures are provided, as necessary, to minimize potential take of listed and special-status plants under the California Native Plant Protection Act.

#### *California Native Plant Society California Rare Plant Ranking System*

This EIS identifies plants of concern in the California Rare Plant Ranking System (formerly known as the California Native Plant Society species lists) that may be affected by the action alternatives, using the California Rare Plant Ranking System as a method of identifying species of concern. Mitigation and minimization measures will be implemented, as necessary, to reduce the significance of potential impacts on these species of concern.

#### *Central Valley Flood Control Act of 2008*

The action alternatives have been developed in a manner that is consistent with the Central Valley Flood Control Act, and the action alternatives would not inhibit development and implementation of the *Central Valley Flood Protection Plan*.

#### *Central Valley Flood Protection Board Encroachment Permit*

Certain action alternatives would require work along the Sacramento River in areas that may be subject to Title 23; the river is managed for flood control, and thus it contains features subject to Central Valley Flood Protection Board jurisdiction. The CEQA lead agency will secure encroachment permits, as needed, to satisfy Title 23 before performing any work along relevant reaches of the Sacramento River that contain flood control features subject to Central Valley Flood Protection Board jurisdiction.

#### *Water Rights*

The action alternatives do not include any actions that would require acquisition, use, or modification of water rights. Therefore, the action

alternatives would comply with all existing water rights in the primary and extended study areas.

### *California Public Resources Code*

The Legislature has declared that the McCloud River, which is within the primary study area, possesses "extraordinary resources" in the context of Section 5093.542 of the California Public Resources Code, established through enactment of the Wild and Scenic Rivers Act, as amended (Sections 5093.50 through 5093.70). However, the Legislature's action stopped short of formally designating the river as wild and scenic. Chapter 25, "Wild and Scenic River Considerations for McCloud River," evaluates potential effects of the action alternatives on the McCloud River. New legislation may be required for State support and/or participation in any of the action alternatives.

The California Public Resources Code also contains several other sections relevant to the project. Compliance with provisions of the California Public Resources Code is achieved in this EIS by analyzing the impact of the action alternatives on recreation opportunities. Chapter 18, "Recreation and Public Access," discusses effects on Shasta Lake and the surrounding recreation areas under the action alternatives.

### *California Harbors and Navigation Code*

Significant modifications to facilities on Shasta Lake may necessitate coordination with the California Department of Boating and Waterways and/or the U.S. Coast Guard. The CEQA lead agency and/or Reclamation will coordinate with them as necessary.

### *Porter-Cologne Water Quality Control Act*

Action alternatives that have the potential to adversely affect water quality are identified in this EIS. Measures necessary for compliance with the Porter-Cologne Water Quality Control Act would need to achieve consistency with implementation programs under the water quality control plan for the Sacramento River basin, and with the Central Valley Regional Water Quality Control Board's waste discharge requirements. Other necessary actions likely would include application for and finalization of National Pollutant Discharge Elimination System permits and Section 401 water quality certifications.

### *California Land Conservation Act of 1965 (Williamson Act)*

Approximately 51 percent of Shasta County's farmland is under Williamson Act contracts (Shasta County 2004). Williamson Act lands affected by the action alternatives are discussed in Chapter 10, "Agriculture and Important Farmland."

### *California Clean Air Act*

This EIS evaluates the contribution of the action alternatives to any violation of air quality standards and identifies mitigation measures to help achieve

consistency with the State implementation plan's attainment goal before implementation of any of the alternative actions.

### *California Scenic Highway Program*

On the south side of Shasta Lake, portions of State Route 151 are an officially designated State Scenic Highway. County Road A18 is an officially designated County Scenic Highway, and it also is located on the southern side of Shasta Lake. Portions of Interstate 5, as it approaches Shasta Lake and crosses the Pit River Bridge, are considered eligible for designation as a State Scenic Highway. Impacts on scenic highways are discussed in Chapter 19, "Aesthetics and Visual Resources."

### *State Lands Commission Land Use Lease*

In the primary study area, the lands under the jurisdiction of the California State Lands Commission include areas along the Sacramento River, north of Red Bluff. Work on the Sacramento River would require a lease from the California State Lands Commission. The CEQA lead agency will coordinate with the California State Lands Commission and obtain a State Lands Commission Land Use Lease before starting work in areas under the Commission's jurisdiction.

### *California Surface Mining and Reclamation Act*

In general, the California Surface Mining and Reclamation Act of 1975 (SMARA) requires that the lead agency approve a permit and a reclamation plan, and that an approved financial assurance be posted for the reclamation of the mined land. If borrow is required from borrow site(s), not previously permitted under SMARA, the CEQA lead agency will either obtain a SMARA permit or an exemption from SMARA for all borrow sites before beginning borrow activities.

### *State of California General Plan Guidelines*

Chapter 8, "Noise and Vibration," evaluates long-term effects on noise levels in the primary and extended study areas. Long-term changes in noise levels associated with any of the alternative actions would be less than significant. All alternative actions would comply with the appropriate noise guidelines based on Reclamation's evaluation of long-term compatibility of the actions with noise levels.

### *California Department of Transportation*

Highway improvements or modifications that may be necessary as part of this project may require an encroachment permit, issued through the California Department of Transportation (Caltrans). The project may involve modifications to roadways that Caltrans considers "complex," and Reclamation or the CEQA lead agency may need extensive communication with the Caltrans Department of Engineering Services and/or structure-specific encroachment permits. The requirements are detailed in the *Caltrans Encroachment Permits Manual*, which is available at the Caltrans Web site.

## 26.7.3 Local Plans and Policies

### *Shasta County Air Quality Management District's Authority to Construct and Permit to Operate*

The CEQA lead agency would obtain an Authority to Construct permit before building or installing any new emissions unit or modifying any existing emissions unit that requires a permit, if necessary. The CEQA lead agency also would obtain a Permit to Operate after all construction is completed and the emission unit is ready for operation, if needed.

### *Other Local Permits and Requirements*

Several other local permits and requirements may apply to the action alternatives. Shasta and Tehama counties and their public works departments will require compliance with local plans and ordinances, such as the county general plan, zoning ordinances, grading plan, and various use permits. Utility easements and various encroachments also may be required.

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# Chapter 27
# Public Involvement, Consultation, and Coordination

This chapter summarizes completed, ongoing, and anticipated public outreach and agency involvement efforts related to development of the SLWRI, including activities that satisfy NEPA requirements for public scoping and agency consultation and coordination. Efforts to engage the public, stakeholders, Federally recognized Native American Tribes, Native American groups, and public agencies are an important role in the SLWRI. These efforts are guided by the *Strategic Agency and Public Involvement Plan* (Reclamation 2003a), and include a broad range of activities designed to accomplish official and supplementary outreach goals. Chapter 28, "DEIS Distribution List," lists the entities receiving a copy of the DEIS. Reclamation encourages review of this DEIS and will continue to solicit public and agency input on the proposed action. For updated information on the Final EIS, please see Chapter 32, "Final EIS."

The *Strategic Agency and Public Involvement Plan* features four main objectives:

- **Stakeholder Identification** – Identifying and involving individuals, groups, and other entities that have an expressed or implied interest in the SLWRI.

- **Project Transparency** – Informing stakeholders and the public of study results in a timely, unbiased fashion through a variety of methods, including stakeholder and/or public meetings, Web postings, and mailings.

- **Issues and Concerns Resolution** – Gaining awareness of the issues and concerns of stakeholders and the public early in the process, and responding to these issues in an effective and timely manner.

- **Project Implementation** – Assisting policy-makers in understanding project purposes and benefits, and demonstrating that the project has met all necessary requirements to be implemented.

# 27.1 Public Involvement Through Project Scoping

Public scoping activities are conducted as part of compliance with both NEPA and CEQA, but are more formalized under NEPA. Scoping allows agencies, stakeholders, organizations, and other interested parties to identify resources to be evaluated, issues that may require environmental review, reasonable alternatives to consider, and potential mitigation if significant adverse effects are identified. The scoping process helps with early identification of problems to be studied, and also helps to eliminate from detailed study issues that are not critical to the decision at hand. Scoping also provides decision makers with insight on the issues and concerns that the public believes should be considered as part of the feasibility study. Public scoping activities performed for the SLWRI environmental documentation process are described below.

## 27.1.1 Notice of Intent to Propose an Environmental Impact Statement

Reclamation initiated the scoping process by publishing a notice of intent to prepare an EIS and a notice of public scoping meetings pursuant to NEPA on October 7, 2005, in the *Federal Register* (Volume 70, pages 58744–58746). The opportunity for submitting written comments on the notice of intent extended through December 6, 2005.

On the same day that the notice of intent and notice of meetings were published in the *Federal Register*, Reclamation announced the scoping meetings to be held in a news release posted on the project Web site and distributed via e-mail to media in the extended study area. The release was also distributed to agencies, stakeholders, organizations, and other interested parties. A second news release on October 20, 2005, announced an additional scoping meeting to be held in Red Bluff, and was published in display advertisements that Reclamation purchased in newspapers within the immediate study area in Redding, Red Bluff, and Dunsmuir.

## 27.1.2 Public Scoping Meetings

In 2005, seven public scoping meetings were conducted in an “open house” format throughout California to update the public on the status of the proposed action and to solicit and receive input on alternatives, project related concerns, and issues to be addressed in the environmental review process. Project team members from Reclamation and its consultants staffed informational workstations and interacted with meeting participants to provide information and answer questions. Attendance ranged from very light for meetings held in Concord, Fresno, and Los Angeles at 2, 2 and 4 people, respectively. Attendance was comparatively stronger in Dunsmuir, Redding, Red Bluff and Sacramento at 11, 39, 20 and 10 people, respectively. The proximity to the projects, and advertisements in three local newspapers, likely contributed to a stronger attendance in the northern cities.

The meetings were attended by private citizens, Federal and State agency personnel, local government representatives, political representatives, members

of the media, Native American Tribes, Native American groups, and business owners, and representatives of private industry, utilities, environmental interest groups, and nongovernmental organizations.

Displays of information were presented at each meeting on large-scale panels at a series of four workstations. Information included on these panels is summarized as follows.

#### *Background*

This workstation described Shasta Dam and Shasta Lake, authorization of the Federal feasibility study and other pertinent guidance, the CALFED Bay-Delta Program (CALFED) Programmatic Record of Decision (ROD) relating to enlarging Shasta Dam and Shasta Lake, and the primary and extended study areas.

#### *Environmental Overview*

This workstation summarized the major resource areas to be evaluated, defined the biological, socioeconomic, physical, and cultural environments, and identified potential impacts on those environments. The workstation also included information on the Federal environmental review process and Federal and State regulatory requirements and processes.

#### *Study Process*

This workstation presented information on water resources problems and needs being addressed in the SLWRI environmental documents. The primary and secondary study objectives were identified along with the overall study mission. The workstation also included information about the Federal plan formulation process, including the development of the SLWRI initial alternatives and the formulation of comprehensive alternatives.

#### *Initial Alternatives*

This workstation described the initial alternatives formulated, potential major features associated with potential enlargement of Shasta Dam and Shasta Lake that are likely to be considered in future studies, and potential environmental restoration features to be included in the alternatives.

The *Environmental Scoping Report* (Reclamation 2006) describes the scoping process, comments received during scoping, and how these comments would be addressed as part of the SLWRI and in support documentation (e.g., Feasibility Report and EIS).

## 27.2 PDEIS Outreach

Before releasing the DEIS, Reclamation released the Preliminary Draft Environmental Impact Statement and the Draft Feasibility Report. This February 2012 release was followed by an October 2012 Reclamation news

release requesting additional public comment on the Draft Feasibility Report for input on potential cost, benefits and impacts of enlarging Shasta Dam and Reservoir. In December 2012, Reclamation extended the comment period for review of the document from December 28, to January 28, 2013, to allow time for additional public comments on the Draft Feasibility Report.

## 27.3 Other Public Outreach

In addition to scoping activities, other public outreach activities have included the following:

- Release of major previous Reclamation studies and reports investigating potential enlargement of Shasta Dam and Reservoir included: *Enlarged Shasta Lake Investigation Preliminary Findings Report* (1983), *Shasta Dam and Reservoir Enlargement, Appraisal Assessment of the Potential for Enlarging Shasta Dam and Reservoir* (1999), *SLWRI Strategic Agency and Public Involvement Plan* (2003b), *SLWRI Mission Statement Milestone Report* (2003a), *SLWRI Initial Alternatives Information Report* (2004a), *SLWRI Environmental Scoping Report* (2006), and *SLWRI Plan Formulation Report* (2007). As described above, Reclamation also completed the Preliminary DEIS (2011a), Draft Feasibility Report (2011b), and supporting technical appendices for the SLWRI in November 2011. These documents were released to the public in February 2012, to share study findings and provide additional opportunities for public and stakeholder input.

- Release of two project information papers associated with milestone reports- the *Mission Statement Milestone Report* (Reclamation 2003b) and the *Initial Alternatives Information Report* (Reclamation 2004a) – in support of public outreach.

- Right-of-entry request letters to more than 450 property owners in support of field surveys and investigations including geological, archeological, biological and topographical surveys.

- Stakeholder workshops during development of the SLWRI (multiple years)

- Project briefings to Federal, state and local elected officials, water and hydropower interest groups, and environmental interest groups have been on-going since 2003.

- Project update meetings with property owners and/or business interests in the Shasta Lake area (multiple years)

- Presentations to the California Water Commission, Bay-Delta Public Advisory Committee, and related agency presentations (multiple years)
- Briefings to resource management groups and stakeholders (multiple years)
- Project Web site for the SLWRI (www.usbr.gov/mp/slwri/index.html)

Future meetings will focus primarily on public outreach related to the release of this DEIS.

## 27.4 Consultation and Coordination

Reclamation has consulted various public agencies and organizations during the public outreach process and throughout development of the SLWRI DEIS to obtain feedback on the investigation. Consultations have assisted Reclamation in determining the scope of the DEIS, developing project components and objectives, identifying the range of alternatives, and defining potential environmental impacts, impact significance, and mitigation measures.

### 27.4.1 Consultation and Coordination with Agencies

Reclamation conducts ongoing consultation and coordination efforts with agencies. The SLWRI study management structure includes the active participation of numerous cooperating agencies and other stakeholders on a Project Coordination Team (PCT) and Study Management Team and in Technical Working Groups. Cooperating agencies for the SLWRI, pursuant to NEPA, include USFS, Colusa Indian Community Council of the Cachil Dehe Band of Wintun Indians, USACE, and U.S. Department of the Interior, Bureau of Indian Affairs. Other participants in the PCT include USFWS; NMFS; U.S. Department of the Interior, Bureau of Land Management; and other Federal and State agencies. These groups were active contributors to the ongoing development and/or review of the alternative plans that are addressed herein and in supporting documentation.

The PCT is among the most effective means of communication between agencies, continuing to provide for regular participation by numerous cooperating agencies. Regularly scheduled bimonthly meetings have been held and continue to be held, for the purpose of project coordination and decision making, with invitations extended to all cooperating agencies and other CALFED Bay-Delta Program agencies and the Central Valley Regional Water Quality Control Board.

Key elements of these coordination activities are the *Planning Aid Memorandum* and *Coordination Act Report*, documents issued by USFWS. A draft *Planning Aid Memorandum* outlining areas of potential concern was circulated among the resource agencies in the first quarter of 2007.

Development of the *Coordination Act Report* began in summer 2007, with circulation of a draft in 2008. An updated draft of the *Coordination Act Report* was provided in October 2014.

### 27.4.2 Coordination with Native American Tribal Governments

Native American tribal governments are American Indian or Alaska Native tribal entities registered with the U.S. Department of the Interior, Bureau of Indian Affairs (BIA) as having a formal government-to-government relationship – inclusive of the responsibilities, powers, limitations, and obligations attached to that designation – with the United States. This Federal registration further recognizes the tribal governments' possession of certain inherent rights of self-government (i.e., tribal sovereignty) and carries with it entitlements to certain Federal benefits, services, and protections because of their special relationship with the United States.

Consistent with a memorandum from the President on April 29, 1994, Reclamation and the cooperating agencies will continue to actively engage Federally recognized tribal governments in planning and developing the investigation, and will consult with each tribe on a government-to-government basis before taking actions that could affect such tribal governments. Under Federal Trust responsibility, Reclamation will provide full disclosure (benefits and negative impacts) of the project, allow time for tribal review/consultation, and receive comments and/or suggestions for alternatives.

The PCT held several coordination meetings with Federally recognized tribes during 2007 and 2008. Tribes were invited to an informal meeting held on April 4, 2007, in Redding, California, to provide general information about the SLWRI and determine tribal participation interests. Additionally, from August 2007 to November 2008, members of the PCT held six separate meetings with four Federally recognized tribes whose traditional territories overlap with the SLWRI project area. The purposes of the meetings were to solicit, clarify, and document major concerns and issues regarding the SLWRI, and to establish a preferred method or approach for maintaining effective communication with each tribe during the remainder of the feasibility study and in future endeavors.

### 27.4.3 Coordination with Native American Groups

A Native American group is comprised of individuals who self-identify as Native American, but have not been conferred formal tribal sovereignty by the United States. Native American groups are consulted with as interested parties under NHPA Section 106. Under 36 CFR §800.4(3), agencies seek information from these parties, who are identified as likely having knowledge of, or concerns with, historic properties in the area, and may identify issues related to potential effects.

In accordance with Executive Order 12898, Native American groups and Federally-recognized tribes – are considered minority populations, and are encouraged as stakeholder groups to participate in the ongoing investigation.

Several Native American groups, such as the Winnemem Wintu and Shasta Nation, have expressed significant interest in the SLWRI. In response, the PCT conducted – in addition to the six Tribal Government Coordination meetings – four meetings with Native American groups in 2007 and 2008. This engagement began with an informal meeting with Native American groups on April 4, 2007, to distribute general information about the SLWRI and to identify their interests for project participation. As with Federally recognized tribes, meetings were held with Native American groups to solicit, clarify, and document major concerns and issues regarding the SLWRI, and to establish each group's preferred method or approach for receiving communications about the SLWRI during the remainder of the study.

## 27.5 Major Topics of Interest

The focus of interest varied among the outreach activities, but a common theme centered on potential impacts on the Shasta Lake area that could result from enlargement of the reservoir.

The public, stakeholders, and other Federal agencies, and State and local agencies identified several areas of concern during SLWRI meetings and workshops. Key topics included potential adverse effects on cultural resources in the Shasta Lake area; recreation and recreation providers in the Whiskeytown-Shasta-Trinity National Recreation Area; terrestrial special-status species around Shasta Lake, including State-designated fully protected species, aquatic special-status species in the Sacramento River and Delta (including delta smelt); the lower McCloud River and its special designation under California Public Resources Code 5093.542(c); Delta water quality; south Delta water levels; Central Valley hydrology below CVP and SWP facilities and resulting effects on water supplies for water contractors and other water users; and consistency with the CALFED Programmatic ROD. These topics are described in more detail in Chapter 1, "Introduction," Section 1.6, "Areas of Controversy."

## 27.6 DEIS Outreach

This DEIS was released on July 1, 2013, for public and agency review and comment for a 90 day period that ended September 30, 2013. The document's Notice of Availability (NOA) was posted by the U.S. Environmental Protection Agency in the July 1, 2013, *Federal Register*. During this public comment period, Reclamation held a public workshops in Los Banos, Redding and Sacramento to solicit, receive and respond to public input on the DEIS. Consistent with NEPA requirements, three public hearings were held before the close of the public comment period and held in the same communities. Before the conduct of each workshop and the public hearings, Reclamation issued a news release to its statewide media list and posted advertisements in

newspapers of record for each community, which were the Los Banos Enterprise, Redding Record-Searchlight and The Sacramento Bee.

The workshops were held July 16, 17, and 18, 2013, in Redding, Sacramento and Los Banos, respectively. The total number of people that signed in for the meetings was 150, 20 and 15 people, respectively. The public hearings were held September 11, 12 and 13, 2013, in Sacramento, Los Banos and Redding, respectively. The total number of people that signed in for the meetings was 9, 5 and 138, respectively. These meetings were formatted similar to public scoping with an open house preceding a formal public session. The open house portion of the July and September meetings included five project information stations staffed by project team members available to respond to attendee's questions. These workstations included Process, Schedule and Next Steps; Alternatives; Implementation Considerations; Biological Resources; and Cultural Resources.

Following each open house for the July public workshops, Reclamation staff led a brief presentation and responded to questions from attendees. Following each open house for the September public hearings, Reclamation staff provided a brief presentation before opening the formal public hearing consistent with NEPA. The public hearing was led by a hearing officer, with comments recorded verbatim by a stenographer.

Comments provided during the public hearing have been incorporated, as identified, to the Final EIS. Written comments from the public, reviewing agencies, and stakeholders received during the public comment period were also incorporated, as identified, to the Final EIS. Next steps in the environmental review process are described in Chapter 32, "Final EIS," Section 32.7, "Next Steps."

# Chapter 28
# DEIS Distribution List

This chapter provides locations where the DEIS was available for review and provides an overview the governmental entities, organizations, and interested parties that received copies of the DEIS. This list includes agencies and organizations that were involved in the scoping process for the proposed action, requested a copy of the DEIS, or that may use the DEIS for discretionary or informational purposes. For updated information on the Final EIS, please see Chapter 32, "Final EIS."

## 28.1 Document Availability

The public distribution of the DEIS emphasized the use of electronic media to ensure cost-effective, broad availability to the public and interested parties. This DEIS is available on the Internet at Reclamation's Web site, http://www.usbr.gov/mp/slwri/documents.html. The hard copies of the DEIS were made available for review at the following locations:

U.S. Department of the Interior, Bureau of Reclamation Library
2800 Cottage Way
Sacramento, California 95825

Bureau of Reclamation, Northern California Area Office
16349 Shasta Dam Boulevard
Shasta Lake, California 96019

U.S. Department of the Interior, Natural Resources Library
1849 C Street NW, Main Interior Building
Washington, D.C., 20240

Dunsmuir Branch Library
5714 Dunsmuir Avenue
Dunsmuir, California 96025

Shasta County Public Library,
Redding Library
1100 Parkview Avenue
Redding, California 96001

Kern County Library,
Holloway-Gonzales Branch
506 East Brundage Lane
Bakersfield, California 93307

Concord Library
2900 Salvio Street
Concord, California 94519

Los Banos Public Library
1312 South 7th Street
Los Banos, California 93635

Napa City-County Library
580 Coombs Street
Napa, California 94559

## 28.2 Agencies and Organizations Receiving Copies of the DEIS

All persons, agencies, and organizations listed in this chapter were informed of the availability of and locations to obtain the DEIS. Parties listed below have received an electronic or hard copy of the main body of the DEIS or the entire DEIS, including appendices.

### 28.2.1 Federal Agencies

- U.S. Army Corps of Engineers
- U.S. Department of Interior, Fish and Wildlife Service
- U.S. Department of Interior, Bureau of Indian Affairs
- U.S. Department of Interior, Bureau of Land Management
- U.S. Department of Agriculture, Forest Service
- U.S. Department of Commerce, National Marine Fisheries Service
- U.S. Environmental Protection Agency

### 28.2.2 State Agencies

- California Water Commission
- California Department of Boating and Waterways
- California Department of Conservation
- California Department of Education

- California Department of Fish and Wildlife
- California Department of Public Health
- California Department of Parks and Recreation
- California Department of Toxic Substances Control
- California Department of Transportation
- California Department of Water Resources
- California Department of Food and Agriculture
- California Department of Forestry and Fire Protection
- California Environmental Protection Agency
- California Highway Patrol
- California Air Resources Board
- California Central Valley Flood Protection Board
- Central Valley Regional Water Quality Control Board
- California Governor's Office of Planning and Research
- State Water Resources Control Board
- California Energy Commission
- Delta Protection Commission
- Delta Stewardship Council
- Native American Heritage Commission
- State Lands Commission
- Office of Historic Preservation

### 28.2.3 Regional and Local Entities

- Shasta County
- Tehama County
- Siskiyou County

- Trinity County
- Shasta County Air Quality Management District
- Tehama County Air Quality Management District
- City of Anderson
- City of Corning
- City of Dunsmuir
- City of Mount Shasta
- City of Redding
- City of Red Bluff
- City of Shasta Lake

### 28.2.4 Federally Recognized Tribes

- Grindstone Indian Rancheria
- Paskenta Band of Nomlaki Indians
- Pit River Environmental Council
- Pit River Tribe of California
- Redding Rancheria

### 28.2.5 Other Interested Parties

- More than 250 non-governmental organizations representing environmental, agricultural, business, tribal, and related interests
- More than 50 water districts, irrigation districts, other water purveyors, and related utilities
- More than 50 media outlets
- More than 180 private business interests
- More than 1,000 individuals, including reservoir area property owners

# Chapter 29
# List of EIS Preparers

Following is a list of persons who contributed to preparation of this EIS.

This list is consistent with the requirements set forth in NEPA and CEQA (40 CFR 1502.17 and Section 15129 of the State CEQA Guidelines).

## 29.1 Federal

| Reclamation (NEPA Lead Agency) | |
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| Laureen Perry | Cultural Resources |
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# Chapter 30
# References

## Summary

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CALFED Bay-Delta Program. 2000a (August 28). Final Programmatic Record of Decision. Sacramento, California.

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———. 2000b (July). Final Programmatic Environmental Impact Statement/Environmental Impact Report. Prepared by U.S. Department of the Interior, Bureau of Reclamation, U.S. Fish and Wildlife, National Marine Fisheries Service, U.S. Environmental Protection Agency, Natural Resources Conservation Service, U.S. Army Corps of Engineers, and California Resources Agency. Sacramento, California.

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CDFW. *See* California Department of Fish and Wildlife.

DOF. *See* California Department of Finance.

DWR. *See* California Department of Water Resources.

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NMFS. *See* National Marine Fisheries Service.

Reclamation. *See* U.S. Department of the Interior, Bureau of Reclamation.

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USFWS. *See* U.S. Department of the Interior, Fish and Wildlife Service.

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None.

# Chapter 29, “List of Preparers”

None.

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