

ENVIRONMENTAL WATER ACCOUNT
DRAFT ENVIRONMENTAL IMPACT STATEMENT/
ENVIRONMENTAL IMPACT REPORT

APPENDIX F

Notice of Preparation/Notice of Intent

RECEIVED

Appendix I
NOTICE OF PREPARATION

MAY 31 2002

To: _____

(Address)

From: California Department of Water Resources

Environmental Services Office

(Address)
3251 S Street, Sacramento, CA 95816

Subject: Notice of Preparation of a Draft Environmental Impact Report

California Department of Water Resources _____ will be the Lead Agency and will prepare an environmental impact report for the project identified below. We need to know the views of your agency as to the scope and content of the environmental information which is germane to your agency's statutory responsibilities in connection with the proposed project. Your agency will need to use the EIR prepared by our agency when considering your permit or other approval for the project.

The project description, location, and the potential environmental effects are contained in the attached materials. A copy of the Initial Study (is is not) attached.

Due to the time limits mandated by State law, your response must be sent at the earliest possible date but not later than 30 days after receipt of this notice.

Please send your response to Delores Brown, Environmental Program Manager at the address shown above. We will need the name for a contact person in your agency.

Project Title: Draft EIR/EIS for the Environmental Water Account

Project Applicant, if any: _____

Date May 24, 2002

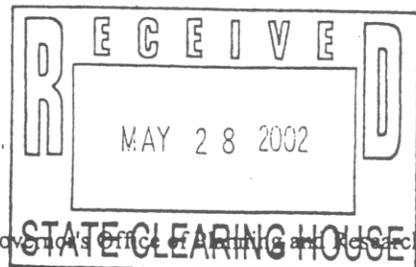
Signature Delores Brown

Title Environmental Program Manager

Telephone 916 227-2407

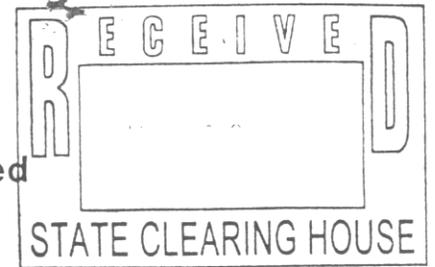
Reference: California Code of Regulations, Title 14, (CEQA Guidelines) Sections 15082(a), 15103, 15375.

05-28-02P02:37 R040



State Clearinghouse No. 1996032083

Notice of Preparation, Revised



To: See attached distribution list

Subject: Revised Notice of Preparation of a Draft Environmental Impact Report/Environmental Impact Statement for the Environmental Water Account

Lead Agencies:

State Agency: Department of Water Resources
3251 S Street
Sacramento, CA 95816
Contact: Delores Brown
(916) 227-2407
delores@water.ca.gov

Federal Agency: Bureau of Reclamation
2800 Cottage Way
Sacramento, CA 95825
Contact: Dave Robinson
(916) 978-5050
drobinson@mp.usbr.gov

On July 10, 2001, a Notice of Preparation of a Draft Environmental Impact Report/Environmental Impact Statement for the Environmental Water Account was filed with the State Clearinghouse (SCH No. 1996032083). Since that date, conditions that defined the baseline have changed. This revised Notice of Preparation reflects those changes, and clarifies that the purchase of Tier 3 assets will also be addressed as part of the environmental analysis.

Project Description

Pursuant to the California Environmental Quality Act (CEQA) and the National Environmental Policy Act (NEPA), the California Department of Water Resources (DWR) and the Bureau of Reclamation (Reclamation) will prepare an EIR/EIS for implementing the Environmental Water Account (EWA) as described in the Programmatic Record of Decision for the CALFED Bay-Delta Program, dated August 28, 2000. A draft Environmental Impact Report/Environmental Impact Statement (EIR/EIS) is expected to be available in late summer 2002.

The CALFED Bay-Delta Program is a long-term comprehensive plan to restore ecological health and improve water management for beneficial uses in the San Francisco Bay/Sacramento-San Joaquin Delta (Bay-Delta) estuary system. The agencies that signed the Record of Decision/Notice of Determination (ROD) for the *Final Programmatic Environmental Impact Statement/Environmental Impact Report* on August 28, 2000 committed to implement the CALFED Bay Delta Program. The Environmental Water Account (EWA) is one component of the long-term comprehensive plan adopted in the CALFED Bay-Delta Program ROD.

The EWA was established to provide a supplemental water supply for the protection and recovery of fish beyond what currently exists through the pre-CALFED Program environmental baseline (Tier 1). As part of the Multi-Species Conservation Strategy Conservation Agreement and the U.S. Fish and Wildlife Service and National Marine Fisheries Service biological opinions, the CALFED agencies have committed to specified conditions and legal requirements based on the availability of three tiers of assets or alternative sources of project water supply. The components of each tier are described below.

Tier 1, as defined in the ROD, included the following regulatory baseline programs to provide a level of fishery protection:

- 1993 Winter-run Biological Opinion (NMFS);
- 1995 Delta Water Quality Control Plan, State Water Resources Control Board (SWRCB);
- 1995 Delta Smelt Biological Opinion (USFWS);
- management of the full 800,000 acre-feet of CVP yield pursuant to Section 3406(b)(2) (or “(b)(2) Water”) of the Central Valley Project Improvement Act (CVPIA); and
- other environmental protections, including Level 2 refuge water supplies as required by the CVPIA.

On March 20, 2002, the U.S. District Court for the Eastern District of California issued a final partial judgment concluding that the Department of Interior must modify components of its methodology for accounting for the 800,000 acre-feet of CVP water supplies dedicated to environmental purposes. While the judgment has been appealed, the Department of Interior (Interior) is considering how its accounting methods and certain changes may be made consistent with the final partial judgment. These possible changes will reduce Interior’s flexibility in utilizing the 800,000 acre-feet in upstream reaches of CVP-controlled streams under some hydrologic conditions. A portion of some upstream releases may be charged against EWA variable assets included as part of Tier 2, described below. Also, EWA assets described below may be used to supplement fishery protection measures previously taken as part of Tier 1 operations that are no longer taken as a result of the new accounting methods. Incorporation of these methods into the Existing Conditions is necessary to accurately describe the potential use and impacts of the EWA in the EIR/EIS.

Tier 2 consists of the assets in the EWA combined with the benefits of the Ecosystem Restoration Program. The EWA is a cooperative management program whose purpose is to provide protection to the fish of the Bay-Delta estuary through environmentally beneficial changes in project operations at no uncompensated water cost to the projects’ water users. The EWA involves five CALFED agencies that have shared responsibility for implementing the EWA. The three management agencies, the U.S. Fish and Wildlife Service (USFWS), the National Marine Fisheries Service (NMFS), and the California Department of Fish and Game (DFG) have responsibility for determining how to manage

the EWA assets to benefit long-term survival of fish species, including those listed under the State and Federal Endangered Species Acts. The two Project Agencies are DWR and Reclamation. The Project Agencies will cooperate with the Management Agencies in administering the EWA, will have primary responsibility for banking, borrowing, transferring, making operational changes, and arranging for the conveyance of EWA assets.

This approach to fish protection requires the acquisition of alternative sources of project water supply, called "EWA assets," which will be used to augment streamflows, Delta outflows, to modify exports to provide fishery benefits, and to replace the regular project water supply interrupted by the changes to project operations. The replacement water will compensate for reductions in deliveries relative to existing facilities, project operations and the regulatory baseline that result from EWA actions.

The EWA will be implemented over four years unless the Managing Agencies and Project Agencies decide the program should be extended to include future years. The initial EWA assets will be acquired to meet the overall objective of the ROD as identified in Table 1. Assets acquired for the EWA may vary from year to year depending on hydrologic and regulatory conditions, and are therefore not certain.

Table 1. EWA Assets In Accordance with the ROD

Action Description	Water Available Annually (Average)
SWP Pumping of (b)(2)/ERP Upstream Releases ¹	40,000 acre-feet ²
EWA Use of Joint Point ³	75,000 acre-feet
Export/Inflow Ratio Flexibility	30,000 acre-feet
500 cfs SWP Pumping Increase	50,000 acre-feet
Purchases – South of Delta	150,000 acre-feet
Purchases – North of Delta ⁴	35,000 acre-feet
TOTAL	380,000 acre-feet
Storage acquisition	200,000 acre-feet of storage, filled; acquired in Year 1 ⁵
Source Shifting agreement	100,000 acre-feet

The EWA will rely on the operation of the SWP, CVP, and the facilities of certain local and regional water agencies to transport or store acquired EWA assets. Several processes

¹ The EWA and the SWP will share equally the (b)(2) and ERP upstream releases pumped by the SWP after they have served their (b)(2) and ERP purposes.

² The amount of water derived from the first four actions will vary based on hydrologic conditions.

³ The EWA will share access to joint point, with the CVP receiving 50% of the benefits.

⁴ This is the amount of water targeted for the first year; higher amounts are anticipated in subsequent years. North of Delta assets assume a twenty- percent carriage loss. The actual quantity of water acquired will be approximately 45,000 acre-feet.

⁵ Of the 200,000, 100,000 acre-feet would be retrievable within the year.

may be used to acquire EWA assets and/or functional equivalent sources of project water supply to offset the effects of operational curtailments under the EWA program so that deliveries will not be affected. The EWA will acquire only the amount of water that is needed, and may not purchase all of the water that is offered in a given year. If the program is extended to include future years, then the agencies will determine the appropriate size and composition of the EWA, and the appropriate environmental review.

Tier 3 consists of the ability of the CALFED agencies to make additional water available as needed to meet Endangered Species Act requirements beyond those quantities specified in Tier 1 and Tier 2. Tier 3 has been designed to be used when Tier 1 and Tier 2 assets are insufficient or exhausted and the Management Agencies determine that jeopardy to the survival and recovery of an endangered or threatened species will occur unless additional measures are taken. The appropriate Management Agencies will make the determination that the proposed project operations would jeopardize the continued existence of the effected species. Under these circumstances, the EWA would purchase additional quantities of water to support operational curtailments necessary to avoid jeopardizing the species at risk.

Location of Project

The project is located within the state of California and may include any and all parties who meet criteria defined by the Project Agencies and Managing Agencies for meeting the objectives of the EWA

Alternative Measures

The ROD for the CALFED Bay Delta Program described broad actions to be taken as part of a long-term plan to fix the problems in the Delta: ecosystem quality, water quality, supply reliability, and levee system integrity. As described above, the EWA is one element of the long-term plan to which the signatory agencies have committed. This EIR/EIS will focus on a project specific evaluation of alternative strategies for meeting the objectives of the EWA, including purchasing variable quantities of water, banking, borrowing, transferring water, and using functional equivalent water assets to achieve the objectives of the EWA.

Probable Environmental Effects

It is generally recognized that certain types of water transfers can result in adverse, as well as beneficial impacts on the environment and certain local economic conditions. For example, fallowing may reduce the quantity of agricultural production in the source area and thereby affect the local economy, while groundwater transfers or transfers of surface water with groundwater replacement may result in lower groundwater levels, lower groundwater quality, and higher energy costs. The extent of these impacts will depend on

the amount and type of such transfers in a given area. This environmental document will evaluate potential project-specific and cumulative impacts, and identify and incorporate mitigation measures when impacts are identified.

Scoping Meetings

A series of public scoping meetings were held in late summer 2001 to solicit public input on alternatives, concerns, and issues to be addressed in the EIS/EIR. No additional scoping meetings are planned.

Written Comments

Within 30 days after receiving the Notice of Preparation, each Responsible Agency shall provide the Lead Agency with specific detail about the scope, significant environmental issues, reasonable alternatives, and mitigation measures related to the Responsible Agency's area of statutory responsibility that will need to be explored in the draft EIR.

Comments from individual respondents, including names and home addresses of respondents, will be made available for public review. Individual respondents may request that their home address be withheld from public disclosure, which we will honor to the extent allowable by law. There also may be circumstances in which we would withhold a respondent's identity from public disclosure, as allowable by law. If you wish us to withhold your name and/or address, you must state this prominently at the beginning of your comment. We will make all submissions from organizations or businesses, and from individuals identifying themselves as representatives or officials of organizations or businesses, available for public disclosure in their entirety.

Written comments on the scope of the EIR/EIS should be sent to Ms. Delores Brown, Department of Water Resources, 3251 S Street, Sacramento, CA 95816 or Mr. Dave Robinson, Bureau of Reclamation, 2800 Cottage Way, MP-700, Sacramento, CA 95825.



Barbara McDonnell
Chief, Environmental Services Office

Date May 28, 2002

DEPARTMENT OF THE INTERIOR**Bureau of Reclamation****Environmental Water Account, San Francisco Bay/Sacramento-San Joaquin Delta, CA**

AGENCY: Bureau of Reclamation/California Department of Water Resources, Interior.

ACTION: Notice of intent to prepare an environmental impact statement/environmental impact report (EIS/EIR).

SUMMARY: Pursuant to the National Environmental Policy Act (NEPA) and the California Environmental Quality Act (CEQA), the Bureau of Reclamation (Reclamation) and the California Department of Water Resources (DWR) intend to prepare an EIS/EIR for implementing the Environmental Water Account (EWA) as described in the Programmatic Record of Decision for the CALFED Bay-Delta Program.

The EWA has been established to provide water for the protection and recovery of fish beyond water available through existing regulatory actions related to State Water Project/Central Valley Project operations. The EWA is a cooperative management program whose purpose is to provide protection to the fish of the Bay-Delta estuary through environmentally beneficial changes in project operations at no uncompensated water cost to the projects' water users. This approach to fish protection requires the acquisition of alternative sources of project water supply, called the "EWA assets," which will be used to augment streamflows, Delta outflows, to modify exports to provide fishery benefits, and to replace the regular project water supply interrupted by the changes to project operations. The replacement water will compensate for reductions in deliveries relative to existing facilities, project operations and the regulatory baseline that result from EWA actions.

Reclamation will be the lead federal agency; the U.S. Fish and Wildlife Service and National Marine Fisheries Service will be cooperating agencies for the EIS/EIR in accordance with NEPA. DWR will be the lead state agency; the Department of Fish and Game will be a responsible agency for the EIS/EIR in accordance with CEQA. A draft EIS/EIR is expected to be available in December 2001.

DATES: A series of public scoping meetings will be held to solicit public input on alternatives, concerns, and issues to be addressed in the EIS/EIR as follows:

- Thursday, July 19, 10–12 noon, Sacramento, CA.
- Thursday, July 19, 7–9 p.m., Chico, CA.
- Monday, July 23, 7–9 p.m., Oakland, CA.
- Tuesday, July 24, 7–9 p.m., Tracy, CA.
- Wednesday, July 25, 7–9 p.m., Bakersfield, CA.
- Thursday, July 26, 7–9 p.m., Los Angeles, CA.

Written comments on the scope of the EIS/EIR may be mailed to Reclamation at the address below by August 20, 2001.

ADDRESSES: The meeting locations are:

- Sacramento at Best Western Expo Inn, 1413 Howe Avenue.
- Chico at Chico Area Recreation District Community Center, 545 Vallambrosa.
- Oakland at the Federal Building, Room H, 5th Floor, North Tower.
- Tracy at the VFW Hall, 430 West Grant Line Road.
- Bakersfield at the Double Tree Inn, 3100 Camino Del Rio Court, Sierra Room.
- Los Angeles at the Los Angeles Convention Center, 1201 South Figueroa Street, Room 513.

Written comments on the scope of the EIS/EIR should be sent to Ms. Michelle Light, Bureau of Reclamation, 2800 Cottage Way, MP-700, Sacramento, CA 95825.

FOR FURTHER INFORMATION CONTACT: Ms. Light at the above address or by telephone at 916-978-5060 or TDD 1-800-735-2922; or Ms. Delores Brown, Department of Water Resources, 3251 S Street, Sacramento, CA 95816 or by telephone at 916-227-2407.

SUPPLEMENTARY INFORMATION:**Background**

The CALFED Bay Delta Program is a long-term comprehensive plan to restore ecological health and improve water management for beneficial uses in the San Francisco Bay/Sacramento-San Joaquin Delta (Bay-Delta) estuary system. The agencies that signed the Record of Decision/Notice of Determination (ROD) for the Final Programmatic Environmental Impact Statement/Environmental Impact Report on August 28, 2000, committed to implement the CALFED Bay Delta Program. The Environmental Water Account (EWA) is one component of the long-term comprehensive plan adopted in the CALFED Bay-Delta Program ROD.

To achieve the program purpose, the long-term plan addresses problems of the Bay-Delta system within each of four resource categories: ecosystem quality,

water quality, water supply reliability, and levee system integrity. CALFED agencies identified a need in the ROD for additional fisheries protection measures above and beyond the existing baseline regulatory measures to speed recovery of listed fish species. The establishment of the EWA was a key component of this additional protection.

The EWA is a cooperative management program involving five CALFED agencies that have responsibility for implementing the EWA. The three management agencies, the U.S. Fish and Wildlife Service (USFWS), the National Marine Fisheries Service (NMFS), and the California Department of Fish and Game (DFG), have primary responsibility for determining how to manage the EWA assets to benefit long-term survival of fish species, including those listed under the State and Federal Endangered Species Acts. The two Project Agencies are Reclamation and the Department. The Project Agencies will cooperate with the Management Agencies in administering the EWA, including banking, borrowing, transferring, selling, making operational changes, and arranging for the conveyance of EWA assets.

Current Activities

Following the signing of the ROD in August of 2000, the California Department of Water Resources undertook the initial required acquisitions and one-year transfers. As of June 2001, 294,000 acre-feet had been acquired of which 281,000 acre-feet was used to protect threatened and endangered fish species. A critique and scientific review of the first year of EWA implementation will be conducted this summer, and the results will be used to help formulate strategies for managing the EWA in subsequent years.

Alternative Measures

The ROD for the CALFED Bay Delta Program described broad actions to be taken as part of a long-term plan to fix the problems in the Delta: ecosystem, water quality, water supply reliability and levee stability. As described above, the EWA is one element of the long-term plan to which the signatory agencies have committed. This EIS/EIR will focus on a project specific evaluation of the EWA including alternative strategies for banking, borrowing, transferring, and using water assets to achieve the EWA.

Our practice is to make comments, including names and home addresses of respondents, available for public review. Individual respondents may request that we withhold their home address from public disclosure, which

we will honor to the extent allowable by law. There also may be circumstances in which we would withhold a respondent's identity from public disclosure, as allowable by law. If you wish us to withhold your name and/or address, you must state this prominently at the beginning of your comment. We will make all submissions from organizations or businesses, and from individuals identifying themselves as representatives or officials of organizations or businesses, available for public disclosure in their entirety.

Dated: June 22, 2001.

Laura Allen,

Acting Regional Environmental Officer.

[FR Doc. 01-16928 Filed 7-5-01; 8:45 am]

BILLING CODE 4310-MN-P

INTERNATIONAL TRADE COMMISSION

[Investigations Nos. 731-TA-951 and 952 (Preliminary)]

Blast Furnace Coke From China and Japan

AGENCY: International Trade Commission.

ACTION: Institution of antidumping investigations and scheduling of preliminary phase investigations.

SUMMARY: The Commission hereby gives notice of the institution of investigations and commencement of preliminary phase antidumping investigations Nos. 731-TA-951 and 952 (Preliminary) under section 733(a) of the Tariff Act of 1930 (19 U.S.C. 1673b(a)) (the Act) to determine whether there is a reasonable indication that an industry in the United States is materially injured or threatened with material injury, or the establishment of an industry in the United States is materially retarded, by reason of imports from China and Japan of blast furnace coke provided for in statistical reporting numbers 2704.00.0025 and 2704.00.0050 of the Harmonized Tariff Schedule of the United States, that are alleged to be sold in the United States at less than fair value. Unless the Department of Commerce extends the time for initiation pursuant to section 732(c)(1)(B) of the Act (19 U.S.C. 1673a(c)(1)(B)), the Commission must reach a preliminary determination in antidumping investigations in 45 days, or in this case by August 13, 2001. The Commission's views are due at Commerce within five business days thereafter, or by August 20, 2001.

For further information concerning the conduct of these investigations and

rules of general application, consult the Commission's Rules of Practice and Procedure, part 201, subparts A through E (19 CFR part 201), and part 207, subparts A and B (19 CFR part 207).

EFFECTIVE DATE: June 29, 2001.

FOR FURTHER INFORMATION CONTACT: Fred Fischer (phone: 202-205-3179; e-mail: ffischer@usitc.gov), Office of Investigations, U.S. International Trade Commission, 500 E Street SW, Washington, DC 20436. Hearing-impaired persons can obtain information on this matter by contacting the Commission's TDD terminal on 202-205-1810. Persons with mobility impairments who will need special assistance in gaining access to the Commission should contact the Office of the Secretary at 202-205-2000. General information concerning the Commission may also be obtained by accessing its internet server (<http://www.usitc.gov>). The public record for these investigations may be viewed on the Commission's electronic docket (EDIS-ON-LINE) at <http://dockets.usitc.gov/eol/public>.

SUPPLEMENTARY INFORMATION:

Background.—These investigations are being instituted in response to a petition filed on June 29, 2001, by (1) the Committee for Fair Coke Trade and its member producers: Acme Steel Co., Chicago, IL; DTE Energy Services Inc., Ann Arbor, MI; Koppers Industries, Inc., Pittsburgh, PA; and Shenango Inc., Pittsburgh, PA; and (2) the United Steelworkers of America, AFL-CIO, Pittsburgh, PA.

Participation in the investigations and public service list.—Persons (other than petitioners) wishing to participate in the investigations as parties must file an entry of appearance with the Secretary to the Commission, as provided in sections 201.11 and 207.10 of the Commission's rules, not later than seven days after publication of this notice in the **Federal Register**. Industrial users and (if the merchandise under investigation is sold at the retail level) representative consumer organizations have the right to appear as parties in Commission antidumping investigations. The Secretary will prepare a public service list containing the names and addresses of all persons, or their representatives, who are parties to these investigations upon the expiration of the period for filing entries of appearance.

Limited disclosure of business proprietary information (BPI) under an administrative protective order (APO) and BPI service list.—Pursuant to section 207.7(a) of the Commission's rules, the Secretary will make BPI

gathered in these investigations available to authorized applicants representing interested parties (as defined in 19 U.S.C. 1677(9)) who are parties to the investigations under the APO issued in the investigations, provided that the application is made not later than seven days after the publication of this notice in the **Federal Register**. A separate service list will be maintained by the Secretary for those parties authorized to receive BPI under the APO.

Conference.—The Commission's Director of Operations has scheduled a conference in connection with these investigations for 9:30 a.m. on July 20, 2001, at the U.S. International Trade Commission Building, 500 E Street SW., Washington, DC. Parties wishing to participate in the conference should contact Fred Fischer (phone: 202-205-3179; e-mail: ffischer@usitc.gov) not later than July 16, 2001, to arrange for their appearance. Parties in support of the imposition of antidumping duties in these investigations and parties in opposition to the imposition of such duties will each be collectively allocated one hour within which to make an oral presentation at the conference. A nonparty who has testimony that may aid the Commission's deliberations may request permission to present a short statement at the conference.

Written submissions.—As provided in sections 201.8 and 207.15 of the Commission's rules, any person may submit to the Commission on or before July 25, 2001, a written brief containing information and arguments pertinent to the subject matter of the investigations. Parties may file written testimony in connection with their presentation at the conference no later than three days before the conference. If briefs or written testimony contain BPI, they must conform with the requirements of sections 201.6, 207.3, and 207.7 of the Commission's rules. The Commission's rules do not authorize filing of submissions with the Secretary by facsimile or electronic means.

In accordance with sections 201.16(c) and 207.3 of the rules, each document filed by a party to the investigations must be served on all other parties to the investigations (as identified by either the public or BPI service list), and a certificate of service must be timely filed. The Secretary will not accept a document for filing without a certificate of service.

Authority: These investigations are being conducted under authority of title VII of the Tariff Act of 1930; this notice is published pursuant to section 207.12 of the Commission's rules.