

Chapter 1

Introduction

On July 14,¹ 2003, the Environmental Water Account (EWA) agencies (U.S. Department of the Interior, Bureau of Reclamation [Reclamation]; California Department of Water Resources [DWR]; U.S. Fish and Wildlife Service [USFWS]; National Marine Fisheries Service [NOAA Fisheries], and California Department of Fish and Game [CDFG]) released the Draft EWA Environmental Impact Statement/Environmental Impact Report (EIS/EIR) for public review and comment. The Draft EIS/EIR identified three alternatives, the Flexible Purchase Alternative (the Proposed Action/Proposed Project), the Fixed Purchase Alternative, and the No Action Alternative. The EWA agencies held public hearings to receive oral comments at the following locations: Sacramento, August 25, 2003; Red Bluff, August 26, 2003; and Fresno, August 28, 2003. The public hearings were recorded and a transcript made of all comments received. The comment period closed on September 15, 2003. Oral and written comments were received from Federally-recognized Indian Tribes; Federal, State, and local agencies; and non-profit organizations.

The Draft EWA EIS/EIR consisted of three volumes. Volumes 1 and 2 presented the EIS/EIR text and appendices, and Volume 3 presented the Action Specific Implementation Plan (ASIP). This document is Volume 4 of the EWA EIS/EIR. Together, the four volumes constitute the Final EIS/EIR.

This document (Volume 4) contains all comments on the Draft EIS/EIR and the responses thereto, and also contains the following elements:

- Chapter 2 is an overview of the EWA developed from the Draft EIS/EIR Executive Summary. The Executive Summary has been revised to address comments and is repeated in its entirety as Chapter 2.
- Chapter 3 presents responses to recurring environmental points raised in the comments. These have been termed “topical responses.”
- Chapter 4 provides comments on the merits of the EWA EIS/EIR alternatives excerpted from the comment letters and the responses to those comments. Also included is a list of all of the commentors. Attachment 1 includes copies of the original comment letters and the public hearings transcripts. Each comment letter and transcript is identified individually with a document code based on the origin of the letter (or transcript), and each comment is assigned a sequential number, as Chapter 4 describes. Where a comment results in a change to the Final EIS/EIR text, a notation is made in the response indicating that the text is revised.

¹ The DWR noticed availability on July 11, DWR and Reclamation issued a press release jointly on July 14, and the Federal Register notification date was July 16.

- Chapter 5 presents revisions to the Draft EIS/EIR text based on issues raised by comments, clarifications required for EWA effects descriptions, or corrections. Changes in the text are signified by strikeouts where text is removed and by italics where text is added.
- Chapter 6 contains mitigation and monitoring guidelines that will be used as a template for the mitigation and monitoring plan, which will be completed prior to the Record of Decision, CEQA findings, and certification of the Final EIS/EIR.
- Chapter 7 includes the references to documents used to support the comment responses.

Chapter 5 of this document also includes minor revisions to the ASIP made at the request of USFWS, NOAA Fisheries, and CDFG. No substantive changes have been made to the description of the proposed action. The ASIP has been evaluated by NOAA Fisheries and USFWS under consultation pursuant to Section 7 of the Endangered Species Act. CDFG is evaluating the ASIP for compliance with the California Endangered Species Act and Natural Community Conservation Planning Act.

The EWA agencies have received from NOAA Fisheries a December 23, 2003 letter of concurrence with the EWA agencies' determination that EWA "may affect, but is not likely to adversely affect" the listed species subject to this consultation. This concurrence letter concludes consultation with NOAA Fisheries. Additionally, pursuant to the Magnuson-Stevens Fishery Conservation and Management Act, NOAA Fisheries also determined in their letter that the EWA proposed action is not likely to adversely affect Essential Fish Habitat for Pacific salmon. Appendix A includes this letter of concurrence.

Appendix B includes the USFWS no-jeopardy biological opinion for the EWA program. Appendix C includes the Final Fish and Wildlife Coordination Act Report.