

36. Consultation and Coordination

36.1 Introduction

This chapter summarizes the public and agency involvement activities undertaken by the California Department of Water Resources (DWR) and the U.S. Bureau of Reclamation (Reclamation) to date for the North-of-the-Delta Offstream Storage Project (NODOS Project or proposed Project), which satisfy the California Environmental Quality Act (CEQA) and the National Environmental Policy Act (NEPA) requirements for public scoping and agency coordination and consultation. Chapter 39 EIR/EIS Distribution List presents the entities receiving the Notice of Availability of the Draft Environmental Impact Report/Environmental Impact Statement (DEIR/EIS).

DWR and Reclamation continue to solicit input from these entities regarding the proposed Project by encouraging review of this DEIR/EIS.

36.2 Notice of Preparation and Notice of Intent

DWR and Reclamation notified interested parties of the scoping period and upcoming public scoping meetings through electronic and postal mailings and through publication of a Notice of Preparation (NOP) and Notice of Intent (NOI), consistent with CEQA and NEPA, respectively. Copies of the NOP and NOI are included in Appendix 36A.

DWR filed the NOP with the State Clearinghouse on November 5, 2001, and Reclamation published the NOI in the *Federal Register* on November 9, 2001. The NOP and NOI notified the public of the NODOS Project proposal, announced the dates and locations of public meetings, and solicited public comments to help guide development of the pending DEIR/EIS, pursuant to CEQA and NEPA, respectively. Public notifications were also made through direct mailings to local landowners in and near the proposed Sites and Newville reservoir locations, and by advertisements in four local newspapers prior to the public meetings. In addition, a news release was placed on the DWR and Reclamation website homepages.

36.3 Public Scoping

Public scoping activities were conducted in compliance with both CEQA and NEPA requirements. The scoping process aided in identifying the range of actions, alternatives, mitigation measures, and potential effects to be analyzed in depth in the DEIR/EIS.

At the scoping meetings and during the scoping comment period, the public was invited to submit written comments regarding the scope, content, and format of the environmental document by mail, fax, or email to representatives at DWR and Reclamation.

36.3.1 Scoping Meetings

During the public scoping process, DWR and Reclamation conducted three formal scoping meetings to seek public input and comments prior to the preparation of the DEIR/EIS. The dates and locations of the meetings are listed in Table 36-1. In addition, DWR and Reclamation held a scoping meeting with the Native American tribes.

**Table 36-1
NODOS Project Public Scoping Meetings**

<p>Sacramento, CA Date: Tuesday, January 8, 2002 Time: 1:00 p.m. to 4:00 p.m. Location: Department of Water Resources, Bonderson Building, Public Hearing Room – 1st Floor Address: 901 P Street, Sacramento, CA</p>	<p>Maxwell, CA Date: Wednesday, January 9, 2002 Time: 6:00 p.m. to 9:00 p.m. Location: Maxwell Inn Address: 81 Oak Street, Maxwell, CA</p>
<p>Fresno, CA Date: Tuesday, January 15, 2002 Time: 6:00 p.m. to 9:00 p.m. Location: Piccadilly Inn – University Address: 4961 N. Cedar Avenue, Fresno, CA</p>	<p>Williams, CA Date: Wednesday, January 23, 2002 6:00 to 9:00 p.m. Location: Cortina Indian Rancheria Office Address: 570 Sixth Street, Williams, CA</p>

The format for each public meeting was identical. The meetings began with DWR and Reclamation representatives giving a 30-minute Powerpoint presentation that described the water resources challenges in the Sacramento River region, the CALFED¹ Bay-Delta Program (CALFED) and the CALFED storage element², objectives of the NODOS Project, potential alternatives, and opportunities for public participation. Following the presentation, 60 minutes were allotted for public comments on the scope and content of the NODOS DEIR/EIS. Comments were accepted in writing, and oral comments were recorded by a court reporter.

36.3.2 Scoping Report

A Scoping Report, which was prepared at the end of the scoping meetings and comment period, is included in Appendix 36A. The Scoping Report outlines the process and outcomes of the scoping meetings. It includes a summary of all comments received during the scoping process, both written and oral, and appendixes that include the NOP and NOI, meeting announcements, newspaper ads announcing the scoping meetings, the Powerpoint presentation used during the scoping meetings, transcripts of the scoping meetings, and an initial outline of the DEIR/EIS.

36.4 Consultation

Since late 2001, DWR and Reclamation have met with stakeholders, interested parties, and State and federal regulatory agencies. The purpose of these meetings was to provide briefings about the proposed Project and to seek input. These consultations assisted the lead agencies in determining the scope of the DEIR/EIS, identifying the range of alternatives and mitigation measures, and identifying potential environmental impacts. The consultation participants are described below.

36.4.1 Environmental Interests, County Boards of Supervisors, and Water Contractors

DWR and Reclamation provided briefings to stakeholder groups and interested parties between September 2003 and February 2004. The briefings included presentations and discussions regarding the planning objectives, the technical studies underway, preliminarily identified potential benefits and impacts, and the status of the proposed Project. Briefings were provided to the following groups:

- Bay-Area Environmental Water Caucus

¹ CALFED is a cooperative interagency effort of State and federal agencies to develop and implement a long-term comprehensive plan to restore ecological health and improve water management for beneficial uses of the Bay-Delta system.

² Storage is one of five program elements identified by CALFED to achieve the Water Supply Reliability objective. The other four program elements are conveyance, water transfers, water use efficiency, and the Environmental Water Account.

- Chico Environmental Caucus
- Colusa County Board of Supervisors
- Glenn County Board of Supervisors
- Sacramento River Conservation Area Forum
- San Luis and Delta-Mendota Water Authority
- State Water Contractors
- Tehama County Flood Control and Water Conservation District

36.4.2 Sacramento River Flow Regime Technical Advisory Group

At the request of the NODOS Project management team, the Sacramento River Flow Regime Technical Advisory Group (TAG) was formed in 2002 (Table 36-2). The TAG held meetings regularly from 2002 through 2004. The TAG was asked to consider the flow regime of the upper Sacramento River. Specifically, the TAG was asked to help identify potential NODOS Project flow regime impacts and benefits, and to improve the overall understanding of the flow regime of the Sacramento River and related ecosystem processes. In addition, the TAG provided ideas and identified issues to be addressed during NODOS Project studies. The TAG consisted of the NODOS Project study team, technical staff members from other State and federal agencies, technical staff members from various environmental interest groups, and university researchers. With input from the TAG, the NODOS Project study team prepared the administrative draft *Sacramento River Flow Regime Status Report* (Reclamation and DWR, 2007). The report describes the historic changes in the Sacramento River flow regime and presents preliminary concepts that might improve the habitat and ecological processes of the Sacramento River, both with and without an implemented NODOS Project. The report also documents the need for additional studies related to flow regime and ecosystem processes.

**Table 36-2
Sacramento River Flow Regime Technical Advisory Group Participants**

Affiliation	Participant(s)
California Bay-Delta Authority - Ecosystem Restoration Program	Dan Castleberry Rebecca Fris
California Department of Fish and Game	Dave Zezulak Fred Jurick Harry Rectenwald Paul Ward Randy Benthin Steve Turek
California Department of Water Resources	Aric Lester Brian Heiland Don Rasmussen Gail Kuenster Jerome Ripperda Jim Wieking Koll Buer Sean Sou Shawn Pike Stacy Cepello Steve Roberts Terry Mills Tracy Middleton
CH2M HILL	Dick Daniel Gwen Buchholz

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**Table 36-2
Sacramento River Flow Regime Technical Advisory Group Participants**

Affiliation	Participant(s)
Friends of the River	Steve Evans
Metropolitan Water District of Southern California	David Fullerton
National Oceanic Atmospheric Administration Fisheries	John Baker
Natural Heritage Institute	David Purkey John Wise
Orland Water User's Association	Rick Massa
Sacramento River Conservation Area Forum	Burt Bundy
Sacramento River Preservation Trust	John Merz
State Water Contractors	Laura King-Moon
Tehama-Colusa Canal Authority	Mike Hagman
The Bay Institute	Gary Bobker Peter Vorster Tina Swanson
The Nature Conservancy	Marlyce Myers Mike Roberts Peter Yolles Sam Lawson
U.S. Army Corps of Engineers	Alicia Kirchner Gary Lemon
U.S. Bureau of Reclamation	John Hannon Laura Allen Mike Tansey Tom Patton
U.S. Fish and Wildlife Service	Matt Brown
University of California Davis	Eric Larsen Steve Greco Cindy Lowney (formerly associated with UCD)

36.4.3 California Bay-Delta Public Advisory Committee, Water Supply Subcommittee Briefings

DWR and Reclamation briefed the CALFED Water Supply Subcommittee regularly about the planning and status of the NODOS Project, modeling tool development, and technical findings. These briefings were intended to inform the Water Supply Subcommittee members so that the Subcommittee could then inform the California Bay-Delta Public Advisory Committee. The Water Supply Subcommittee meetings were open to the public. Reclamation and DWR staff members, staff members from other State and federal agencies, environmental interest groups, water contractors, and members of the public typically attended the meetings. Briefings to the Water Supply Subcommittee ended in 2007. The Water Supply Subcommittee subsequently ceased to exist.

36.4.4 Common Assumptions Stakeholder Technical Workgroup

Common Assumptions was an effort by DWR, Reclamation, and CALFED to develop consistent methodologies and assumptions for the surface storage investigations through the development of a “common model” package. At the request of the Water Supply Subcommittee in October 2003, a

technical stakeholder workgroup, consisting of technical participants from environmental interest groups and water user groups, was formed to help provide informed feedback to Water Supply Subcommittee members about the Common Assumptions activities relating to the development of the “common model” package. The “common model” package is a suite of models that includes hydrologic, hydraulic, hydrodynamic, water quality, temperature, fisheries, and economics models that were adapted to represent the NEPA and CEQA baseline conditions for the NODOS Project and all other CALFED surface-water storage and conveyance investigations. The NODOS Project study team and the Common Assumptions technical team held five meetings with the technical workgroup to provide updates and technical information about Common Assumptions activities.

36.4.5 Landowner Meetings

DWR and Reclamation held numerous meetings with landowners in and near the proposed Sites Reservoir location to brief them about the proposed Project features and the status of the proposed Project. These meetings were organized by the landowners group, and the agencies were invited periodically to attend and address specific issues. Landowners used these opportunities to voice issues of concern and provide input to DWR and Reclamation. The meetings were held in the town of Sites on the following dates:

- July 30, 2001
- August 27, 2001
- October 2002
- December 5, 2002

36.4.6 Study Area Tours

DWR conducted tours of the proposed Sites Reservoir location for agency staff, the press, and interested stakeholders, when requested. During each tour, DWR staff provided updates regarding the Project status and technical findings. The tours provided interested parties with firsthand views of the area and the locations of proposed facilities. DWR staff continued to conduct tours of the proposed Sites Reservoir location during the preparation of this DEIR/EIS. The Water Education Foundation (WEF) has included tours of the proposed Sites Reservoir location in its Northern California Tour itinerary since 2001. The WEF’s Northern California Tour stopped at the proposed Sites Reservoir location on the following dates:

- October 5, 2001
- October 4, 2002
- September 26, 2003
- September 17, 2004
- September 23, 2005
- September 15, 2006
- September 14, 2007
- September 12, 2008
- October 9, 2009
- September 24, 2010
- October 14, 2011
- October 19, 2012
- October 18, 2013

36.5 Coordination

The following sections describe coordination efforts with local water interests, counties, and other State and federal agencies throughout the environmental documentation process.

36.5.1 Sites Memorandum of Understanding

The CALFED Record of Decision (ROD) directed DWR and Reclamation to develop a joint planning program through a Memorandum of Understanding (MOU) with local water interests, counties, and State and federal agencies to carry out the NODOS Project. Beginning in November 2000, two State, and

three federal agencies, along with several local entities, signed the MOU. Other local entities subsequently signed the MOU. The MOU signatories are shown in Table 36-3. DWR and Reclamation held coordination meetings with the MOU parties from 2001 to 2005.

**Table 36-3
Sites MOU Signatories**

State Agencies	Local agencies
California Department of Fish and Game* California Department of Water Resources	County of Colusa Colusa Drain Mutual Water Company Glenn-Colusa Irrigation District Maxwell Irrigation District
Federal Agencies	Natomas Mutual Water Company Orland Unit Water User's Association Princeton Cordora Glenn Irrigation District Provident Irrigation District Reclamation District 108 Sutter Mutual Water Company Tehama-Colusa Canal Authority Yolo County Flood Control and Water Conservation District
U.S. Bureau of Reclamation, Mid-Pacific Region U.S. Fish and Wildlife Service Western Area Power Administration	

*At the time that the MOU was signed, the agency was known as the "California Department of Fish and Game". As of January 1, 2013, its name has changed to the "California Department of Fish and Wildlife".

36.5.2 Sites Project Joint Powers Authority

On November 4, 2009, the California Legislature passed, and then-Governor Arnold Schwarzenegger signed into law, a far-reaching legislative package regarding water known as the 2009 Comprehensive Water Package. The Package included four policy bills and a water bond measure aimed at improving water supply reliability and restoring the Sacramento-San Joaquin Delta ecosystem. Senate Bill 7X 2 (SB 7X 2) proposed an \$11.14 billion general obligation bond to provide funding for water infrastructure and projects to address ecosystem and water supply reliability. SB 7X 2 allows the formation of local joint powers authorities by irrigation districts and other local water districts and local governments within the applicable hydrologic region to design, acquire, and construct those projects.

Consistent with SB 7X 2, the Sites Project Joint Powers Authority (Sites JPA) was formed in August 2010 to help design, acquire, construct, manage, govern, and operate the NODOS Project to provide local, regional, and Statewide public benefits, improve the State's water system, and enhance the ecosystem. The Sites JPA is comprised of the Glenn-Colusa Irrigation District (GCID), Reclamation District 108, Tehama-Colusa Canal Authority (TCCA), Maxwell Irrigation District, County of Glenn, County of Colusa, and Yolo County Flood Control and Water Conservation District. DWR is a non-voting ex-officio member of the Sites JPA.

DWR and Reclamation have attended many of the monthly Sites JPA meetings since September 2010, at the invitation of the JPA. These meetings are open to the public, and meeting announcements and agendas are posted on the Sites JPA website (<http://www.sitesjpa.net/Agendas.html>). In addition, Sites JPA representatives have been attending the NODOS Project cooperating agencies' meetings.

36.5.3 Cooperating Agencies

Pursuant to NEPA³, a cooperating agency may be any agency other than the lead agency that has jurisdiction by law or special expertise, especially with respect to the environmental impacts expected to result from a proposal. An agency has “jurisdiction by law” if it has the authority to approve, veto, or finance all or part of the proposal⁴. An agency has “special expertise” if it has statutory responsibility, agency mission, or related program experience with regard to a proposal⁵. A lead agency must request the participation of cooperating agencies as early as possible in the NEPA process, use the environmental analyses and proposals prepared by cooperating agencies as much as possible, and meet with cooperating agencies at their request⁶.

Cooperating agencies have been encouraged to take an active part in the development of this DEIR/EIS. In early 2011, Reclamation (the NEPA lead agency for the NODOS Project) signed cooperating agency memorandums of agreement (MOAs) with the following entities for the NODOS Project:

- Bureau of Indian Affairs
- Western Area Power Administration
- U.S. Army Corps of Engineers
- Colusa Indian Community Council
- Cortina Indian Rancheria
- Sites JPA

Since April 2011, DWR and Reclamation have held regular coordination meetings with the cooperating agencies to provide briefings and seek input regarding the NODOS Project.

36.5.4 Responsible Agencies

Pursuant to CEQA, responsible agencies are the public agencies (other than the lead agency) that have discretionary approval power over a project⁷. There has been ongoing coordination with the following applicable responsible agencies regarding the NODOS Project:

- California Department of Fish and Wildlife⁸
- State Water Resources Control Board
- Central Valley Regional Water Quality Control Board, Central Valley Region 1
- Tehama-Colusa Canal Authority
- Glenn-Colusa Irrigation District
- Sites JPA

36.5.5 Trustee Agencies

Pursuant to CEQA, trustee agencies are State agencies that have jurisdiction by law over natural resources affected by a project that are held in trust for the people of the State of California. Trustee agencies include:

³ 40 CFR 1508.5; 1501.6; Forty Questions No. 14(a), 14(b), 14(c).

⁴ 40 CFR 1508.15.

⁵ 40 CFR 1508.26.

⁶ 40 CFR 1501.6(a).

⁷ CEQA Guidelines Section 15381.

⁸ Formerly known as the California Department of Fish and Game (i.e., prior to January 1, 2013).

- California Department of Fish and Wildlife⁸ (CDFW) with regard to the fish and wildlife of the State, to designated rare or endangered native plants, and to game refuges, ecological reserves, and other areas administered by DFG
- California State Lands Commission with regard to State-owned sovereign lands, such as the beds of navigable waters and state school lands
- California Department of Parks and Recreation with regard to units of the State Park System
- University of California with regard to sites within the Natural Land and Water Reserves System⁹

There has been ongoing coordination with the applicable trustee agencies regarding the NODOS Project.

36.5.6 Native American Representatives

DWR and Reclamation have been coordinating with the following Native American Tribes:

- Colusa Indian Community Council
- Cortina Indian Rancheria
- Grindstone Indian Rancheria
- Paskenta Band of Nomlaki Indians

DWR and Reclamation have met with the four tribal representatives on an informal basis to provide updates regarding NODOS Project progress and to encourage input from the tribes about their issues of concern. In addition to conducting a tribal scoping meeting and one field tour of the proposed Sites Reservoir location and cultural resource sites, eight coordination meetings were held with the tribal representatives during the completion of the NODOS Initial Alternatives Information Report¹⁰ (DWR and Reclamation, 2006). In 2004, Reclamation provided grant funding to the four tribes to develop appraisal-level tribal water resource studies. The studies appraised future water needs and availability, and evaluated whether the proposed Project would impair or enhance that water availability. With Reclamation's grant funding, three of the four tribes completed the appraisal studies. The Cortina Indian Rancheria and its consultant completed a report titled "North of the Delta Off-Stream Storage Interim Report by Cortina Band of Wintu Indians, March 2010." The Grindstone Indian Rancheria and its consultant completed three technical memoranda: Grindstone Creek Rancheria Background Information (November 19, 2010), Grindstone Rancheria Water Use (November 19, 2010), and Effects of NODOS Project on Grindstone Rancheria Water Rights (November 19, 2010). A confidential report titled, "North-of-the-Delta Offstream Storage Tribal Asset Study for the Colusa Indian Community Council, August 2011" was developed with funds provided by Reclamation. In addition, Reclamation completed an Engineering Technical Memorandum titled "Water Supply Conveyance Report, May 2011" for the Cortina Indian Rancheria.

Formal consultation between the tribes and Reclamation will be initiated when a preferred alternative has been identified and the Area of Potential Effects (APE) is defined and documented in consultation with the State Historic Preservation Office, pursuant to Section 106 of the National Historic Preservation Act.

⁹ CEQA Guidelines Section 15386.

¹⁰ The IAIR identified, discussed, and screened measures to address the problems and needs and introduced the development of potential initial alternatives for further consideration.

36.5.7 Environmental Coordination Advisory Team

DWR and Reclamation have participated in ongoing coordination and consultation meetings with the Environmental Coordination Advisory Team (ECAT). The ECAT consists of DWR, Reclamation, and other State and federal agencies, including CDFW, U.S. Fish and Wildlife Service (USFWS), National Oceanic and Atmospheric Administration, National Marine Fisheries Service (NOAA Fisheries), Central Valley Regional Water Quality Control Board (CVRWQCB), U.S. Environmental Protection Agency (USEPA), and U.S. Army Corps of Engineers (USACE). DWR and Reclamation will continue to proactively engage these agencies throughout the NEPA, CEQA, and NODOS Project permitting processes. The focus of these coordination meetings is to discuss the scope and level of analysis for compliance with the Federal Endangered Species Act and California Endangered Species Act, Federal Water Pollution Control Act (commonly referred to as the Clean Water Act), Fish and Wildlife Coordination Act, and other regulatory requirements related to development of the NODOS Project DEIR/EIS and the 2011 North-of-the-Delta Offstream Storage Investigation Feasibility Report (Feasibility Report).

36.6 Draft EIR/EIS Public Review Process

In compliance with CEQA and NEPA review requirements, this DEIR/EIS is being circulated for public and agency review and comment for a 90-day period following the date when DWR files the Notice of Completion (NOC) with the Office of Planning and Research, State Clearinghouse; and the U.S. Environmental Protection Agency (USEPA) publishes the Notice of Availability (NOA) of Weekly Receipt of Environmental Impact Statement in the Federal Register. The DEIR/EIS is available for download from DWR's and Reclamation's websites at <http://www.water.ca.gov/storage/northdelta/index.cfm> and http://www.usbr.gov/mp/nepa/nepa_projdetails.cfm?Project_ID=139, respectively. In addition, printed copies of the DEIR/EIS are available at no cost at DWR and Reclamation offices, and are available for viewing at several libraries (Table 36-4).

**Table 36-4
NODOS DEIR/EIS Locations of Availability for Printed Copies**

Library Locations	DWR and Reclamation Locations
Sacramento Public Library 828 I Street Sacramento, CA 95814	California Department of Water Resources 901 P Street Sacramento, CA. 95814
Red Bluff Public Library 645 Madison Street Red Bluff, CA 96080	California Department of Water Resources Northern Region Office 2440 Main Street Red Bluff, CA 96080
Willows Public Library 201 North Lassen Street Willows, CA 95988	U.S. Bureau of Reclamation Mid-Pacific Regional Office Library 2800 Cottage Way, W-1825 Sacramento, CA 95825-1989
Maxwell Branch Library 340 Oak Street Maxwell, CA 95955	U.S. Department of the Interior Natural Resources Library 1849 C Street N.W., Main Interior Building Washington, DC 20240-0001

During the 90-day DEIR/EIS public and agency review period, public hearings will be held in the counties of Glenn, Colusa, and Sacramento, as well as in the Sacramento-San Joaquin Delta, to solicit public input. Written and oral comments will be accepted at these meetings.

Written comments (either by U.S. mail, fax, or email) will be accepted throughout the DEIR/EIS public and agency review period, but no later than 5:00 p.m. on XXXX. Written comments should be submitted to either of the following individuals:

Sean Sou
California Department of Water Resources
PO Box 942836
Sacramento, CA 94236-0001
sean.sou@water.ca.gov
Fax: (916) 651-9292

Sharon McHale
U.S. Bureau of Reclamation
2800 Cottage Way, MP-700
Sacramento CA. 95825
smchale@usbr.gov
Fax: (916) 978-5094

Reviewers of the DEIR/EIS should focus on the sufficiency of the document in identifying and analyzing possible impacts on the environment and ways in which the significant impacts of the proposed Project alternatives might be avoided or mitigated. Comments are most helpful when they suggest additional specific alternatives or mitigation measures that would provide better ways to avoid or mitigate significant environmental impacts.

36.7 DEIR/EIS and Proposed Project/Proposed Action Approval Process

At the end of the 90-day DEIR/EIS public and agency review period, DWR and Reclamation will consider the comments received, and will prepare responses to the comments and errata (i.e., text and/or graphic changes to the DEIR/EIS), as needed. This response document, along with the DEIR/EIS, will constitute the Final EIR/EIS. The Final EIR/EIS will then be circulated in accordance with CEQA and NEPA requirements.

After the end of the Final EIR/EIS circulation period, DWR and Reclamation management will consider the Final EIR/EIS when deciding whether to certify the EIR, adopt the EIS, and approve one of the proposed Project alternatives. At the time that an alternative is being considered for approval, DWR will adopt written findings of fact for each significant impact that is identified in the Final EIR. The Final EIR/EIS and the alternative being considered will be formally presented to DWR's Director and Reclamation's Mid-Pacific Region Regional Director at meetings that will be held in Sacramento by DWR and Reclamation. The meetings will be open to the public, and the public may comment at the meetings.

Following the approval of one of the proposed Project alternatives (if that is the case), to document its decision, DWR will file a Notice of Determination (NOD) with the Office of Planning and Research, State Clearinghouse, and Reclamation will issue a Record of Decision (ROD) to the public (the DEIR/EIS Distribution List) and the *Federal Register*.

36.8 References

California Department of Water Resources and U.S. Bureau of Reclamation (DWR and Reclamation).
2006. North-of-the-Delta Offstream Storage Investigation Initial Alternatives Information Report.
253 p. May.

U.S. Bureau of Reclamation and California Department of Water Resources (Reclamation and DWR).
2007. Sacramento River Flow Regime Status Report. Administrative Draft. 202 p. April.

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