

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) as the former lead agency under the California Environmental Quality Act (CEQA), the Bureau of Reclamation (Reclamation), for the North-of-the-Delta Offstream Storage Project (NODOS Project) prior to 2014 and the Sites Project Authority (Authority) from 2014 to date for the re-named Sites Reservoir Project [Project]), which satisfy the CEQA and the National Environmental Policy Act (NEPA) requirements for public scoping and agency coordination and consultation. Although the Authority is now the State lead agency, DWR was responsible for this role during the public and agency involvement process; therefore, much of the consultation and coordination that took place throughout the development of this Draft Environmental Impact Report/Environmental Impact Statement (EIR/EIS) was led by DWR.

The Authority and Reclamation continue to solicit input from these entities regarding the Project by encouraging review of this Draft EIR/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 NOPs and NOI are included in Appendix 36A Supplemental Scoping Report and Appendix 36B Scoping Report.

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 Authority subsequently filed a second NOP with the State Clearinghouse on February 1, 2017. The NOPs 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 Draft EIR/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 for the 2001 release, and a news released was placed on the Authority's website homepage for the 2017 release.

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 Draft EIR/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 subsequently the Authority, 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 Draft EIR/EIS. The Authority conducted two scoping meetings following the release of the 2017 NOP. 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**

Date and Location
<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>
<p>Sacramento, CA Date: Wednesday, February 15, 2017 Time: 3:00 p.m. Location: Sacramento Convention Center Address: 1400 J Street, Room 202, Sacramento, CA</p>
<p>Maxwell, CA Date: Thursday, February 16, 2017 Time: 6:00 p.m. Location: Sites Project Authority Board Room Address: 122 Old Hwy 99W, Maxwell, CA</p>

The meetings that occurred in 2002, began with Authority 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 element,² objectives of the NODOS Project, potential alternatives, and opportunities for public participation. Following the

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.

presentation, 60 minutes were allotted for public comments on the scope and content of the NODOS Draft EIR/EIS. Comments were accepted in writing, and oral comments were recorded by a court reporter.

The meetings that occurred in 2017 were conducted in an open-house format and included a series of stations that provided information such as general Project overview, process and requirements related to CEQA (including descriptions of the alternatives), land use and landowner issues, and facilities and operations descriptions. A continuous slide show was also shown that provided Project information for attendees to view at their convenience. Meeting attendees were able to ask questions and get information on the Project and alternatives at each of the stations. Comments were accepted in writing at the meetings.

This EIR/EIS accounts for and addresses comments received during the supplemental scoping period of February 2, 2017 through March 2, 2017, including public meetings held during this timeframe.

36.3.2 Scoping Report

A Supplemental Scoping Report was prepared following the scoping meetings and comment period for the 2017 NOP, and is included in Appendix 36A Supplemental Scoping Report. The Scoping Report that was prepared at the end of the 2002 scoping meetings and comment period, is included in Appendix 36B Scoping Report. Both reports outline the process and outcomes of the scoping meetings. They include 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 Draft EIR/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 Project and to seek input. These consultations assisted the lead agencies in determining the scope of the Draft EIR/EIS, identifying the range of alternatives and mitigation measures, and identifying potential environmental impacts. The consultation participants are described in Sections 36.4.1. through 36.4.6.

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 Project. Briefings were provided to the following groups:

- Bay-Area Environmental Water Caucus
- 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
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

Affiliation	Participant(s)
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
Bureau of Reclamation	John Hannon Laura Allen Mike Tansey Tom Patton
U.S. Fish and Wildlife Service	Matt Brown
University of California Davis (UCD)	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 CEQA and NEPA 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 Project location to brief them about the Project features and the status of the 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 Project 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 Project facilities. DWR staff continued to conduct tours of the Project location during the preparation of environmental analysis. The Water Education Foundation has included tours of the Project location in its Northern California Tour itinerary since 2001. The Authority has continued to conduct tours of the Project location for agency staff, Reservoir Committee representatives, representatives of non-governmental organizations, California and federal legislators (and staff), and other interested parties.

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 Reservoir Project MOU Signatories

State Agencies	Federal Agencies	Local agencies
California Department of Fish and Game* California Department of Water Resources	Bureau of Reclamation Mid-Pacific Region U.S. Fish and Wildlife Service Western Area Power Administration	County of Colusa Colusa Drain Mutual Water Company Glenn-Colusa Irrigation District Maxwell Irrigation District 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

State Agencies	Federal Agencies	Local agencies
		Tehama-Colusa Canal Authority Yolo County Flood Control and Water Conservation District

*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, Reclamation District 108, Tehama-Colusa Canal Authority, 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 attended many of the monthly Sites JPA meetings between September 2010 and December 2013, 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 attended the NODOS Project cooperating agencies' meetings. In 2015, the Sites JPA, now referred to as the Authority, took over the role as the State lead agency.

36.5.3 Cooperating Agencies

Pursuant to NEPA,³ 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 proposal.⁴ An agency has "special expertise" if it has statutory responsibility, agency mission, or related program experience with regard to a proposal.⁵ 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 request.⁶

³ 40 Code of Federal Regulations (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).

Cooperating agencies have been encouraged to take an active part in the development of this Draft EIR/EIS. In early 2011, Reclamation (the NEPA lead agency for the NODOS Project) signed cooperating agency memorandums of agreement with the following entities for the NODOS/Sites Reservoir Project (a letter requesting that the National Marine Fisheries Service become involved as a cooperating agency was sent in June 2017. There has been no response as of the date of publication of this EIR/EIS):

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

Between April 2011 and December 2013, DWR and Reclamation held regular coordination meetings with the cooperating agencies to provide briefings and seek input regarding the NODOS Project. After the Project was revitalized in 2015, the Authority began leading coordination meetings, which have been co-facilitated by Reclamation.

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 project.⁷ There has been ongoing coordination with the following applicable responsible agencies regarding the NODOS/Sites Reservoir 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
- California Department of Water Resources⁹

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:

- California Department of Fish and Wildlife (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 the department
- California State Lands Commission with regard to State-owned sovereign lands, such as the beds of navigable waters and state school lands

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

⁷ CEQA Guidelines Section 15381.

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

⁹ Became a responsible agency when the Authority took over the role as State lead agency.

36.5.6 Native American Representatives

DWR and Reclamation have coordinated with the following Native American tribes:

- Colusa Indian Community Council (Cachil Dehe Band of Wintun Indians)
- Cortina Indian Rancheria of Wintun Indians
- Grindstone Indian Rancheria of Wintun-Wailaki
- Paskenta Band of Nomlaki Indians
- Round Valley Indian Tribe of Round Valley
- Wintun Tribe in Redding
- Yoche Dehe Wintun Nation

DWR and Reclamation met with the 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 Project 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 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.

More recently, the Authority has provided notification about the Project, pursuant to Public Resources Code (PRC) 21080.3.1 (also known as Assembly Bill 52), to the previously listed tribes and to the Mechoopda Indian Tribe, and Eston Yumeka Maidu Tribe of the Enterprise Rancheria. Notification letters were sent to the tribes on February 10, 2017. A follow-up letter was sent on April 5, 2017. The Colusa Indian Community Council, the governing body of the Cachil Dehe Band of Wintun Indians, had previously notified the Authority in a letter dated January 3, 2017, that they wish to be notified of projects, pursuant to PRC Section 21080.3. Furthermore, the tribe contacted the Authority by a letter dated February 6, 2017, in which they expressed their desire to consult on the Project. The Authority responded, by letter on March 6, 2017, acknowledging receipt of the request for consultation letter and informing the tribe that they would be in contact soon to set up a meeting date. A meeting was held between Authority and tribal representatives June 12, 2017. Key items of discussion were related to interest in project design, facility locations, and ownership coordination. Separately, the Yocha Dehu Wintun Nation also contacted the Authority on May 19, 2017, regarding project information, which was subsequently provided by the Authority June 22, 2017. The Authority will formally consult with the

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.

Colusa Indian Community Council and any other tribes that request consultation with regard to the treatment of tribal cultural resources that could be affected by the Project.

Reclamation held an informational meeting with Colusa Indian Community Council in 2016, and letters were sent to the other tribes with an offer to hold similar briefings. Formal consultation between the tribes and Reclamation will be initiated when a preferred alternative has been identified and the Area of Potential Effects is defined and documented in consultation with the State Historic Preservation Office, pursuant to Section 106 of the National Historic Preservation Act.

36.5.7 Environmental Coordination Advisory Team

DWR and Reclamation participated in coordination and consultation meetings with the Environmental Coordination Advisory Team, which consists of DWR, Reclamation, and other State and federal agencies, including CDFW, U.S. Fish and Wildlife Service, National Oceanic and Atmospheric Administration (NOAA), National Marine Fisheries Service (NOAA Fisheries), Central Valley Regional Water Quality Control Board, U.S. Environmental Protection Agency (USEPA), and U.S. Army Corps of Engineers. Moving forward, the Authority and Reclamation will continue to proactively engage these agencies throughout the CEQA, NEPA, and Sites Reservoir 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 Sites Reservoir Project Draft EIR/EIS and the 2011 North-of-the-Delta Offstream Storage Investigation Feasibility Report (Feasibility Report).

36.6 Draft EIR/EIS and Project/Action Approval Process

At the end of the Draft EIR/EIS public and agency review period, the Authority 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 Draft EIR/EIS), as needed. This response document, along with the Draft EIR/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, Authority and Reclamation management will consider the Final EIR/EIS when deciding whether to certify the EIR, adopt the EIS, and approve one of the Project alternatives. At the time that an alternative is being considered for approval, the Authority will adopt written findings of fact for each potentially significant impact that is identified in the Final EIR. The Final EIR/EIS and the alternative being considered will be formally presented to the Authority's Board of Directors and Reclamation's Mid-Pacific Region Regional Director at meetings that will be held by Authority and Reclamation.

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