

Chapter 22

Consultation and Coordination

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Public and Agency Involvement

Public involvement in the FRWP has been significant. FRWA and Reclamation have made substantial efforts to solicit public input on the project through public hearings, public workshops, small group meetings, and scoping meetings. Since initiation of the project, FRWA has continually updated the public on the progress of the project by conducting small group meetings and publishing fact sheets.

Notice of Preparation/Notice of Intent

In March 2002, FRWA and Reclamation issued an NOP of an EIR and a notice of intent (NOI) to prepare an EIS for the FRWP informing agencies and the general public that a joint EIR/EIS was being prepared and inviting specific comments on the scope and content of the document. The NOP and NOI also requested participation at public scoping meetings.

Scoping Meetings

Section 15083 of the State CEQA Guidelines authorizes and encourages an early consultation or scoping process to help identify the range of actions, alternatives, mitigation measures, and significant effects to be analyzed in depth in an EIR and to help resolve concerns of affected agencies and individuals. In addition, the U.S. Council on Environmental Quality EIS regulations (40 CFR Section 1501.7) require “an early and open process for determining the scope of issues to be addressed and for identifying the significant issues related to a proposed action.”

The NOP/NOI was mailed to an extensive list of recipients. Approximately 3,800 notices of public scoping meetings were sent to residents in the greater Sacramento area and in areas potentially affected by the project. FRWA held five formal scoping meetings in April 2002 to solicit public comments in determining the scope of the FRWP EIR/EIS. Scoping meetings were held in Oakland, Sacramento, and Herald. Before the meetings, notices were published in local newspapers announcing the time, date, location, and purpose of the

meetings. Each scoping meeting included an overview of the meeting's purpose, the proposed project and alternatives, and potentially significant environmental issues. Attendees were given the opportunity to provide both written and oral comments. Agencies and other groups or individuals that provided comments during the scoping process include the following:

Federal Agencies

U.S. Fish and Wildlife Service
U.S. Environmental Protection Agency

State Agencies

California Department of Transportation
California State Lands Commission
California Reclamation Board

Local Agencies

Sacramento Municipal Utility District
County of Sacramento, Public Works
City of Sacramento
Sacramento Area Flood Control Agency
Sacramento Regional County Sanitation District
Sacramento Regional Transit District
Metropolitan Water District of Southern California
Delta Water Users
Santa Clara Valley Water District
Westlands Water District
City of Stockton
Contra Costa Water District

Other

West County Toxics Coalition
State Water Contractors
California Rural Water Association
Sacramento Area Bicycle Advocates
Save the American River Association
Clay Station Road Homeowners Association
Freeport Boulevard Improvement Committee
Meadowview Development Committee
Zebra Neighborhood Association
Bordeau Ranch

Fred Kirtlan and Sons
Jim and Rhonda Bergum
Mary Brill
Tom Burroes
Walter Hoppe
Dick Johnson
John Leadbetter
Joe Mertin
Anna M. Mesquita
Beverly Nesbitt
Brian Nunes
Jesse Reese
Gene Robinson
Betty Robinson
Judy and Dan Serpa
Felix E. Smith
Judy Thomas
Diane Watkins
George and Judy Waegell
Bob Kirkland, Jr.
Keith Watts
Ray Harold

A scoping report has been prepared to document this process. The scoping report is included in Volume 2 of this EIR/EIS as Appendix E. All comments received during the scoping process have been considered during preparation of this EIR/EIS.

Consultation Requirements

Federal Endangered Species Act

Reclamation has been informally consulting with USFWS and NOAA Fisheries regarding the project. Reclamation initiated informal consultation with USFWS by means of a letter dated February 3, 2003. USFWS responded to Reclamation in May 2003 with a memorandum requesting more information regarding the project. Reclamation is providing the requested information. Chapter 5, "Fisheries," Chapter 7, "Vegetation and Wetland Resources," and Chapter 8, "Wildlife," describe the potential for species listed or proposed for listing and other sensitive species to occur in areas affected by the alternatives. Meetings are being conducted with USFWS and NOAA Fisheries to determine the scope, identify species of concern, and develop an appropriate approach to addressing listed and proposed species as part of the Section 7 consultations required by the federal ESA. Reclamation has prepared a biological assessment and submitted that report to USFWS and NOAA Fisheries along with requests to initiate formal consultation.

Fish and Wildlife Coordination Act

This act requires federal agencies to provide equal consideration of fish and wildlife resources in the planning of and proposals for water resource development projects. FRWA and Reclamation have coordinated with USFWS and DFG. This EIR/EIS is intended to serve as the vehicle for compliance with the Fish and Wildlife Coordination Act.

National Historic Preservation Act

Chapter 17, "Cultural Resources," describes the potential effects of project alternatives on cultural resources and identifies measures that may be necessary to avoid or reduce impacts on cultural resources. An MOA outlining the mitigation measures to be implemented will be prepared once surveys have been completed and effects have been assessed. The Section 106 process is proceeding concurrently with the draft EIR/EIS and will continue through preparation of the final EIR/EIS.

Farmlands Protection Policy

Memoranda from the U.S. Council on Environmental Quality to heads of agencies dated August 30, 1976, and August 11, 1980, and the Farmlands Protection Policy Act of 1981 require federal agencies to include farmlands assessments in their EISs designed to minimize adverse impacts on prime and unique farmlands.

The U.S. NRCS will be requested to consult on the effects of the project. The results of this consultation will be included in the final EIR/EIS.

As described in Chapter 11, "Agricultural Resources," the project alternatives would cause only minor permanent losses of farmland acreage in the project area. The environmental analysis of the project alternatives includes a thorough discussion of impacts on prime, statewide important, and unique farmlands. The analysis includes an evaluation of farmlands using CDC classifications and an evaluation of the project's effects on prime and unique farmlands as determined by CDC's Farmland Mapping and Monitoring Program.

Executive Order 11988 (Floodplain Management)

Executive Order 11988 requires federal agencies to prepare floodplain assessments for proposed projects located in or affecting floodplains. An agency proposing to conduct an action within a floodplain must consider alternatives to avoid adverse effects and incompatible development in the floodplain. If the only practicable alternative involves siting in a floodplain, the agency must

minimize potential harm to or development within the floodplain and explain why the action is proposed within the floodplain.

Although project features are located in floodplains, they are designed to avoid effects on flooding. Construction of pipelines within the floodplain of various creeks, streams, and rivers would be temporary, and the stream channels would be restored to their original condition immediately following construction. No effects from these facilities are anticipated. The only feature with the potential to affect flooding is the intake facility associated with all project alternatives. This facility must be located within the floodplain and will be designed to have no measurable effect on floodflows or capacity of the current floodplain area.

Executive Order 11990 (Protection of Wetlands)

Executive Order 11990 requires federal agencies to prepare wetlands assessments for proposed projects located in or affecting wetlands. Agencies must avoid undertaking new construction in wetlands unless no practicable alternative is available and the proposed action includes all practicable measures to minimize harm to wetlands.

The project alternatives would result in direct impacts on wetlands. All project alternatives were evaluated for their impact on wetlands and other resources. The mitigation measures specified for the project alternatives require avoidance, replacement, and enhancement measures that would replace all wetland acreage and habitat values affected. For a detailed discussion of the project alternatives' impacts on wetlands, see Chapter 7, "Vegetation and Wetland Resources."

Executive Order 12898 (Environmental Justice)

Executive Order 12898, "Federal Actions to Address Environmental Justice in Minority and Low-Income Populations," requires each federal agency to identify and address disproportionately high and adverse human health or environmental effects of their actions on minorities and low-income populations and communities. Reclamation policy requires that NEPA documents include a determination of whether a project will have any adverse impacts on minority or low-income populations.

To comply with Reclamation direction for the environmental justice assessment, U.S. Census demographic data were analyzed at a geographic scale commensurate with the potential impact area. The results of this analysis are included in Chapter 10, "Land Use."

Clean Water Act

The federal Clean Water Act requires a permit to be obtained from the Corps for the discharge of dredged or fill materials to waters of the United States, including adjacent wetlands. The Corps reviews applications for Section 404 permits in accordance with guidelines for Section 404 of the Clean Water Act. The Corps must also determine that the project is not contrary to the public interest (33 CFR 323.6). The project alternatives likely are consistent with nationwide permits adopted by the Corps, particularly Nationwide Permit 12—Utility Crossings.

Indian Trust Assets and Native American Consultation

The U.S. Department of the Interior is responsible for ensuring that its actions do not negatively affect assets held in trust by the United States for Native Americans. Reclamation's Indian Trust Asset Coordinator has confirmed that no Indian Trust Assets are located within the project study area or would be affected by the project alternatives under consideration. Chapter 17, "Cultural Resources," describes consultation to date with the Native American community.

Consultation and Notification List

During preparation of the EIR/EIS, resource agencies and interest groups were notified and consulted with regarding the proposed project. As indicated above, FRWA and Reclamation have provided materials to an extensive list of interested agencies and individuals. Specific agencies consulted during the preparation of the EIR/EIS include the following:

U.S. Fish and Wildlife Service
National Oceanographic and Atmospheric Administration
State Resources Agency
California Department of Fish and Game, Region 2
State Reclamation Board
Department of Health Services
Department of Boating and Waterways
Department of Parks and Recreation
Department of Water Resources
Department of Toxic Substances Control
State Water Resources Control Board, Division of Water Rights
Central Valley Regional Water Quality Control Board
State Office of Historic Preservation
Native American Heritage Commission
State Lands Commission
California Department of Transportation, District 3

California Department of Transportation, District 10
California Department of Transportation, Division of Aeronautics
Sacramento County Department of Environmental Review and Assessment
Sacramento Regional County Sanitation District
Sacramento Regional Transit District
City of Sacramento

The following entities will receive a copy of the draft EIR/EIS. FRWA will also mail notices to an existing 3,800-person mailing list, informing these parties where the document is available locally for their review and where they may request an individual copy. The current mailing list includes property owners, Reclamation CVP contractors, and other interested parties.

Sacramento County

Agricultural Council
Board of Supervisors
County of Sacramento Water Quality Division
County of Sacramento Water Resources
Department of Environmental Management
Department of Environmental Review and Assessment
Department of Planning and Community Development
Department of Regional Parks, Recreation and Open Space
Public Works Agency
Sacramento County Flood Control Agency

Cities/Counties and Other Agencies

Alameda County Water District
Amador County Conservation District
Amador County Water Agency
American River Flood Control District
American River Parkway Advisory Committee
Arcade Water District
Arden-Cordova Water Service
Berkeley Chamber of Commerce
Cal American Water Company
Calaveras County Chamber of Commerce
Calaveras County Public Works
Calaveras Public Utility District
Carmichael Water District
Central Delta Water Agency
Central San Joaquin Water Conservation District
Central Valley Project Water Users Association
Citrus Heights Water District
City of Alameda
City of Albany

City of Berkeley
City of El Cerrito
City of Elk Grove
City of Emeryville
City of Escalon
City of Folsom
City of Galt
City of Hayward
City of Hercules
City of Ione
City of Isleton
City of Jackson
City of Lafayette
City of Lathrop
City of Lodi
City of Manteca
City of Oakland
City of Orinda
City of Piedmont
City of Pinole
City of Pleasant Hill
City of Rancho Cordova
City of Richmond
City of Ripon
City of Sacramento
City of San Ramon
City of Stockton
City of Tracy
City of Walnut Creek
City of West Sacramento
Clay Water District
Clay Irrigation District
Clements-Lockeford Chamber of Commerce
Contra Costa County Board of Supervisors
Contra Costa Water District
County of Alameda
County of Amador
County of Calaveras
County of Contra Costa
County of El Dorado
County of Placer
County of San Joaquin
County of Yolo
Del Paso Manor Water District
East Bay Municipal Utility District
East San Joaquin Parties Water Authority
El Dorado County Water Agency
El Dorado Irrigation District
Elk Grove Water Service

Fair Oaks Water District
Florin County Water District
Florin Resources Conservation District
Fruitridge Vista Water Company
Galt Chamber
Galt Irrigation District
Georgetown Divide Public Utilities District
Jackson Valley Irrigation District
Kern County Water Agency
Lockeford Community Services District
Metropolitan Water District of Southern California
Modesto-Turlock Irrigation District
Natomas Community Planning Advisory Council
Natomas Mutual Water Company
Neighborhood Association Alliance Group
North Delta Water Agency
North San Joaquin Water Conservation District
Northridge Water District
Oakdale Irrigation District
Oakland Chamber of Commerce
Omochumne-Hartnell Water District
Orangevale Water Company
Pacific Gas and Electric Company—Department of Transmissions and
Distribution
Placer County Water Agency
Rancho Cordova Community Planning Advisory Council
Rancho Murieta Community Services District
Rancho Murieta Water District
Reclamation District 1000
Regional Water Authority
Rio Linda Water District
Sacramento Air Resources Board
Sacramento City-County Office of Metropolitan Planning (Water Forum)
Sacramento County Alliance of Neighbors
Sacramento Groundwater Authority
Sacramento Metropolitan Chamber of Commerce
Sacramento Municipal Utilities District
Sacramento Old City Association
San Juan Water District
San Leandro Chamber of Commerce
San Luis and Delta-Mendota Water Authority
San Ramon Chamber of Commerce
Santa Clara Valley Water District
South Delta Water Agency
South San Joaquin Irrigation District
Southeast Area Community Planning Advisory Council
Southern California Water Company
Stockton East Water District
Sutter County Board of Supervisors

Tokay Park Water Company
Town of Danville
Walnut Creek-City Council
West Sacramento Chamber of Commerce
Westlands Water District
Woodbridge Irrigation District

State of California

Air Resources Board
Environmental Protection Agency—External Affairs
Public Utilities Commission
Central Valley Regional Water Quality Control Board
Department of Conservation
Department of Environmental Toxicology
Department of Fish and Game
Department of Health Services
Department of Parks and Recreation
Department of Toxic Substances Control
Department of Transportation
Department of Water Resources
Office of Drinking Water
Office of Planning & Research
Resources Agency
State Lands Commission
State Office of Historic Preservation
State Reclamation Board
State Water Resources Control Board
Waste Management Board

Federal Agencies

Army Corps of Engineers—District Engineer
Army Corps of Engineers—Regulatory Branch
Bureau of Land Management
Bureau of Reclamation—Mid-Pacific Region
Bureau of Reclamation—North Central California Area
Bureau of Reclamation—Regional Director
Department of Agriculture Soil Conservation Services
Department of the Interior—Office of Water & Science
Environmental Protection Agency—Oceans & Estuaries
Environmental Protection Agency—Office of Water
Environmental Protection Agency—Region IX
Environmental Protection Agency—San Francisco Estuary Project
Federal Energy Regulatory Commission
Fish and Wildlife Service—District 1
Fish and Wildlife Service—Sacramento

Forest Service
Forest Service, Stanislaus National Forest
Forest Service, Eldorado National Forest
National Oceanographic and Atmospheric Administration

Representatives

California State Assembly—Dave Cox
California State Assembly—Loni Hancock
California State Assembly—Alan Nakanishi
California State Assembly—Guy Houston
California State Assembly—Barbara Matthews
California State Assembly—Tim Leslie
California State Assembly—Darrell Steinberg
California State Assembly—Wilma Chan
California State Assembly—Ellen Corbett
California State Assembly—Lois Wolk
California State Assembly—Joseph Canciamilla
California State Senate—Deborah Ortiz
California State Senate—Sam Aanestad
California State Senate—Michael Machado
California State Senate—Don Perata
California State Senate—Thomas Oller
California State Senate—Liz Figueroa
California State Senate—Tom Torlakson
State Agriculture and Water Resources Committee—Mike Machado
U.S. House of Representatives—Barbara Lee
U.S. House of Representatives—John Doolittle
U.S. House of Representatives—Doug Ose
U.S. House of Representatives—Robert Matsui
U.S. House of Representatives—George Miller
U.S. House of Representatives—Richard Pombo
U.S. House of Representatives—Ellen Tauscher
U.S. Senate—Barbara Boxer
U.S. Senate—Dianne Feinstein

Other Interested Groups

AFBCA/DB Mather
Alameda County Economic Development, Alliance for Business
Alameda Taxpayers Association
American Land Conservancy
American River Coalition
American River Recreation
American River Utilization Program
Associations of California Water Agencies
Audubon Society—Golden Gate Chapter

Audubon Society—Mount Diablo Chapter
Audubon Society—Ohlone Chapter
Audubon Society—Sacramento Chapter
Building Industry Association
Buckhorn Canyon Legal Defense Fund
Cal Trout
CALFED Bay-Delta Program
California Alliance for Jobs
California Environmental Trust
California Farm Water Coalition
California Fly Fishers Unlimited
California Groundwater Association
California League of Conservation Voters
California Marine Mammal Center
California Marine Parks and Harbors
California Native Plant Society
California Outdoors
California Sport Fishing Protection Alliance
California Trout Incorporated
California Urban Water Agencies
California Waterfowl Association
California Water Resources Association
California Wilderness Coalition
Center for Natural Lands Management
Central Valley Project Water Association
Citizens for Alameda's Last Marshland
Citizens for Albany Shoreline
Citizens for a Better Environment
Clean Water Action
Coalition for American River Water Resources
Coast-to-Crest Trail
Common Cause
Cosumnes Community Planning Advisory Council
Delta Fly Fisherman
Ducks Unlimited, Inc.
Environmental Council of Sacramento
Environmental Defense Fund
Friends of the River
Greenbelt Alliance
Greenpeace
League of Conservation Voters
League of Women Voters California
Lockeford Ranches, Inc.
Lower American River Task Force
Mokelumne River Association
Native American Heritage Commission
Natural Heritage Institute
Natural Resources Defense Council
Natomas Community Association

Office of City Attorney, San Francisco
Pacific Advocates
Pacific Coast Federation of Fisherman's Association
Planning and Conservation League
Point Reyes Bird Observatory
Protect American River Canyons
Public Officials for Water and Environmental Reform
Romberg Tiburon Center
Rosemont Community Association
Sacramento Area Water Works Association
Sacramento County Farm Bureau
Sacramento River Preservation Trust
Sacramento Valley Open Space Conservancy
Sacramento Water Intelligently Managed
San Francisco Bay Bird Observatory
San Francisco Public Utilities Commission
San Joaquin County Farm Bureau
Save Mount Diablo
Save San Francisco Bay Association
Save the American River Association
Share the Water
Sierra Club—Mount Diablo
Sierra Club—North Alameda County
Sierra Club—Northern California
Sierra Club—Sacramento Valley Group
Sierra Club—San Francisco Bay Chapter
Sierra Club—West County
Sierra Club Water Committee
Terwilliger Nature Education Center
The Bay Institute of San Francisco
The Ecology Center
The Gem & Mineral Society
The Nature Conservancy
The Pacific Institute
The Resources Agency
Trust for Public Land
United Anglers of California
University of California Energy & Resources
Urban Creeks Council
Urban Habitat—Earth Island Inst.
W.A.T.E.R.
Waltner & Gorman
Water Advisory Commission
Water Education Foundation
WateReuse Association