

Chapter 11

Public and Agency Involvement

Summary

This chapter provides a summary of the public and agency involvement activities undertaken by SDIP project sponsors, DWR and Reclamation. As a component of the larger CALFED Program, the SDIP was developed and refined over the past 8 years according to input received during many CALFED public and agency scoping meetings and workshops, and from working groups and technical panels.

In addition, Reclamation and DWR have conducted public and agency outreach and involvement efforts specifically related to development of the project, including project alternatives, components, and objectives. This involvement has consisted of public scoping meetings, the 8,500 Stakeholder Process, and numerous meetings with stakeholders to obtain their input and comments. A discussion of all of these efforts is presented below.

CALFED Bay-Delta Program Involvement

Public Involvement

Between August 1995 and September 1996, CALFED held scoping meetings, technical workshops, public informational meetings, and public BDAC work group meetings. This public involvement continued from 1997 to 1998 with additional public meetings, focused group presentations, media outreach, mailings, website, and an information telephone line.

Workshops

Beginning in August 1995, 12 day-long workshops were conducted in Sacramento over a 3-year period—four workshops in 1995, five in 1996, and three in 1997. Open to the general public, the intensive working sessions focused on providing a solid framework for the solution-finding process. Using brainstorming techniques, informal debate, and analysis, an average of

100 participants at each workshop worked together to help identify the problems facing the Bay-Delta system, establish objectives for problem solving, and develop the actions necessary to achieve the objectives. These workshops provided an opportunity for the many different interests in the Bay-Delta system to share perspectives, reach common understandings, and develop cooperative solution alternatives.

Meetings

In addition to public workshops, 28 open-house public meetings were conducted to provide the general public who did not attend public workshops or other meetings the opportunity to learn about the CALFED Program and to express their views and concerns. Each public meeting featured an informal, open-house session with displays and informational materials, followed by a prepared general presentation about the CALFED Program.

Between 1995 and 1996, more than 2,000 people attended a total of 14 public meetings in 13 communities throughout California. These meetings took place in Redding, Red Bluff, Sacramento, Walnut Grove, Stockton, Oakland, Los Banos, Fresno, Bakersfield, Pasadena, Long Beach, Costa Mesa, and San Diego. Between September 1995 and May 1996, another six public meetings were held to solicit early public comment and gauge local public reaction to the 10 draft alternatives.

Eight more public meetings were held in communities from Chico to San Diego in 1997, to inform stakeholders and the public about the CALFED Program's progress and the process to identify a preferred alternative, as well as to solicit input on the alternatives. Two additional public meetings were held following the end of March 1998 Draft Programmatic EIS/EIR comment period in Delta communities: on Roberts Island on July 27, 1998, and in Stockton on September 9, 1998. These additional meetings were held in conjunction with a BDAC meeting.

Programmatic Environmental Impact Statement/ Environmental Impact Report Scoping

Eight scoping meetings were held around the state to solicit input into the scope of the environmental review process. All scoping meetings were held in April 1996 and took place in Oakland, Walnut Grove, Red Bluff, Long Beach, San Diego, Pasadena, Bakersfield, and Sacramento.

Seventeen public hearings were held across the state to gain input into the March 1998 Draft Programmatic EIS/EIR. More than 400 people spoke at these hearings, which were held in Ontario, Fresno, Oakland, Burbank, Bakersfield, Santa Cruz, Irvine, Walnut Grove, Chico, San Diego, Pittsburg, Redding, San Jose, Vacaville, Yuba City, Stockton, and Santa Rosa. A similar public hearing

effort was scheduled to receive public comments on the June 1999 Draft Programmatic EIS/EIR. Sixteen public hearings were held across the state, at which more than 800 people spoke. The meetings were held in Stockton, San Bernardino, Huntington Park, Salinas, Oakland, Pasadena, San Diego, Costa Mesa, San Jose, Antioch, Santa Rosa, Los Banos, Visalia, Chico, Redding, and Sacramento.

Multi-Cultural Public Outreach

Notices about the March 1998 Draft Programmatic EIS/EIR release and the public meetings were placed in several ethnic media outlets, such as Asian week, Los Angeles Sentinel, Oakland Post, La Opinion, El Sol, and La Voz De La Frantera. These efforts were duplicated with the release of the December 1998 Phase II Report and the June 1999 Draft Programmatic EIS/EIR.

Throughout the development of the CALFED Program, program staff met with a number of stakeholders, representing minority and multicultural business, government, agriculture, social services, and industry, to discuss their interests relating to the CALFED Program. The program overview fact sheet was translated into Spanish, Chinese, Japanese, Korean, and Vietnamese. Notices regarding the availability of these translated documents and public meeting notices were sent to statewide media outlets that target multi-cultural communities for distribution.

There have been a series of efforts to provide information to Native Americans about the CALFED process. As the CALFED process evolved and the concept of a solution area developed, additional efforts were made to communicate with tribal groups. These efforts initially took the form of letters notifying tribal groups of the availability of the June 1999 Draft Programmatic EIS/EIR and of meetings in which they were invited to participate. All California tribes were contacted before the June 1999 Draft Programmatic EIS/EIR was distributed.

In June 1996, Reclamation sent letters to the 12 individuals identified by the NAHC. (There are no federally recognized tribes in the Delta.) One person responded and asked Reclamation to provide notice to two additional Native Americans. No other responses were received from this inquiry. As the CALFED process evolved, the following briefings and communication with tribal groups were conducted:

- two briefings at regional tribal meetings in April and May 1999;
- multi-agency and multi-tribal informational meeting in September 1999 attended by 10 tribal representatives;
- presentation at the Seventh Annual Tribal Environmental Conference, sponsored by the EPA's Regional Tribal Operations Committee (RTOC) in October 1999;
- presentation at the Bureau of Indian Affairs (BIA) Regional Tribal council in December 1999;

- a presentation at a tribal governments' meeting in February 2000; and
- panel discussions conducted at the CBDA Tribal Forum planning meeting in February 2004.

Agency Involvement and Coordination

There has been constant dialogue among members of the U.S. Congress, California State Legislature, and appropriate subcommittees and local governments throughout the state. CALFED Program staff briefed key legislators and testified before several legislative committees.

The BDAC was formed under the Federal Advisory Committee Act to assist CALFED Program leaders. The council consists of 31 stakeholder representatives appointed by then-Governor Wilson and then-President Clinton. Members come from diverse backgrounds and represent water districts and utilities, environmental organizations, the California Farm Bureau, Indian tribes, environmental justice interests, business, local governments, energy, and sport fishing organizations from throughout the state. The BDAC met regularly through 1999 and early 2000 and made recommendations to CALFED on May 24, 2000.

Scientific Review of the Program

A scientific review panel of eight scientists with broad expertise in landscape ecology, fisheries and aquatic biology, physical processes, and terrestrial and wetlands ecology met during a 4-day workshop held from October 6 through 9, 1997, which resulted in written recommendations to the CALFED Program for refining the ERP. Members of the public were invited to attend and to provide verbal and written comments on the process. After their workshop, the Scientific Review Panel submitted recommendations to the program about the ERP.

A Bromide Panel consisting of independent, nationally recognized scientific experts was formed to evaluate the potential effects on bromide concentrations in the Delta as a result of the CALFED Program. Panel members were collaboratively chosen by members of the Water Quality Technical Group. The panel met on September 8 and 9, 1998, and published its report in November 1998.

The Diversion Effects on Fisheries Team (DEFT), consisting of stakeholders and representatives from member agencies, was formed in February 1998 to evaluate the technical issues related to diversion impacts on fisheries. DEFT identified seven entrainment losses or other effects that needed to be reduced, as well as eight programmatic actions (one of which is the SDIP) to maximize the chances of implementing a through-Delta conveyance alternative meeting the CALFED Program purpose. The agencies continue to meet regularly to discuss and analyze the potential effects on fisheries from water project operations.

South Delta Improvements Program

Public Involvement

8500 Stakeholder Process

In January 2002, DWR convened a group of stakeholders for the purpose of seeking input about key interests that should be addressed in an 8,500 operations plan (8500 Stakeholder Process). The group included representatives from resource agencies, water agencies and districts, and environmental groups. Table 11-1 below shows those who participated in the process.

Table 11-1. Participants in 8500 Stakeholder Process

U.S. Fish and Wildlife Service
U.S. Department of the Interior, Bureau of Reclamation
U.S. National Marine Fisheries Service
California Department of Fish and Game
California Department of Water Resources
Kern County Water Agency
Westlands Water District
San Luis and Delta-Mendota Water Authority
Tulare Lake Basin Water Storage District
Santa Clara Valley Water District
State Water Contractors
The Metropolitan Water District of Southern California
Contra Costa Water District
South Delta Water Agency
The Bay Institute
Environmental Defense
Natural Resources Defense Council
CALFED Bay-Delta Program

Source: CDR Associates 2002.

The 8500 Stakeholders devoted a significant amount of time to exploring a variety of operational proposals that addressed water quality, water supply reliability, operable barriers, and ecosystem restoration in the south Delta. The 8500 Stakeholder Process served to promote creative thinking and constructive

discussions in multiple forums about how to balance key interests of Delta water users associated with increased pumping in CCF to a maximum of 8,500 cfs.

In April 2002, the stakeholders participated in an exercise to identify the key interests that should be addressed in an 8500 operations package. The interests identified included those that benefit all users of south Delta water and were focused on agricultural, recreational, and M&I users as well as concerns for success of the CALFED Program (including its approach to science-based decisions), fisheries, and the environment.

The stakeholders (excluding DWR and Reclamation) combined the sets of interests to develop three operational packages that were presented to the group on April 15, 2002. The three non-binding proposals, identified as Environmental Interest, Exporter, and Fishery Agency, were run through CALSIM II, and the results were presented to the stakeholder groups.

The constraints of each proposal became obvious to the group through this modeling and allowed the stakeholders to understand the potential effects of different operational scenarios on their previously identified interests. The Fishery Agency proposal was chosen as the discussion document because of its ability to address the greatest number of stakeholder interests.

The stakeholders identified the effects of the proposal on the specific interests in an attempt to identify interests that would not be satisfied and to what extent. The document represents a combination of possibilities for increased pumping to 8,500 cfs. It is too broad to develop a consensus but can be used as a tool to develop points of agreement among stakeholders and further develop proposals that fulfill the needs of several interests.

EIS/EIR Scoping

Reclamation published the NOI to prepare an EIS and Notice of Public Scoping Meeting pursuant to NEPA in the *Federal Register* on August 30, 2002. This notice was accompanied by a press release issued by CALFED announcing the public scoping meetings, which was mailed to interested individuals, stakeholders, and organizations. In addition, DWR issued an NOP of an EIR pursuant to CEQA to resource agencies and interested members of the public on September 20, 2002.

Public scoping meetings were held in five locations throughout the State of California to provide the public with an update on the status of the project and to solicit and receive input on alternatives, concerns, and issues to be addressed in the EIS/EIR (Table 11-2).

Table 11-2. Location and Dates of Public Scoping Meetings

Location	Date
Resources Building Auditorium, Sacramento	October 7, 2002
Community Center Multipurpose Room, Brentwood	October 9, 2002
Metropolitan Water District of Southern California, Los Angeles	October 10, 2002
Convention and Conference Room, Fresno	October 15, 2002
Roberts Union Farm Center, Stockton	October 17, 2002

At each public scoping meeting, a project overview presentation and public comment session were provided. Meetings began with an open house, where attendees could review meeting materials and view display boards, and a presentation and a comment period followed. A series of display boards were prepared to illustrate the project area, project components, and issues. Handouts were also available at the meeting and included an agenda, comment card, SDIP fact sheet, a hard copy of the presentation, and informational brochures on DWR and Reclamation.

The open house provided the opportunity for attendees to review the display boards and speak with DWR and Reclamation staff. The presentation allowed the project managers from DWR and Reclamation to provide detailed information on the project background, description, and purpose. Individuals responded with verbal comments before or after the meeting.

Public Meetings

Two public informational meetings were held in Sacramento before the public release of the draft EIS/EIR. The purpose of the meetings was to inform the public on the status of the project and the EIS/EIR and the potential effects of the project. The public was given an opportunity to ask DWR and Reclamation questions about the project as well as voice concerns and expectations of the anticipated EIS/EIR.

Public Review of Draft Environmental Impact Statement/Environmental Impact Report

The Public Draft EIS/EIR will be available for review and comment for 90 days following filing of the Notice of Availability (NOA) of the EIS with the EPA and the Notice of Completion (NOC) of the EIR with the California State Clearinghouse.

After public comment period for the Draft EIS/EIR, a Final EIS/EIR will be prepared that will include responses to public and agency comments. DWR and

Reclamation will issue a Notice of Determination (NOD)/Record of Decision for the decision regarding the physical/structural component actions at the end of the Stage 1 decision-making process. No decision regarding the operational component of the SDIP will be made during the Stage 1 process.

For the Stage 1 decision of SDIP, DWR and Reclamation will assume that the current regulatory limits apply regarding SWP export operations. Proposed changes to these operating conditions will be finalized during the Stage 2 decision-making process of SDIP. DWR and Reclamation acknowledge that during the time before Stage 2 is completed, new information may become available about conditions affecting pelagic organisms in the Delta. DWR and Reclamation will complete the additional environmental analysis necessary to select and implement the operational component for Stage 2 pursuant to CEQA and NEPA using the best available information.

CEQA and NEPA compliance for the decision made under Stage 2 will most likely follow the preparation and circulation of supplemental information as authorized by the CEQA Guidelines (see Article 11) and CEQA NEPA Regulations (40 CFR 1502.9(c)). At a minimum, DWR and Reclamation will issue a document explaining the preferred operational component, the rationale for its selection, and the necessary supporting information for CEQA and NEPA compliance. This document would be available for public comment and review for a period of at least 45 days and will provide opportunity for the public to submit additional comments on the environmental analysis of the operational component of the SDIP. A second Notice of Determination from DWR and an ROD from Reclamation regarding the selection of the preferred operational component will be filed to complete the environmental compliance requirements for Stage 2 of the SDIP. Parties concerned about the operational component in Stage 2 should participate early in the EIR/S process and review and comment on this Draft EIS/R. With respect to the future decision for Stage 2 that relies upon the SDIP EIS/EIR certified at the time of the NOD for Stage 1, and any supplements to the EIS/EIR, a new CEQA challenge period will commence at the time of the Stage 2 decision for parties to request judicial review of DWR's decision based on any cause of action under CEQA related to the Stage 2 decision. In any decision for Stage 2, DWR will state in the Notice of Determination that DWR has relied in part upon the SDIP EIS/EIR certified in Stage 1 and intends that those aspects of the SDIP EIS/R relied upon in the Stage 2 decision will be subject to further judicial review.

Other Agency Involvement and Coordination

Because of the multi-agency, interrelated nature of the Delta region, proposed actions are subject to compliance and conformity with multiple laws, regulations, policies, plans, and agency requirements. Through ongoing meetings, consultations, and correspondence, DWR and Reclamation have been coordinating with multiple agencies that have interest in and/or jurisdictional responsibility over resources associated with the south Delta and proposed SDIP.

Specifically, DWR and Reclamation facilitated a series of meetings with DFG, USFWS, and NOAA Fisheries in 2004 and 2005 to develop the ASIP.

Early Agency Coordination

At the beginning of the project planning phase, DWR assembled single-component alternatives based on their potential to meet one or more project objectives. The objectives were to meet the needs of exporters, fish, and local water users. These alternatives were developed from a series of interagency meetings that DWR and Reclamation convened during 2001 with the USFWS, NOAA Fisheries, DFG, and the Corps. At these meetings, the agencies discussed and commented on the SDIP.