CHAPTER 10.0

CONSULTATION AND COORDINATION WITH APPLICABLE AGENCIES

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10.0 CONSULTATION AND COORDINATION WITH APPLICABLE AGENCIES

10.1 COORDINATION

On January 11, 2001, FERC approved DWR's request to use the ALP for the relicensing of the Oroville Facilities. The ALP is intended to facilitate participation and improve communication among interested parties, avoid unnecessary conflict, increase confidence that all reasonable alternatives have been adequately and fairly evaluated, and increase the likelihood of a comprehensive settlement. Under the ALP, information and analyses relevant to relicensing are developed in collaboration with federal, State, and local agencies as well as federally recognized Indian tribes, nongovernmental organizations (NGOs), interested parties, and members of the public.

The Oroville Facilities relicensing process has involved extensive coordination and commitment by a variety of stakeholders over the past several years. From late 2000 through 2004, DWR hosted monthly Plenary and Work Group meetings, as well as ongoing Task Force meetings. Of the estimated 1,500 hours of total meeting time, approximately 80 percent were held in the Oroville area. The collaborative process resulted in an SA that became the basis of the Proposed Project. FERC has indicated that it would consider the SA in its decision to issue a new hydroelectric license.

10.1.1 Agency Consultation

In October 1999, DWR distributed an informal mailer to known and potentially interested government agencies, federally recognized Indian tribes, and other interested parties and organizations to initiate development of a mailing list of those interested in the Oroville Facilities. After January 11, 2001, DWR initiated the collaborative process that is supported by the ALP. The collaborative process functioned on three levels: (1) a Plenary Group; (2) five resource-specific Work Groups; and (3) issue-specific Task Forces (as needed). Each of the three collaborative levels are described below.

10.1.1.1 Plenary Group

The Plenary Group was composed of spokespersons for stakeholder groups involved in the relicensing process (Table 10.1-1). The Plenary Group was responsible for maintaining a global perspective on the relicensing process, overseeing the progress of the five Work Groups, and determining how recommendations and proposals interrelate and interact with other issues and resource needs.

Table 10.1-1. Plenary Group participants.

Federal Agencies	State Agencies	Local Government
• National Marine Fisheries Service • National Park Service • U.S. Forest Service, Plumas National Forest • U.S. Army Corps of Engineers • U.S. Fish and Wildlife Service	• California Department of Fish and Game • California Department of Water Resources • California Department of Parks and Recreation • State Water Resources Control Board • California Department of Boating and Waterways	• Butte County • City of Oroville • Feather River Recreation and Park District • Lake Oroville Joint Powers Authority • Oroville Chamber of Commerce • City of Yuba City • Yuba County Water Agency
Native American Tribes	**Water Agencies**	**Nongovernmental Organizations**
• Berry Creek Rancheria of Tyme Maidu Indians • Konkow Valley Band of Maidu • Enterprise Rancheria of Estom Yumeka Maidu • Mooretown Rancheria of Concow Maidu • Pacific Cherokee Tribal Council	• State Water Contractors • Metropolitan Water District • Santa Clara Water District • Zone 7 Water Agency	• American Rivers • American Whitewater/ Chico Paddleheads • Berry Creek Citizens Committee • Butte County Tax Payers Association • Butte Sailing Club • Butte County Citizens for Fair Government • California Horsemen's Association—Region II • Equestrian Trail Riders/Hikers • Feather River Low Flow Alliance • JEM Farms • Oroville Foundation of Flight • Oroville Recreation Advisory Committee [1] • Natural Heritage Institute representing American Rivers • General public

[1] *The Oroville Recreation Advisory Committee includes local representatives from the Butte Sailing Club, Citizens for Fair and Equitable Recreation, Lake Oroville Fish Enhancement Committee, Butte County Citizens for Fair Government, the City of Oroville, Butte County, and the Oroville Chamber of Commerce.*

10.1.1.2 Work Groups

Work Groups were established in five resource-specific areas and were responsible for identifying resource issues, developing study plans, considering existing and new information (including study reports), and making recommendations to the Plenary Group on PM&E measures (Table 10.1-2).

- **Environmental Work Group:** Addressed project-related issues related to water quality, terrestrial resources, fisheries, and geomorphology.

- **Recreation and Socioeconomics Work Group:** Addressed project-related issues related to recreational facilities, access, use, and socioeconomic issues related to recreation.

- **Cultural Resources Work Group:** Addressed project-related issues related to historic and prehistoric cultural resources.

- **Land Use, Land Management, and Aesthetics Work Group:** Addressed project-related issues related to the uses and management of lands within and adjacent to the FERC Project boundary and issues related to the visual and auditory environment.

- **Engineering and Operations Work Group:** Addressed project-related issues related to the engineering, operation, and maintenance of the Oroville Facilities; also provides modeling support services to the Collaborative.

Table 10.1-2. Work Group participants.

Environmental Work Group Participants		
Federal Agencies	**State Agencies**	**Local Government**
• National Marine Fisheries Service • U.S. Forest Service, Plumas National Forest • U.S. Army Corps of Engineers • U.S. Fish and Wildlife Service	• California Department of Fish and Game • California Department of Water Resources • California Department of Parks and Recreation • California Department of Conservation • State Water Resources Control Board	• Butte County • City of Yuba City • Yuba County Water Agency
Native American Tribes	**Water Agencies**	**Nongovernmental Organizations**
• Enterprise Rancheria of Estom Yumeka Maidu	• State Water Contractors • Metropolitan Water District • South Feather Water and Power Agency • Kern County Water District	• American Rivers • California Waterfowl • Association • Natural Heritage Institute • General public
Recreation and Socioeconomics Work Group Participants		
Federal Agencies	**State Agencies**	**Local Government**
• National Park Service • Plumas National Forest	• California Department of Fish and Game • California Department of Water Resources • California Department of Parks and Recreation • State Water Resources Control Board	• Butte County • City of Oroville • Feather River Recreation and Park District • Lake Oroville Joint Powers Authority • City of Paradise

Table 10.1-2. Work Group participants.

Recreation and Socioeconomics Work Group Participants (continued)		
Native American Tribes	**Water Agencies**	**Nongovernmental Organizations**
• Berry Creek Rancheria of Tyme Maidu Indians • Enterprise Rancheria of Estom Yumeka Maidu • Mooretown Rancheria of Concow Maidu • Mechoopda Indian Tribe of Chico Rancheria • Pacific Cherokee Tribal Council	• State Water Contractors • Metropolitan Water District • Kern County Water Agency	• American Whitewater/Chico Paddleheads • Berry Creek Citizens Committee • Butte County Tax Payers Association • Butte Sailing Club • Butte County Citizens for Fair Government • Citizens for Fair and Equitable Recreation • California Horsemen's Association—Region II • Equestrian Trail Riders/Hikers • Experimental Aircraft Association, Chapter 1112 • Feather River Low Flow Alliance • Lake Oroville Bicycle Organization • Lime Saddle Marina • Lake Oroville Fish Enhancement Committee • Oroville Chamber of Commerce • Oroville Foundation of Flight • Oroville Model Airplane Club • Oroville Recreation Advisory Committee • Oroville Water Ski Club • Shasta Paddlers • General public
Cultural Resources Work Group Participants		
Federal Agencies	**State Agencies**	**Local Government**
• U.S. Bureau of Indian Affairs • U.S. Bureau of Land Management • U.S. Forest Service, Plumas National Forest	• California Department of Water Resources • California Department of Parks and Recreation	• Butte County

Table 10.1-2. Work Group participants.

Cultural Resources Work Group Participants (continued)		
Native American Tribes	**Water Agencies**	**Nongovernmental Organizations**
• Berry Creek Rancheria of Tyme Maidu Indians • Pacific Cherokee Tribal Council • Konkow Valley Band of Maidu • Enterprise Rancheria of Estom Yumeka Maidu • Mechoopda Indian Tribe of Chico Rancheria • Mooretown Rancheria of Concow Maidu • California Autochthon Peoples Foundation	• State Water Contractors • Metropolitan Water District	• Butte County Citizens for Fair Government • California Horsemen's Association—Region II • General public
Land Use, Land Management, and Aesthetics Work Group Participants		
Federal Agencies	**State Agencies**	**Local Government**
• U.S. Bureau of Land Management	• California Department of Fish and Game • California Department of Water Resources • California Department of Parks and Recreation	• Butte County
Native American Tribes	**Water Agencies**	**Nongovernmental Organizations**
• Enterprise Rancheria of Estom Yumeka Maidu	• State Water Contractors • Metropolitan Water District • Zone 7 Water Agency	• Oroville Recreation Advisory Committee • General public
Engineering and Operations Work Group Participants		
Federal Agencies	**State Agencies**	**Local Government**
• National Marine Fisheries Service • U.S. Army Corps of Engineers • U.S. Fish and Wildlife Service	• California Department of Fish and Game • California Department of Water Resources	• Butte County • Butte County Public Works • Butte Water Commission • Plumas County • Sutter County • City of Yuba City • Yuba County Water Agency

Table 10.1-2. Work Group participants.

Engineering and Operations Work Group Participants (continued)		
Water Agencies	**Nongovernmental Organizations**	
• State Water Contractors • Kern County Water Agency • Metropolitan Water District • Western Canal Water District • South Feather Water and Power Agency • Yuba County Water Agency	• JEM Farms • Natural Heritage Institute representing American Rivers • General public	

10.1.1.3 Task Forces

Task Forces were established as needed to undertake specific tasks identified by a work group or the Plenary Group. As part of the Task Force process, technical specialists and other participants reviewed and discussed specific subjects associated with one or more resources and provided recommendations to the group that established the task force. More than a dozen Task Forces were established during consultation.

10.1.2 CEQA Scoping

CEQA requires that lead agencies conduct scoping meetings to assist in determining potential resources areas that could be affected by a project. The scoping history for the Oroville Facilities relicensing effort includes the initial public meetings as well as the meetings conducted under the Collaborative process.

The Collaborative Work Groups spent the first half of 2001 identifying and refining issue statements for study plan development and inclusion in Scoping Document 1 (SD1). SD1 supported the development of either two separate environmental documents or a single joint NEPA/CEQA document. It also provided the CEQA notice of preparation.

On October 29 and October 30, 2001, public scoping meetings were held in the cities of Oroville and Sacramento, respectively. The purpose of the meetings was to receive input from any parties interested in the relicensing process, and to gather information and identify issues regarding specific aspects of the Oroville Facilities relicensing process. More than 100 people signed in at the meetings, and public statements were provided in person by 21 individuals representing a variety of interested parties. Any person who was unable to attend a public scoping meeting or desired to provide further comment was encouraged to submit written comments and information to DWR by November 26, 2001. The entities listed in Table 10.1-3 provided written comments on SD1 as well as in response to the scoping meetings.

Table 10.1-3. Comments during scoping for the Oroville Facilities relicensing process.

Commenting Entities
Feather River Diverters (Joint Water Districts and Western Canal Water Districts)
U.S. Department of Commerce, National Oceanic and Atmospheric Administration (National Marine Fisheries Service)
California Chamber of Commerce
Oroville Foundation of Flight
Southern California Water Committee
State of California Electricity Oversight Board
Association of California Water Agencies
Kern County Water Agency
Alameda County Flood Control & Water Conservation District
Castaic Lake Water Agency
Plumas National Forest
National Park Service, California Hydro Program
Civil Engineering Services, F.D. Pursell
State Water Resources Control Board
California State Department of Fish and Game
California Independent System Operator
Paleo Resource Consultants, F&F Geo Resources Associates Inc.
Metropolitan Water District of Southern California
Santa Clara County Water District
State Water Contractors Inc.
California Business Properties Association
Pacific Cherokee Tribal Council
Ron Davis
Catherine H. Hodges
Northern California Water Association
Butte County
County of Sutter, Board of Supervisors
California Department of Forestry and Fire Protection
U.S. Fish and Wildlife Service
The Baiocchi Family

DWR issued Scoping Document 2 and Amended Notice of Preparation (SD2) on September 20, 2002. SD2 addressed comments received on SD1 and reflected the progress made since September 2001 in working collaboratively with resource agencies, NGOs, and other interested parties in identifying issues and initiating 71 study programs. SD2 also fulfilled requirements allowing DWR to prepare a PDEA that both complies with NEPA and is adequate in supporting the FERC decision-making process as well as allowing DWR to prepare an EIR separate of the FERC process.

10.1.3 Settlement Agreement Process

The process for the relicensing of the project was broad-based, collaborative, and representative of a wide array of stakeholder interests, including affected federal and State agencies, local government agencies, local government entities, tribal interests, non-governmental organizations, and local residents. The participants in the

collaborative relicensing process were extensively involved in scoping issues, submitting study requests, formulating study scopes, reviewing study results, and formulating protection, mitigation, and enhancement measures.

Beginning in April 2004, many of the Collaborative members spent 23 months negotiating a Settlement Agreement. The SA is the culmination of the relicensing process. The SA is unique in that the parties have reviewed all reasonable alternatives during the relicensing process and agreed that the measures contained in it resolve all issues that have been or could have been raised by the parties in connection with FERC issuing a New Project License for the Oroville facilities. Therefore, only three alternatives are contained in the DEIR.

10.1.3.1 Interventions

FERC's notice of filing of the license application included a statement that organizations and individuals may petition to intervene and become a party to any subsequent proceedings.

10.2 COORDINATION WITH APPLICABLE AGENCIES

10.2.1 CEQA State Lead Agency

Under the State CEQA Guidelines the lead agency is the agency carrying out the project or having the most responsibility for the project (State CEQA Guidelines Section 15051).

10.2.2 CEQA State Responsible Agencies

A "responsible agency" is the public agency that proposes to carry out or approve a project for which a lead agency is preparing or has prepared an environmental document. For the purposes of CEQA, the term "responsible agency" includes all public agencies other than the lead agency that have discretionary approval power over the project. The SWRCB has discretionary approval power and therefore is considered to be a "responsible agency." The SWRCB will issue a 401 Water Quality Certification under the Clean Water Act for the Oroville Facilities.

10.2.3 CEQA State Trustee Agencies

A "trustee agency" is a public agency having 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:

- DFG 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;

- The State Lands Commission with regard to state-owned "sovereign" lands such as the beds of navigable waters and State school lands;

- DPR with regard to units of the State Park System;
- The California Department of Boating and Waterways; and
- The University of California with regard to sites within the Natural Land and Water Reserves System.

10.2.4 Federal Agencies

Implementation of the Proposed Project will require issuance of a new FERC License to DWR. Issuance of the new hydroelectric power license may involve additional permits or approval from the following agencies:

- FERC;
- NMFS;
- USFWS;
- The U.S. Army Corps of Engineers;
- USFS; and
- The U.S. Environmental Protection Agency.

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