

33.11.204 Anna Marie Stenberg

9/18/13

DEPARTMENT OF THE INTERIOR Mail - I oppose the Raising of Shasta Dam Project

STEN



I oppose the Raising of Shasta Dam Project

Anna Marie Stenberg <ams@mcn.org>
To: BOR-MPR-SLWRI@usbr.gov

Tue, Sep 17, 2013 at 6:33 PM

STEN-1

-The most "economical" option found by the Bureau of Reclamation, raising the dam by 18.5 feet, would cost California taxpayers nearly 1.1 billion dollars

-Statewide water storage capacity would increase by only 1.5% and the creation of 76,000 acre-feet of firm yield would generate less than 0.2% of agricultural and urban water use in California

-Because dams don't create water (they merely capture rain and snowmelt, the firm yield that can be reliably produced on an annual basis depends on the annual rainfall. The hypothetical firm yield of water produced from the 6.5-foot raise ranges from 20,000 to 72,000 acre-feet. The hypothetical firm yield of the 18.5-foot raise is 71,000-146,000 acre-feet. In comparison, if farmers producing low-value alfalfa were to conserve a mere five percent of the water they consume, it would save nearly one million-acre feet of water.

STEN-2

-Another stated objective of raising the dam would be to "increase survival of anadromous fish populations in the upper Sacramento River." Meanwhile, the Shasta Dam prevents Chinook salmon from entering the cold-water streams where the fish naturally breed.

-An analysis conducted by Golden Gate Salmon Association and the Natural Resources Defense Council found that the target salmon population put forth by state and federal government is only at 20%. Why not instead invest in salmon restoration, an alternative that will provide a long-term solution that doesn't feed the problem it purports to solve.

STEN-3

✓ -The Winnemem Wintu tribe, the same one that lost much of its sacred land when Shasta Dam was

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put up during the events of WWII, would see an additional 39 of their sacred sites flooded, including Puberty Rock. A major aspect of the tribe's ability to practice their culture and religion would be lost.

STEN-4

-Not only would many of the Winnemem sites be flooded, but also a variety of businesses and families displaced

STEN-5

-Raising the Shasta Dam has long been identified as linked to a proposal by California Governor Jerry Brown to build two large tunnels in order to divert large amount of water to corporate agricultural farms, not to the California taxpayers who are paying for such projects

Anna Marie Stenberg
254 Wall St
Ft Bragg, CA 95437

Response to Comments from Anna Marie Stenberg

STEN-1: Please refer to Master Comment Response ALTR-1, "Range of Alternatives – General," and Master Comment Response RAH-1, "Available Water to Fill an Enlarged Reservoir."

STEN-2: Please refer to Master Comment Response ALTR-1, "Range of Alternatives – General," Master Comment Response ALTD-2, "Alternative Development – Anadromous Fish Survival," and Master Comment Response DSFISH-6, "Historic Dam Effects on Fisheries."

STEN-3: Please refer to Master Comment Response CR-1, "Potential Effects to Cultural Resources."

STEN-4: Please refer to Master Comment Response PLAR-1, "Effects to Private Residences and Businesses."

STEN-5: Please refer to Master Comment Response BDCP-1, "Relationship of the SLWRI to the Bay Delta Conservation Plan."

33.11.205 Betty Stephenson



Public Comment Card

STEP

During the 90-day public review and comment period for the Shasta Lake Water Resources Investigation (SLWRI) Draft Environmental Impact Statement (EIS), Reclamation provides several methods for the receipt of written comments. This public comment card is one method for interested persons to submit written comments, which will be included and addressed in the Final EIS and retained in the SLWRI Record. Please write clearly. You may leave this card at today's meeting or mail at your convenience. Written comments may also be sent by email to bor-mpr-slwri@usbr.gov or provided in-person at related workshops and/or public hearings. All written comments must be sent/postmarked on or before midnight on September 30, 2013.

Name: Betty Stephenson Organization: Rancher
Address: 22792 Hwy 299 E, Belle Vista, CA 96008
Email: _____

Comment: Depending on rainfall patterns Shasta Lake is never "full" for the majority of the years. Now is adding 6' to 18' feet to the height of the dam going to result in extra water storage if this expensive (to the taxpayers) addition is never utilized?
The 18' alternative is a 60% increase in a cold water pool. Prior to the dam construction in the 1930's the Sacramento River water was not cold year round. Ridding residents swim in the river and flows could be low in the late summer and fall. The sustained cold flows are an artificial ecosystem and not a historical condition.

Response to Comments from Betty Stephenson

STEP-1: Please refer to Master Comment Response RAH-1, "Available Water to Fill an Enlarged Reservoir."

STEP-2: Comment noted.

33.11.206 Raven Stevens

10/19/13

DEPARTMENT OF THE INTERIOR Mail - Shasta Dam

STEV



Shasta Dam

Raven <flyraven@sbcglobal.net>
To: BOR-MPR-SLWRI@usbr.gov

Sun, Sep 29, 2013 at 10:52 AM

Dear Ms. Chow,

Please do not raise the height of Shasta Dam. It has been devastating to our local tribes and especially to the Winnemem Wintu Tribe.

STEV-1

Think of it like this...imagine if you went to church regularly and next door to your church was your community health care building where you went for help when you were ill. Now imagine that one day the government simply decided that the best use for the area where you go for all types of healing was going to be flooded. In your family's history, they had already flooded it once and your people had rebuilt, grieved and began again. Hearing of this new flood would simply be the last straw. Total devastation to a way of life that deserves to be protected.

Please do NOT raise the damn.

**Raven Stevens
Mt. Shasta, CA**

Response to Comments from Raven Stevens

STEV-1: Please refer to Master Comment Response CR-1, "Potential Effects to Cultural Resources."

33.11.207 John Stokes

9/27/13

DEPARTMENT OF THE INTERIOR Mail - Shasta Dam

STOK



STOK-1

Shasta Dam

john stokes <gadumma@msn.com> Fri, Sep 27, 2013 at 10:25 AM
To: "BOR-MPR-SLWRI@usbr.gov" <bor-mpr-slwri@usbr.gov>

Dear BOR:

STOK-1 I am a resident of Humboldt County, California. I regularly visit the Shasta Dam area, primarily to fish its tributary streams. I am adamantly opposed to the proposal to raise the dam.

STOK-2 Your report fails to adequately discuss the impacts on the lower McCloud, Sacramento and Pit rivers.

STOK-3 The plan should be withdrawn.

Thank you,
John Stokes
362 10th Street
Arcata, Ca 95521

Response to Comments from John Stokes

STOK-1: Please refer to Master Comment Response GEN-5, "Some People Support Dam Raise and Others Oppose Dam Raise."

STOK-2: Impacts related to the lower McCloud River are addressed in Chapter 25, "Wild and Scenic River Considerations for McCloud River," of the EIS. Impacts to the Sacramento River are discussed in a number of chapters of the EIS; specifically Chapter 11, "Fisheries and Aquatic Ecosystems," Chapter 12, "Botanical Resources and Wetlands," Chapter 13, "Wildlife Resources," and Chapter 17, "Land Use and Planning." Chapter 17, "Land Use and Planning," has been revised to include additional discussion related to the rivers listed in the National Rivers Inventory and/or identified as eligible under the federal Wild and Scenic Rivers Act. The Pit River has no definitive status under the federal or state Wild and Scenic Rivers Act. Please refer to Master Comment Response WASR-8, "Effects to the Eligibility of Rivers for Inclusion in the Federal Wild and Scenic River System."

STOK-3: Please refer to Master Comment Response GEN-5, "Some People Support Dam Raise and Others Oppose Dam Raise."

33.11.208 Heidi Strand

9/17/13

DEPARTMENT OF THE INTERIOR Mail - Please send information ASAP, Thanks, Heidi

STRA



Please send information ASAP. Thanks, Heidi

hswriter@frontiernet.net <hswriter@frontiernet.net>
Reply-To: "hswriter@frontiernet.net" <hswriter@frontiernet.net>
To: "kchow@usbr.gov" <kchow@usbr.gov>
Cc: Celeste <mysecretfires@gmail.com>

Fri, Sep 13, 2013 at 8:28 PM

Dear Katrina,

STRA-1

You recently sent Eric Cassano a PDF copy of the Shasta Dam Enlargement Sand and Aggregate Sources report that must be requested to see.

Please send me and Celeste a copy ASAP as it is critical to our comments on the project. Celeste's email is mysecretfires@gmail.com.

STRA-2

Please also provide details on the appeals process for this project.

Thank you,

Heidi Strand

CHOW, KATRINA <kchow@usbr.gov>
Draft To: RONALD GANZFRIED <RGanzfried@usbr.gov>

Tue, Sep 17, 2013 at 10:49 AM

fyi

[Quoted text hidden]

Katrina Chow

Project Manager/Civil Engineer

Bureau of Reclamation, Sacramento

2800 Cottage Way, Sacramento, CA 95825

916-978-5067

kchow@usbr.gov

Response to Comments from Heidi Strand

STRA-1: The requested information was sent to the commenter.

STRA-2: It is unclear what appeals process the commenter is referring to. However under Administrative Procedures Act (APA) there are

provisions that would allow a private citizen to challenge a federal decision. Providing details on that process is beyond the scope of the SLWRI NEPA process.

33.11.209 Catherine Su

SU

Catherine Su, Student at SFSU
1567 Jackson St. Apt. 2
San Francisco, CA 94109

| BUREAU OF RECLAMATION OFFICIAL FILE COPY RECEIVED SEP 30 2013 | | |
|--|-----------|---------------|
| CODE | ACTION | RESPONSE DATE |
| 700 | K. Duncan | 18 Oct 13 |
| 700 | K. Chow | 26. 2013 |

Ms. Katrina Chow, Project Manager
Bureau of Reclamation
2800 Cottage Way, MP-720
Sacramento, CA 95825

September 26, 2013

RE: Public Comments on the Shasta Lake Water Report Investigation Draft Environmental Impact Statement

Dear Ms. Katrina Chow:

- SU-1 I have concerns, based on the drafted EIS, for raising the Shasta Dam from 6.5 feet to 18.5 feet that will increase the reservoir's capacity from 256,000 to 634,000 acre-feet. This project is controversial because there are beneficial and disadvantageous aspects of it. The raised dam will help fishes survive better (such as salmon) in the Sacramento River because it increases the amount of cold water going downstream to maintain fishes' temperature conditions.
- SU-2 According to "Public Shows Overwhelming Opposition to Shasta Dam Raise Plan" of *Indymedia*, whether or not the cold water is actually effective in helping the Salmon survive is still a question. The article further explains how the current cold water system is not producing the numbers of 990,000 (stated by federal law) spawning salmon, so adding more cold water might not actually help the salmon live. Shasta Lake Water Resources Investigation also discusses other benefits of the dam; such as increasing flood protection, providing more hydropower to be used, and improving water quality in the Sacramento River and the Delta.
- SU-3
- SU-4 However, many local people (Winnemem Wintu Tribe members and local business owners) do not support the project to raise the Shasta Dam. The Winnemem Wintu Tribe's sacred sites will be submerged in the water if the dam is raised, causing the Winnemem Tribe to lose their homes and be unable to perform important ceremonies. Chief of the Winnemem Wintu Tribe (Caleen Sisk) brings up the question in an interview "When will the 1941 Indian Land Acquisition Act, that took the tribal lands, be addressed?" (Public Shows Overwhelming Opposition to Shasta Dam Raise Plan) Under this Act, people who are disturbed by the Shasta Dam construction are supposed to receive funds or repairs; but the Winnemem Tribe did not receive any compensation for their lost land.
- SU-5 Other than the Winnemem Tribe losing their sacred homeland, the raised dam causes relocation of boat ramps and recreational utilities (campgrounds) and dislocation of residents and business owners on Shasta Lake. Displaced residents and business owners will lose income by finding another place to live or reopening their businesses. A lot of unique species will be gone due to habitat lost during rising of the dam.
- SU-6

SCANNED

| | |
|-----------------------|------------|
| Classification | ENV-6, DD |
| Project | 214 |
| Control No. | 13043833 |
| Folder ID | 130427 |
| Date input & Initials | 9/30/13 SU |

Shasta Lake Water Resources Investigation
Environmental Impact Statement

SU-7

Bureau of Reclamation's Draft Feasibility Study determined the project to be "environmentally feasible" and "economically justified" because the study showed that raising the dam 18.5 feet would cost about \$1 billion dollars and produce \$18 to \$63 million economic benefits every year.

SU-8

But the project will release toxic waste and Greenhouse gases that will harm the environment and humans, so people should be compensated for being exposed to toxic waste and Greenhouse gas emissions. Cleaning and handling the waste and compensating people for lost land or disturbance also requires money, which needs to be taken into account too.

SU-9

One of the arguments for raising the Shasta Dam is that it will supply more water. I propose an alternative, the Gray Water System. According to Alternative Urban Futures, gray water is untreated water with the potential to be recycled and reused. Gray water can be water collected from washing hands, laundry, and bathing. Professor Pinderhughes further explains gray water to be another beneficial source of water because it can save 25-50 percent of drinking water. Many urban water usages do not require the water to qualify as drinkable standard, so the large amount of urban waste water with no excrements and organic matters can be treated and reused. There are ways to capture, filter, and treat gray water and after treating gray water it can be used for industry and commercial usages, cooling, household (toilet flushing), and recreational (public parks or gardens). A Gray Water System project can generate jobs for people in the area because the project requires trained specialists to install the pipes and systems, inspectors to check if the gray water is managed well and qualifies to be reused after treatments, and manufacturers to create and transport the materials to build the systems.

Thank you for taking the time to read about my concerns. Please take careful consideration for raising the Shasta Dam project.

Sincerely,



Catherine Su

Response to Comments from Catherine Su

SU-1: Please refer to Master Comment Response GEN-1, "Comment Included as Part of the Record."

SU-2: Please refer to Master Comment Response DSFISH-5, "Fish and Wildlife Coordination Act Report."

SU-3: Please refer to Master Comment Response COST/BEN-4, "Non-monetary Benefits of Action Alternatives."

SU-4: Please refer to Master Comment Response CR-1, "Potential Effects to Cultural Resources," Master Comment Response CR-2, "Federal Recognition," and Master Comment Response CR-3, "Current Effects to Cultural Resources."

SU-5: As stated in the DEIS Chapter 2 "Alternatives," Section 2.3.8, "Comprehensive Plan Construction Activities," inundated recreation facilities and associated utilities would be relocated before demolition to the extent practicable. Section 2.3.8 also states that scheduling and sequencing of recreation facility relocation or modification construction activities will strive to minimize or avoid interruption of public access to recreation sites. As stated in Chapter 2, "Alternatives," Section 2.3.2, "Environmental Commitments Common to All Action Alternatives," that relocation assistance will be provided to any individual, family, or

business displaced according to the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970.

SU-6: Impacts to plants and wildlife species are discussed in Chapter 12, “Botanical Resources and Wetlands,” and Chapter 13, “Wildlife Resources,” of the EIS.

SU-7: Please refer to Master Comment Response COST/BEN-2, “Comments Related to the SLWRI Feasibility Report.”

SU-8: The commenter states that the project “will release toxic waste and Greenhouse gases that will harm the environment and humans, so people should be compensated for being exposed to toxic waste and Greenhouse gas emissions. Cleaning and handling the waste and compensating people for lost land or disturbance also requires money, which needs to be taken into account too.” The DEIS addresses potential impacts associated with project-related emissions of toxic air contaminants (TACs), carbon monoxide, and particulate matter under Impact AQ-3. This discussion is in Chapter 5, “Air Quality and Climate,” Section 5.3.4, “Direct and Indirect Effects.” The analysis determined that the impact from the emissions of these pollutants would be less than significant because they would not result in high concentrations at sensitive receptors. Potential impacts associated with hazards, hazardous materials, and waste are assessed in Chapter 9, “Hazards and Hazardous Materials and Waste,” of the DEIS and all impacts were determined to be less than significant or less than significant after mitigation.

The DEIS addresses potential impacts associated with project-related emissions of GHGs under Impact AQ-6. This discussion is in Chapter 5, “Air Quality and Climate,” Section 5.3.4, “Direct and Indirect Effects.” This analysis determined that the net increase in GHGs associated with all the action alternatives would be less than significant due to the long-term benefits in increased hydropower production at Shasta Dam.

Because these impact analyses determined that toxic air contaminants and GHG-related impacts would be less than significant, no mitigation is required.

SU-9: Please refer to Master Comment Response ALTR-1, “Range of Alternatives – General.”

33.11.210 Terrie Sullivan

10/18/13

DEPARTMENT OF THE INTERIOR, Mail - Sullivan Public comments on Shasta DEIS

SULL



Sullivan Public comments on Shasta DEIS

Tendai Chitewere <tendai@sfsu.edu>

Mon, Sep 30, 2013 at 10:00 PM

To: "kchow@usbr.gov" <kchow@usbr.gov>

Cc: "BOR-MPR-SLWRI@usbr.gov" <BOR-MPR-SLWRI@usbr.gov>

Dear Ms. Chow,

Please find attached a letter from Terrie Sullivan for the public comment on the DEIS.

The original letter was put in the mail last week, but I wanted to make sure the letter met the midnight deadline.

Regards,

Tendai Chitewere

Sullivan Shasta DEIS Letter.pdf
392K

Terrie C. Sullivan
2 Maynard Street, Apt. 1
San Francisco, CA 94112
terrie.sullivan@gmail.com

September 26, 2013

Ms. Katrina Chow, Project Manager
Bureau of Reclamation
2800 Cottage Way, MP-720
Sacramento, CA 95825-1893

Re: Comments on the Shasta Reservoir

- SULL-1 After reviewing the Shasta Lake Water Resources Investigation (SLWR) Draft Feasibility Report (DFR) and considering the multiple unanswered environmental and water resource management issues, I hereby submit this letter in opposition to the plan to raise the Shasta Reservoir.
- SULL-2 The plan to raise the Shasta Reservoir from 6.5 feet to 18.5 purports to be a viable method of increasing anadromous fish populations, and increasing water supply and water reliability for agricultural, municipal, industrial and environmental purposes. The Bureau of Land Reclamation (BLM), however, fails to adequately address deficiencies in the plan for meeting the stated goals, and provides no recourse for mitigating adverse impacts and undue hardship to the Wintunem Wintu Tribe in the Shasta Lake area.
- SULL-3 Previous damming of the Shasta Reservoir has damaged spawning and habitat areas for the Chinook salmon, which are listed as endangered species under the federal Endangered Species Act. The 1992 Central Valley Project Improvement Act required a doubling of anadromous fish populations, such as the Chinook salmon, by the year 2002, bringing the population to some 990,000 naturally spawning salmon. To this day, the fish population has yet to reach double the 1992 population, in part due to the fact that the existing Shasta Reservoir compromises their natural habitat. The BLM does not address any plans to mitigate further damage to salmon spawning areas, nor does the bureau discuss how raising the Reservoir could have anything but further negative impacts to the salmon population. No consideration has been given to alternatives that could improve the Shasta watershed while preserving the salmon habitat and keeping the Reservoir at current levels. If the BLM has not shown that they can comply with the requirements of the 1992 CVPI Act, how can the public exercise faith that the bureau will act in good faith to provide for the protection of endangered species after raising the Shasta Reservoir?
- SULL-4
- SULL-5
- SULL-6
- SULL-7 The plan to raise the Shasta Reservoir allegedly intends to provide increased water supply and reliability to the Central Valley as well as Southern California. However, the Bureau of Land Reclamation admits that raising the reservoir will not be sufficient to supply water for both regions. In addition, the BLM has not provided reasonable justification for assuming that the Shasta Reservoir's watershed would be capable of filling the increased Reservoir in years of drought. The apparent purpose of raising the Shasta Reservoir is to increase water availability to the Central Valley and to Southern California, and to protect California from water crisis in dry years; yet, even tripling the size of the Reservoir will be inadequate for meeting all of
- SULL-8
- SULL-9

Shasta Lake Water Resources Investigation
Environmental Impact Statement

SULL-9
CONTD

California's vast water needs. The BLM has not addressed the real problem in California's water sharing plans--the mismanagement of existing water resources. As more and more water is diverted from Northern California to heavily subsidized agribusinesses in the Central Valley and ever-increasing suburban sprawl in Southern California, it stands to reason that the state's water supply is being stretched far too thin. Any long-term solution to California's water problems must fully address the need for a more equitable, less wasteful, and economically sound distribution of water throughout the state.

SULL-10

The primary beneficiaries in raising the Reservoir will be agricultural service water contractors in the Central Valley, who will bear none of the burden

Respectfully submitted,



Terrie C. Sullivan

Response to Comments from Terrie Sullivan

SULL-1: Please refer to Master Comment Response EI-1, "Intent of NEPA Process to Provide Fair and Full Discussion of Significant Environmental Impacts."

SULL-2: Chapter 11, "Fisheries and Aquatic Ecosystems," in the Final EIS was revised to enhance the discussion of resources, impacts to resources, and mitigation measures for impacted resources. Please refer to Master Comment Response DSFISH-8, "National Marine Fisheries Service Recovery Plan, Anadromous Fish Restoration Program Doubling Goals and Biological Opinions."

SULL-3: Comment noted.

SULL-4: Please refer to Master Comment Response GEN-5, "Some People Support Dam Raise and Others Oppose Dam Raise."

SULL-5: Please refer to Master Comment Response ALTD-1, "Alternative Development – Water Supply Reliability," and Master Comment Response P&N-1, "Purpose and Need and Objectives."

SULL-6: SLWRI does not supersede existing laws or regulations and does not exempt any actions from compliance with applicable laws, including NEPA or ESA.

SULL-7: Please refer to Master Comment Response WSR-1, "Water Supply Demands, Supplies, and Project Benefits."

SULL-8: Please refer to Master Comment Response RAH-1, "Available Water to Fill an Enlarged Reservoir."

SULL-9: The purpose of the project, as stated in Chapter 1, “Introduction,” Section 1.2.1, “Project Purpose and Objectives,” of the Final EIS, is to improve operational flexibility of the Delta watershed system to meet specified primary and secondary project objectives. The two primary project objectives are to (1) increase the survival of anadromous fish populations in the Sacramento River, primarily upstream from the RBPP, and (2) increase water supply and water supply reliability for agricultural, M&I, and environmental purposes, to help meet current and future water demands, with a focus on enlarging Shasta Dam and Reservoir. The five secondary project objectives are to (1) conserve, restore, and enhance ecosystem resources in the Shasta Lake area and along the upper Sacramento River; (2) reduce flood damage along the Sacramento River; (3) develop additional hydropower generation capabilities at Shasta Dam; (4) maintain and increase recreation opportunities at Shasta Lake; and (5) maintain or improve water quality conditions in the Sacramento River downstream from Shasta Dam and in the Delta.

One of the primary project objectives relates to increasing “...water supply and water supply reliability...to help meet current and future water demands...” However, meeting all of California’s water needs is not within the purpose or objectives of the project.

SULL-10: A response to this comment is not required under NEPA because the comment does not raise a significant environmental issue (NEPA Regulations 40 CFR 1503.4). Many comment authors expressed personal opinions, histories or experiences which are not appropriately addressed as part of the NEPA process. Reclamation, through the scoping process and discussions with agencies and stakeholders, has performed information gathering and focused studies to document resource conditions and evaluate the potential impacts of the range of alternatives developed through the SLWRI feasibility study. This comment will be included as part of the record and made available to decision makers before a final decision on the proposed project.

In addition, this comment appears to be related to the preliminary cost allocation analysis completed for the Draft Feasibility Report (which was released to the public in February 2012). Please refer to Master Comment Response GEN-1, “Comment Included as Part of the Record,” Master Comment Response GEN-4, “Best Available Information,” and Master Comment Response COST/BEN-5, “Potential Project Financing.”

33.11.211 Alisha Sutton

SUTT

Alisha Sutton

Public Comment on Modification of Shasta Dam and Reservoir

9-21-13

Greetings Ms. Chow,

- SUTT-1 I appreciate the opportunity to comment on this project that proposes to modify the existing dam structure in an effort to increase water supply reliability to agricultural, municipal, industrial, and agricultural users, as well as to increase anadromous fish survival in the upper Sacramento River.
- SUTT-2 It is apparent that with human population increases and subsequent taxes on existing water resources, one needs to look ahead and anticipate how to meet those needs in the decades to come. This project draws from the reality that with an increasing population, a subsequent increase in the myriad uses of water resources will also be felt. With the expansion of the reservoir some of these needs can be met. I understand that water in the West is precious and with regard to Chinook and steelhead salmon
- SUTT-3 populations, fluctuations in water temperature can mean peril for survival. I appreciate your concern in addressing how the survival of these species will be impacted with this project.
- SUTT-4 In keeping with requirements for the EIS and exploring alternatives I understand that you propose eight management measures to be implemented with each proposed alternative for this project. Implementing water conservation storage strategies will help to direct attention to past activities that may have allowed resources to escape that could have otherwise been conserved. I would like to offer my support for Alternative CP4. I support the focus of increasing survival for anadromous fish in addition
- SUTT-5 to the construction of areas to provide habitat for juvenile salmonids. This alternative focuses on the parallel effects of expanding the reservoir structure on both human and wildlife populations. The need to grow a human population in a manner that mitigates the negative effect on the surrounding natural environment is an integral part of the EIS process.
- I appreciate the opportunity to contribute to this dialogue and look forward to reading about future developments involving this project.

Response to Comments from Alisha Sutton

SUTT-1: Comment noted.

SUTT-2: Please refer to Master Comment Response GEN-1, “Comment Included as Part of the Record.”

SUTT-3: Please refer to Master Comment Response GEN-5, “Some People Support Dam Raise and Others Oppose Dam Raise.”

SUTT-4: Comment noted.

SUTT-5: Please refer to Master Comment Response GEN-5, “Some People Support Dam Raise and Others Oppose Dam Raise.”

33.11.212 Deborah Svoboda

10/18/13

DEPARTMENT OF THE INTERIOR Mail - Svoboda Public comments on Shasta DEIS

SVOB



Svoboda Public comments on Shasta DEIS

Tendai Chitewere <tendai@sfsu.edu> Mon, Sep 30, 2013 at 9:49 PM
To: "kchow@usbr.gov" <kchow@usbr.gov>
Cc: "BOR-MPR-SLWRI@usbr.gov" <BOR-MPR-SLWRI@usbr.gov>

Dear Ms. Chow,

Please find attached a letter from Deborah Svoboda for the public comment on the DEIS.

The original letter was put in the mail last week, but I wanted to make sure the letter met the midnight deadline.

Regards,

Tendai Chitewere

 Svoboda Shasta DEIS Letter.pdf
675K

Shasta Lake Water Resources Investigation
Environmental Impact Statement

Deborah Svoboda
PO Box 99411
Emeryville, California 94662
Deborah.svo@gmail.com

September 27, 2013

Ms. Katrina Chow, Project Manager
Bureau of Reclamation
2800 Cottage Way, MP-720
Sacramento, CA 95825-1893

Re: The Shasta Dam Raise EIS Draft

Dear Ms. Chow,

SVOB-1

I am writing to express my grave concern over the prospect of the proposed Shasta Dam raise, taking place. I believe the raise would be detrimental to everyone except the agri-businesses of the Central Valley. The expense to taxpayers, the cost to the environment and the loss of homes and businesses along the lakeside are but a few of my worries.

SVOB-2

I find it extremely disconcerting that this project is being presented to the public in such a way as to make one believe that if this raise of the Shasta dam happens, California will have more water. I believe this is excellent marketing but not true at all. California will simply have more capacity to hold water, which a great percent of the time will not make any difference if we do not get enough rain and snow. According to the Environmental Justice Coalition on Water, on average the Shasta reservoir only reaches full capacity approximately 3 years out of 20.

SVOB-3

I am also deeply troubled by the loss of over 40 sacred sites to the Winnemem Wintu native tribe, who have lived in between the rivers north of Redding for over 6,000 years, according to Caleen Sisk, their chief and spiritual leader. Lori Harrington prepared an Archeological evaluation, which placed the Winnemem Wintu in the area for at least the last 1,500 years. Destroying their sacred sites is nothing short of cultural genocide and completely unacceptable to be contemplating, in order to supply large industry agriculture with more water during the drier years. The California Indians that remain deserve to have their land, culture and beliefs held in deepest respect, not down. They paid the highest price of anyone when the dam was erected 75 years ago. I believe it is a crime to allow them to suffer the consequences of a dam raise for a second time and goes against the spirit of executive order 12898 on Environmental Justice.

SVOB-4

Despite the issues I named above, my greatest concern lies in the misconception that a raise of the Shasta dam is what is necessary for the anadromous fish populations that are trying to survive in the Sacramento River.

| | |
|-----------------|--|
| | <p>As stated in chapter 11 of the DEIS, the theory is that with plans CP3, CP4 and CP5, an increase in surface area and cold-water storage area, would allow the temperature control device's (TCD) greater opportunity to release cooler water downstream during critical life stages of anadromous fish populations.</p> |
| SVOB-4 CONTD | <p>There are many problems with this approach. Firstly, it is focusing solely on changing the temperature of the water. This is because the water found upstream of the dam, where the fish would normally be migrating to, is cooler. And since we have deprived them access to that water, you would like to recreate the cooler water downstream. That seems logical.</p> <p>However, cooler water is not the only reason the fish migrate there. They return to their spawning grounds because all of the conditions are just right there, including but not limited to the cooler water. Other factors such as the gravel bottom, the riparian systems, the speed of the current and probably many factors we cannot yet begin to know are a part of the reason why anadromous fish return upriver. A comprehensive approach is required, not a single-minded quick-fix focus.</p> <p>The evidence is apparent if one looks. Since completion of the installation of the TCD's in 1997, according to the National Marine Fisheries <i>5-Year Review: Summary and Evaluation of Sacramento River Winter-run Chinook Salmon ES</i>, the Chinook Salmon numbers have continued to decline. Their status has changed from "threatened" on the endangered species list, to "endangered," from 1995 to present day. If the TCD's and providing cooler water below the dam were the answer, then we would see more significant improvement of the numbers of Chinook Salmon in the Sacramento River.</p> |
| SVOB-5 | <p>Both the United States Fish and Wildlife Service and the National Marine Fisheries do not support the dam raise and believe it will have negligible effect on anadromous fish populations. I believe their opinions should be held in high esteem.</p> |
| SVOB-6 | <p>In addition, this proposed solution could have irreparable impact on the ecosystems of the lake and of those that exist below the dam. I believe that the consequential effects on the riparian system of the Sacramento River could be devastating. We cannot just change whole ecosystems and the way that nature has worked and expect to not have an impact. Even if I believed that this cooler water could help anadromous fish below the dam, I believe the risk to other life outweighs the positive effects.</p> |
| SVOB-7 | <p>If we truly want to help the fish of the Sacramento River, a fish ladder or detoured route needs to be installed. Raising the Shasta Dam even higher will all but eliminate this as a potential possibility.</p> |
| SVOB-8 | <p>Rather than raise the Shasta Dam, I propose that California is ready to move in a direction that is sustainable rather than depleting. We are capable of taking actions that can ensure our long-term needs, rather than our short-term desires. As our population grows our lifestyles must accommodate and adapt. For water consumption, the government could spend more money on an education campaign, and help the public to understand just how scarce of resource water actually is.</p> |

- SVOB-9 A state law requiring water meters to be installed across the whole state of California by 2025, could be implemented sooner, which would be most certain to contain some water consumers habits. As the United Nations has suggested several times, human beings need to cut back or eliminate their meat and dairy intake, for large amounts of water are required both to raise the animals and to grow their feed. A campaign on educating the public of these facts could have a huge impact on the need for water in the Central Valley. Instead of large-scale agribusinesses, more ecologically sound ways of making a living need to be implemented.
- SVOB-10
- SVOB-11 I truly believe that California is a place that can change the very idea of what "growth" means. And grow in a way that is sustainable, rather than destructive to the environment, the native communities and wildlife. I am asking you not to put this burden on the people of California. Please choose the "no action" alternative and put a stop to the idea of raising the Shasta Dam.

Sincerely,



Deborah Svoboda

Response to Comments from Deborah Svoboda

SVOB-1: Thank you for your comment and opinion related to a potential Shasta Dam enlargement. A response to this comment is not required under NEPA because the comment does not raise a significant environmental issue (NEPA Regulations 40 CFR 1503.4). Many comment authors expressed personal opinions, histories or experiences which are not appropriately addressed as part of the NEPA process. Reclamation, through the scoping process and discussions with agencies and stakeholders, has performed information gathering and focused studies to document resource conditions and evaluate the potential impacts of the range of alternatives developed through the SLWRI feasibility study. Potential private land acquisition issues are not considered a planning topic that will be addressed in the DEIS or Final EIS and would be addressed after authorization of the project. This comment will be included as part of the record and made available to decision makers before a final decision on the proposed project.

In addition, this comment appears to be related to the preliminary cost allocation analysis completed for the Draft Feasibility Report (which was released to the public in February 2012). Please refer to Master Comment Response GEN-1, "Comment Included as Part of the Record," Master Comment Response REC-5, "Relocation of Private Recreation Facilities onto Federal Lands," and Master Comment Response COST/BEN-5, "Potential Project Financing."

SVOB-2: Please refer to Master Comment Response RAH-1, "Available Water to Fill an Enlarged Reservoir."

SVOB-3: Please refer to Master Comment Response CR-1, “Potential Effects to Cultural Resources,” and Master Comment Response CR-5, “Environmental Justice.”

SVOB-4: There are multiple factors affecting Chinook salmon abundance. Water temperature, as noted by NMFS in the Draft and Final Recovery Plans and the 2009 NMFS BO, is one of the primary factors affecting the abundance of Sacramento River winter-run Chinook salmon. However, downstream riverine conditions, Delta conditions, and ocean conditions, all dictate the return population of spawning fish. The SLWRI can only ensure conditions are improved for the life stages that are present between Keswick Dam and Red Bluff. These life stages are, however, often the most sensitive life stages. By increasing the survival of the young life stage, the number of fish that are exposed to the lower river, the Delta, and the ocean are increased, and therefore, the potential for returning fish to spawn in later years is increased. Please refer to Master Comment Response ALTD-2, “Alternative Development – Anadromous Fish Survival,” Master Comment Response DSFISH-3, “Fish Habitat Restoration,” Master Comment Response DSFISH-8, “National Marine Fisheries Service Recovery Plan, Anadromous Fish Restoration Program, Doubling Goals and Biological Opinions,” and Master Comment Response FISHPASS-1, “Fish Passage Above Shasta Dam.”

SVOB-5: Conferencing has already begun with NMFS for ESA Section 7 consultation, and in this process, they have not stated that they do not believe the SLWRI will have negligible effects on anadromous fish, nor have they indicated they do not ‘not support’ this project.

Additionally, NMFS early in the process, and USFWS and CDFW consistently, have been involved throughout the development of the alternatives and the DEIS and have attended regular Project Coordination Team meetings. USFWS and CDFW are both cooperating agencies for the SLWRI. Please refer to Master Comment Response DSFISH-5, “Fish and Wildlife Coordination Act Report.”

SVOB-6: The project inherently has irreparable effects on ecosystems in the reservoir area, as well as on the ecosystems in the upper Sacramento River by enlarging the dam and reservoir. The project was developed to satisfy the needs of increased water supply reliability and fisheries benefits, the project objectives, and seeks to rectify potential damage to ecosystems caused by the project through project design, environmental commitments, and mitigation. Additionally, the SLWRI works toward achieving species recovery goals established by other entities, namely the NMFS Recovery Plan and/or the Anadromous Fish Restoration Plan (ARFP) doubling goals, and the 3406(b)(1) of the CVPIA and will work toward achieving these goals in conjunction with other programs. Also,

potential program effects on plant and animal species in the upper Sacramento River and reservoir area are addressed in the EIS, and comprehensive mitigation has been developed with regard to the species in the Comprehensive Mitigation Strategy and through ongoing Clean Water Act and Endangered Species Act compliance. Please refer to Master Comment Response EI-1, “Intent of NEPA Process to Provide Fair and Full Discussion of Significant Environmental Impacts,” Master Comment Response ALTR-1, “Range of Alternatives – General,” and Master Comment Response P&N-1, “Purpose and Need and Objectives.”

SVOB-7: Please refer to Master Comment Response FISHPASS-1, “Fish Passage Above Shasta Dam.”

SVOB-8: Please refer to Master Comment Response ALTD-1, “Alternative Development – Water Supply Reliability,” Master Comment Response P&N-1, “Purpose and Need and Objectives,” and Master Comment Response GEN-1, “Comment Included as Part of the Record.”

SVOB-9: Please refer to Master Comment Response ALTD-1, “Alternative Development – Water Supply Reliability,” Master Comment Response P&N-1, “Purpose and Need and Objectives,” and Master Comment Response GEN-1, “Comment Included as Part of the Record.”

SVOB-10: Please refer to Master Comment Response ALTD-1, “Alternative Development – Water Supply Reliability,” Master Comment Response P&N-1, “Purpose and Need and Objectives,” and Master Comment Response GEN-1, “Comment Included as Part of the Record.”

SVOB-11: Please refer to Master Comment Response P&N-1, “Purpose and Need and Objectives,” Master Comment Response ALTR-1, “Range of Alternatives – General,” and Master Comment Response EI-1, “Intent of NEPA Process to Provide Fair and Full Discussion of Significant Environmental Impacts.”

33.11.213 Atava Garcia Swiecicki

10/18/13

DEPARTMENT OF THE INTERIOR Mail - Please do not raise the Shasta Dam!

SWIE



Please do not raise the Shasta Dam!

Atava Garcia Swiecicki
<ancestralapothecary@gmail.com>
To: BOR-MPR-SLWRI@usbr.gov

Mon, Sep 30, 2013 at 2:17
PM

Dear Ms Chow,

SWIE-1 I am writing as a concerned citizen of California to strongly encourage you to stop the proposed raising of the Shasta Dam.

SWIE-2 Protecting the sacred sites of Native American people is essential to their freedom of religion. This dam would destroy the ceremonial sites of the Winnemem Wintu, which would be a tragic loss not only to the tribe but to our greater American culture. I am also concerned at what this dam would do to the salmon.

SWIE-3 Please think about how you would feel if this was a special sacred site to your family, your people, your ancestors. Would you want to be responsible for destroying something ancient and valuable to our culture?
SWIE-4

SWIE-5 I hope and pray that you and the others responsible for making this decision will open your hearts and minds to protect the rights of native people and to preserve our CA environment.

Thank you,
Atava

--

Atava Garcia Swiecicki, MH, RH (AHG)

Owner, Ancestral Apothecary
Ancient medicine for our modern world.
www.ancestralapothecary.com

"Like" Ancestral Apothecary on Facebook
Follow AncestralApoth on Twitter

"The spirit still has something for us to discover - an herb, a sprig, a flower - a very small flower, maybe you can spend a long time in its contemplation, thinking about it."

-- Lame Deer, LAKOTA

Response to Comments from Atava Garcia Swiecicki

SWIE-1: Please refer to Master Comment Response GEN-5, "Some People Support Dam Raise and Others Oppose Dam Raise."

SWIE-2: Please refer to Master Comment Response CR-1, "Potential Effects to Cultural Resources."

SWIE-3: Please refer to Master Comment Response GEN-5, "Some People Support Dam Raise and Others Oppose Dam Raise."

SWIE-4: Please refer to Master Comment Response CR-1, "Potential Effects to Cultural Resources."

SWIE-5: Thank you for sharing your opinion. Your comment will be placed in the record for the SLWRI and be made available to decision makers. A response to this comment is not required under NEPA because the comment does not raise a significant environmental issue (NEPA Regulations 40 CFR 1503.4). Many comment authors expressed personal opinions, histories or experiences which are not appropriately addressed as part of the NEPA process.

33.11.214 Michael and Marguerite Sybert



Public Comment Card

SYBE

During the 90-day public review and comment period for the Shasta Lake Water Resources Investigation (SLWRI) Draft Environmental Impact Statement (EIS), Reclamation provides several methods for the receipt of written comments. This public comment card is one method for interested persons to submit written comments, which will be included and addressed in the Final EIS and retained in the SLWRI Record. Please clearly. You may leave this card at today's meeting or mail at your convenience. Written comments may also be sent by email to bor-mpr-slwri@usbr.gov or provided in-person at related workshops and/or public hearings. All written comments must be sent/postmarked on or before midnight on September 30, 2013.

Name: Michael + Marguerite Sybert Organization: Lake Shasta Vacation Homes
Address: P.O. Box 922 Lakehead CA 96051
Email: mima.four.e@hotmail.com

Comment: Have business of vacation rental here on Lake Shasta. This is our nest egg for our retirement. Our home built 2007 UPSCALE 2700 sq ft, no stucco, like new & was very \$\$\$ spendy to build. Though we had not received request for elevation survey, my husband contacted one of your surveyors that went down the street & he came over & gave quickie. We are "1193" elevation. How will our nest egg, business be effected? Reaffirmed how our property will be effected on Shale Lane!! Don't make it a mystery. Where is "it"!!

Response to Comments from Michael and Marguerite Sybert

SYBE-1: Thank you for your comment on the DEIS for the SLWRI, we appreciate your time in responding to the document. As stated in the

DEIS Appendices Real Estate Appendix Structure Surveys, surveys were performed on willing property owners who were potentially impacted by the 18.5 foot raise.

33.11.215 Tammey Tanner

9/19/13

DEPARTMENT OF THE INTERIOR Mail - Written Public Comment

TANN



Written Public Comment

tammey3@comcast.net <tammey3@comcast.net> Tue, Sep 17, 2013 at 11:38 AM
To: bor-mpr-slwri@usbr.gov

Tammey Tanner

PO Box 496

Oakley, CA 94561

[Tammey3@comcast.net](mailto:tammey3@comcast.net)

Public Comment Card

First of All, We support the raising of Shasta Lake.

TANN-1

In reference to Shasta Lake Home sites, and Communities, we don't believe that any consideration has been given to the possibility of relocating these properties to US forestry properties that would make these families and communities whole. It seems the process is doing what is easiest and not what would make things right!

TANN-2

My family has owned a lakefront home and lot in Lakehead, CA since the late 60's. We have watched the community grow from just a few to many. We have watched the local economy grow and thrive to almost disappear, because over the years the forestry department keeps putting more restrictions in the area. No boat docks, no permits, less access, etc. Now, they want to remove homes without any mitigation. (oh, I forgot, eminent domain. For some it's not about the money) We will mandate habitats for birds and wildlife, but how come nothing for residence and businesses? How does the government plan to increase their revenues when they are destroying local businesses and running people out of town?

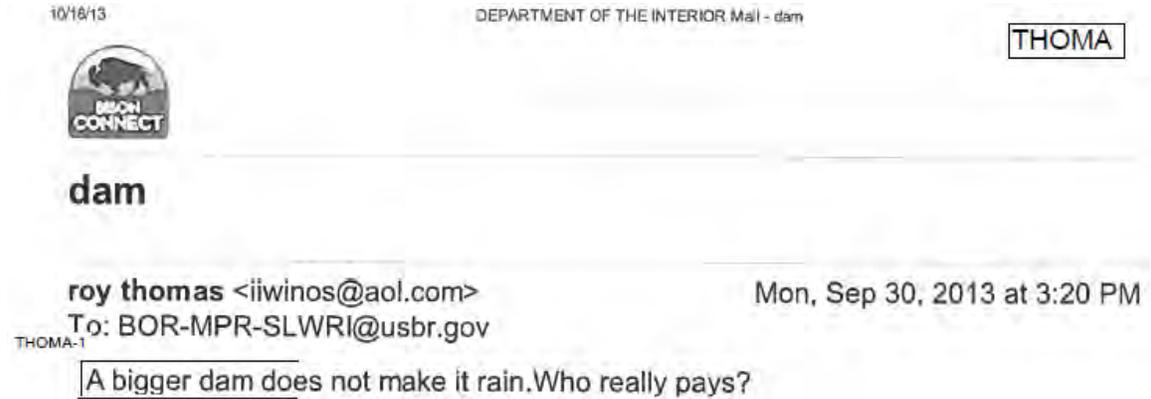
As law abiding, taxpaying citizens of this country, this is another great example of how we pay the price! Let me reiterate that we are in support of the raising of Shasta Lake, but we are saddened by this.

Response to Comments from Tammey Tanner

TANN-1: Please refer to Master Comment Response PLAR-1, "Effects to Private Residences and Businesses."

TANN-2: Please refer to Master Comment Response PLAR-1, “Effects to Private Residences and Businesses.”

33.11.216 Roy Thomas



Response to Comments from Roy Thomas

THOMA-1: Please refer to Master Comment Response RAH-1, “Available Water to Fill an Enlarged Reservoir.”

33.11.217 Sarah Thorvund

10/24/13

DEPARTMENT OF THE INTERIOR Mail - Public Comment Submission to SLWRI Draft EIS

THOR

Sarah Thorvund <sarahthorvund@att.net> Sun, Sep 29, 2013 at 3:24 PM
Reply-To: Sarah Thorvund <sarahthorvund@att.net>
To: "pooder13@aol.com" <pooder13@aol.com>, "bor-mpr-slwri@usbr.gov" <bor-mpr-slwri@usbr.gov>, "kchow@usbr.gov" <kchow@usbr.gov>, "nrezeau@fs.fed.us" <nrezeau@fs.fed.us>

To Whom This May Concern,

THOR-1 I am a USFS special use permit holder with a cabin in a recreation residence tract that may be impacted by the plans put forth in the SLWRI Draft EIS. I am participating in the public comment process to establish my eligibility to comment/object to the Forest Service's draft decisions relating to this project. It is my understanding that Forest Service will provide draft decisions later in the SLWRI process and I wish to participate in the public processes associated with these actions.

THOR-2 Due to the increase in the valley population and the increasing demand on the Shasta Lake water supply, I am in support of the decision to raise the dam to increase the overall capacity of Shasta Lake. I feel the increased level however should not effect the current residences located on the Shasta Lake shoreline. THOR-3 Although Shasta Lake was originally designed as a storage lake for valley water, it is also used extensively for recreational use. My family and I currently benefit from both uses. This is why I am in support of the increase as well as protecting my current residence located on the lake's shoreline at Lower Salt Creek Road.

THOR-4 The SLWRI Draft EIS indicates that "At least one cabin affected, possibly others also affected" in our tract. There is a lack of clarity on how I, a cabin owner, can determine or will be notified as to the specific impact of my cabin. I respectfully request an offer to cabin owners on recreational residence tract lots potentially affected be offered a land-based survey like private lot owners in a similar situation were offered in Lakehead.

Best regards,

Sarah Thorvund -925-337-0726

Response to Comments from Sarah Thorvund

THOR-1: Please refer to Master Comment Response FSCABINS-5, "Comment and Objection Process for Draft USFS Decisions."

THOR-2: Please refer to Master Comment Response GEN-5, "Some People Support Dam Raise and Others Oppose Dam Raise."

THOR-3: Thank you for your comment on the DEIS for the SLWRI, we appreciate your time in responding to the document. A response to this comment is not required under NEPA because the comment does not raise a significant environmental issue (NEPA Regulations 40 CFR 1503.4). Many comment authors expressed personal opinions, histories or experiences which are not appropriately addressed as part of the NEPA process. This comment will be included as part of the record and made available to decision makers before a final decision on the proposed project.

THOR-4: Please refer to Master Comment Response FSCABINS-9, “Structure Surveys for USFS Cabins.”

33.11.218 Chief Jefferson Greywolf-Kelley on Behalf of The Modoc Nation

The Modoc Nation

Moatokni maktlaks

P.O. Box 506 Independence, OR. 97351

Government for the Modoc people of Southern Oregon and Northern California

September, 27th 2013

Katrina Chow - Project Manager
US Bureau of Reclamation
Planning Division,
2800 Cottage Way
Sacramento, CA 95825-1893

Dear Bureau of Reclamation,

The Modoc Nation (formerly known as the "Modoc Tribe"), a federally recognized native nation by virtue of the Lakes Treaty of 1864 and the Klamath Tribe Restoration Act of 1986, hereby submits the following issues and comments to express our concern over the proposal to raise the height of Shasta Dam by 6.5-18.5 feet.

TMN-1

We would also like to state that we strongly objected to the way you responded to us on our comments regarding the KBRA & KHSA. We are a Sovereign Nation with our own Government and Constitution as of June 19th 2010. The Klamath Tribes do not represent us or as you put it are "supposed to act in our best interest". They do not and have not, that is exactly why we formed our own separate Government and Voted in our own Constitution in 2010. The Klamath Tribes do not represent The Modoc Nation in any shape or form.

TMN-2

Although your draft feasibility study found such an undertaking would be "technically and environmentally feasible," as well as "economically justified," this project could require more than \$1 billion in taxpayer funds and there is significant evidence that runs contrary to your findings.

TMN-3

Briefly put: raising Shasta Dam would provide a small benefit at a great cost. If plans are approved to raise Shasta Dam by 18.5 feet, which BoR found to be the most economical option, statewide water storage capacity would expand by only 1.5%. The creation of 76,000 acre-feet of firm yield would add less than 0.2% of agricultural and urban water use per year in California.

TMN-4

Dams don't create water – they merely capture rain and snowmelt – and the firm yield reliably produced on an annual basis depends on annual rainfall. The hypothetical firm yield of water produced from the 6.5-foot raise ranges from 20,000 to 72,000 acre-feet. The hypothetical firm yield of the 18.5-foot raise is 71,000-146,000 acre-feet. In comparison, if farmers producing low-value alfalfa were to conserve a mere five percent of the water they consume, it would save nearly one million-acre feet of water. Conservation is a much better alternative.

Another stated objective of raising the dam is to "increase survival of anadromous fish populations in the upper Sacramento River." Ironically, Shasta Dam prevents Chinook salmon from reaching the cold-water streams where these fish naturally breed. Funds would be better spent building a fish ladder around Shasta Dam.

An analysis conducted by Golden Gate Salmon Association and the Natural Resources Defense Council found that the target salmon population put forth by state and federal government is only at 20% of historic populations. Why not invest instead in salmon restoration, an alternative that would provide a long-term solution that doesn't exacerbate the problem it purports to solve?

The Modoc Nation

Moatokni maklaks

P.O. Box 506 Independence, OR. 97351

Government for the Modoc people of Southern Oregon and Northern California

-
- TMN-5 Beyond the negative economic and ecological effects of raising Shasta Dam, please also consider the cultural damage a higher dam would inflict.
- TMN-6 Native tribes such as the Wintu Tribe, who lost much of their traditional homeland and many historic, cultural and sacred sites when Shasta Dam was built in the 1930s and 40s, will lose more of their sacred sites under water.
- TMN-7 Raising Shasta Dam also violates the McCloud River's designation as a federal Wild & Scenic River.
- TMN-8 Who would really benefit from raising the dam? A report by the Environmental Working Group shows that California taxpayers subsidize \$416 million a year in water for agriculture that is conveyed to Central Valley farms and that "the largest 10 percent of the farms got 67 percent of the water." These Central Valley water purveyors, including Westlands Water District, can sell the subsidized water to urban areas in southern California at a profit.
- TMN-9 The water might also facilitate hydrocarbon fracking in the Monterey Shale region. These are not valid justifications for raising Shasta Dam.
- TMN-9 Furthermore, raising Shasta Dam is linked to the controversial proposal by California Governor Jerry Brown to build two large tunnels under the Delta in order to divert large amount of water to corporate agricultural farms to the south, not to the people who are paying for the proposed project.
- I urge you to carefully consider these high costs and minimal benefits of raising Shasta Dam, and abandon the proposal to raise the height of the dam.

Respectfully submitted,



Chief Jefferson Greywolf-Kelley
Chief of The Modoc Nation

P.O. Box 506
Independence, Oregon 97351
503-838-0280

The Modoc Nation

Modoc-nation.blogspot.com
The Modoc Nation on Facebook
Modoc-nation@hotmail.com

Response to Comments from Chief Jefferson Greywolf-Kelley on Behalf of The Modoc Nation

TMN-1: The information the comment author has provided in support of assertions made in the comment is not known to Reclamation at the time of this Final EIS and could not be found through library database queries, internet research and research in the Lead Agency data archives. The EIS did however rely on the best available science in support of the

analysis that the comment is directed and absent any additional information to substantiate this comment, no response is required.

TMN-2: Please refer to Master Comment Response COST/BEN-1, “Intent of EIS and Process to Determine Federal Interest,” and Master Comment Response COST/BEN-2, “Comments Related to the SLWRI Feasibility Report.”

TMN-3: Please refer to Master Comment Response ALTD-1, “Alternative Development –Water Supply Reliability.”

TMN-4: Please refer to Master Comment Response ALTR-1, “Range of Alternatives – General.”

TMN-5: Please refer to Master Comment Response CR-1, “Potential Effects to Cultural Resources,” and Master Comment Response CR-3, “Current Effects to Cultural Resources.”

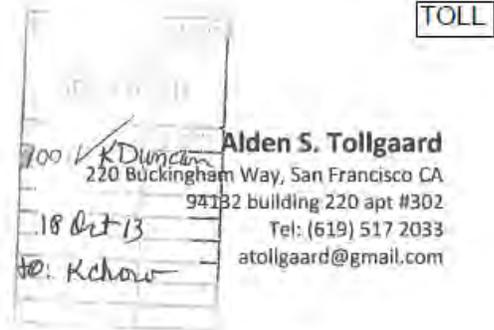
TMN-6: Please refer to Master Comment Response WASR-1, “Eligibility of the McCloud River as a Federal Wild and Scenic River.”

TMN-7: Please refer to Master Comment Response COST/BEN-1, “Intent of EIS and Process to Determine Federal Interest.”

TMN-8: Please refer to Master Comment Response FRACK-1, “Water Supply used for Fracking.”

TMN-9: Please refer to Master Comment Response BDCP-1, “Relationship of the SLWRI to the Bay Delta Conservation Plan,” and Master Comment Response EI-1, “Intent of NEPA Process to Provide Fair and Full Discussion of Significant Environmental Impacts.”

33.11.219 Alden S. Tollgaard



Ms. Katrina Chow, Project Manager
Bureau of Reclamation
2800 Cottage Way, MP-720
Sacramento, CA 95825

9/27/2013

For Public Comment in regards to the Shasta Dam Draft Feasibility Report

Dear Ms. Chow,

I. Introduction

TOLL-1

Prior to the creation of the Shasta Dam, built to meet the growing water consumption needs of Southern California and for big agriculture producers of the Central Valley, Chinook salmon used to make massive runs twice a year up the McCloud River in the hundreds of thousands. The healthy McCloud River supported the Winnemem Wintu Tribes, who inhabited the land nearest the river to harvest the bountiful fish. Understandably, the tribes many ceremonies and ultimately their culture molded itself around the fish, whose amazing pre-dam numbers must have mystified those who got to appreciate it. Since the dam's construction in 1945, the migrating salmon numbers north of the river have disappeared. The fish face extinction, and the way of the Winnemem Wintu will die with them. Ninety percent of their land has already been inundated by the filling of the Shasta Lake reservoir, and the proposed raising of the dam will take the rest of their precious sites, and their culture with it.

TOLL-2

II. Significance

TOLL-3

The Chinook salmon plays an integral role in the ecological processes along the river, into the surrounding forests, and even out into the oceans. Large migrating fish of any species provide not only a food source to the large predators of the river and creeks, but they also manage population numbers of smaller fishes and organisms in the water. Bears, mountain lions, and large birds of prey all benefit from the enormous quantities of fish, some of which perish on the journey up stream. We know that large predators like bears and mountain lions help to maintain populations of grazing animals, whose numbers can quickly grow out of control, and wreak havoc on the surrounding environment, just as the deer populations in Yellowstone proved after the removal of

TOLL-3
CONTD

↑
the wolves. The dead salmon are brought into the surrounding bush, where often times their large numbers allow the feeding animals to choose to consume only the richest parts of the fish, and leave quite a bit of the carcass intact on the forest floor. Here it's broken down by yet another array of decomposers and small scavenging organisms, which returns the nutrients of the fish into the soil of the forest. This dependence between the migrating salmon, the prey, predators, scavengers, and ultimately the forest itself has been in action for thousands of years. Each niche has been delicately filled by a specific species, and removing any one of them can be hazardous, let alone the salmon, which start the process.

However, the Chinook salmon fill a role much greater than just being a river fish, as they are one of only a hand full of fish that can tolerate living in both fresh and salt water environments. After birth and a few years of growth up stream, the salmon return to the ocean to feed and grow. They school in large numbers, and provide a similar role out in the ocean, preying on smaller fish, and as a food source for larger fishes, sharks, whales, and other marine mammals.

The ecological importance of migrating animals of any kind cannot be stressed enough. Thousands of years of coevolution with its native species has created a web of life within the McCloud river area and beyond, where each organism is dependent upon the other.

III. Cultural Significance

TOLL-4

Following the theme of coevolution and dependency of native organisms, the Winnemem Wintu tribe has too become connected to the migrating Chinook salmon, so much in fact, that their very name translates into the "middle river people". Upon visiting the displaced tribe, now many miles away from their flooded homeland, I gained a greater understanding of the role of the fish to this community. I heard tribal leaders speak of the bounty and fulfilling spiritual life the tribe had once experienced before the creation of the dam. Their respect for the fish proved how long their lives had been intertwined. Man had clearly entered that natural flow of nature, as they too preyed upon the fish, but always made sure to leave enough to keep the river healthy, and the population numbers of the salmon thriving.

The migrations fit into the spirituality of the Winnemem tribe, and one of their core beliefs is the devout protection of the salmon. Since its loss, the tribe has spoken out many times, and done all they can to bring awareness, and ultimately their fish back home.

IV. Proposal

TOLL-5

↓
In Reference to the draft provided by the bureau, there appears to be no alternatives considered that involved the possibility of the Chinook returning to their native habitat up stream of the dam, into the McCloud river area. The current method

TOLL-5
 CONTD

↑
 of utilizing the fish hatcheries is not returning the numbers of salmon that are needed to maintain a stable population. This endangered fish must have the ability to travel back up into the rivers and creeks in a method that doesn't involve massive, impenetrable blockades. Having them spawn out of their Shasta creeks changes the ecology greatly, and the fish are clearly not benefitting.] And certainly the Winnemem Wintu are not benefitting, as they haven't seen a Chinook salmon up in the McCloud for several decades.

TOLL-6

TOLL-7

TOLL-8

One proposal introduced by the tribe includes the importing of their once native Chinook salmon from New Zealand, where it was introduced with great success many decades ago. A corridor would be built from below the dam, where the salmon have made it during migration attempts before, and connected via a corridor to above the dam and reservoir.] Attempts by the Bureau of Reclamation to help the endangered fish have gone quite poorly. Their attempts to cool the warm reservoir water through controlling the release of lower columns of water downstream have not been very successful. Very recently, several hundred salmon were killed below the dam, as they tried to enter channels that had no connection upstream. The fish reached a dead end, and perished.

V. Urgency

TOLL-9

TOLL-10

The Chinook salmon are in grave circumstances. They appear to be overlooked as water needs and agricultural interests are clearly taking precedent. The fish is on the endangered species list, and yet their condition is still declining. Without intervention, the current population will undoubtedly face extinction.] Regardless of whether the raising of Shasta Dam takes place or not, the fish must have a channel to traverse the dam. If the proposal for the raising of the dam does pass without any option considering the fish's ability to make it up stream unburdened, the salmon will not stand a chance, and the vow to protect the Chinook salmon by the Winnemem Wintu will go unanswered.

Sincerely,

Alden Tollgaard


References

- Bacher, D. (2013, July 30). Half of This Year's Endangered Winter Chinooks May Have Died. Message posted to <http://www.indybay.org/newsitems/2013/07/30/18740627.php>
- Bureau of Reclamation Mid-Pacific Region : NEPA. (n.d.). Retrieved from http://www.usbr.gov/mp/nepa/nepa_projdetails.cfm?Project_ID=1915
- Wikipedia (2013) Shasta Dam. Wikipedia http://en.wikipedia.org/wiki/Shasta_Dam

Response to Comments from Alden S. Tollgaard

TOLL-1: Please refer to Master Comment Response CR-8, “Native American Connection to Salmon.”

TOLL-2: Please refer to Master Comment Response CR-8, “Native American Connection to Salmon,” Master Comment Response CR-1, “Potential Effects to Cultural Resources,” Master Comment Response CR-3, “Current Effects to Cultural Resources,” and Master Comment Response CR-5, “Environmental Justice.”

TOLL-3: Please refer to Master Comment Response FISHPASS-1, “Fish Passage Above Shasta Dam.”

TOLL-4: Please refer to Master Comment Response CR-8, “Native American Connection to Salmon,” Master Comment Response CR-3, “Current Effects to Cultural Resources,” and Master Comment Response CR-15, “National Historic Preservation Act Section 106 Consultations.”

TOLL-5: Please refer to Master Comment Response P&N-1, “Purpose and Need and Objectives,” Master Comment Response ALTD-2, “Alternative Development –Anadromous Fish Survival,” and Master Comment Response FISHPASS-1, “Fish Passage Above Shasta Dam.”

TOLL-6: Please refer to Master Comment Response CR-3, “Current Effects to Cultural Resources,” and Master Comment Response CR-8, “Native American Connection to Salmon.”

TOLL-7: Please refer to Master Comment Response ALTD-2, “Alternative Development – Anadromous Fish Survival,” Master Comment Response P&N-1, “Purpose and Need and Objectives,” and Master Comment Response FISHPASS-1, “Fish Passage Above Shasta Dam.”

TOLL-8: Please refer to Master Comment Response GEN-1, “Comment Included as Part of the Record.”

TOLL-9: Please refer to Master Comment Response GEN-5, “Some People Support Dam Raise and Others Oppose Dam Raise.”

TOLL-10: Please refer to Master Comment Response FISHPASS-1, “Fish Passage Above Shasta Dam.”

33.11.220 Rob Tossberg



Shasta Dam & Reservoir

Rob Tossberg <rob@planitgreenprinting.com>
To: BOR-MPR-SLWRI@usbr.gov

Thu, Sep 26, 2013 at 7:34 AM

Dear Ms. Chow:

Thank you for soliciting public comments in response to the Bureau's proposed raise and enlargement of the Shasta Dam and Reservoir.

- TOSS-1 *I oppose raising the dam and enlarging the reservoir, primarily because the U.S. Fish and Wildlife Service says that the proposal will have "negligible benefits" for threatened and endangered salmon and steelhead in the Sacramento River.*
- TOSS-2 *In addition, enlarging the reservoir will harm thousands of acres of public land managed for outdoor recreation and for wildlife habitat. The enlarged reservoir will drown segments of the*
- TOSS-3 *McCloud and upper Sacramento Rivers identified by the U.S. Forest Service as eligible for National Wild & Scenic Rivers. Further, the enlargement will violate state law requiring the*
- TOSS-4 *protection of the McCloud's free flowing character and extraordinary wild trout values.*
- TOSS-5 *I am also concerned that enlarging the reservoir will further modify flows downstream in the Sacramento River, to the detriment of river's riparian and aquatic habitats and the many threatened and endangered fish and wildlife species that depend on these habitats. These flow*
- TOSS-6 *modifications will adversely affect a segment of the Sacramento River upstream of Red Bluff identified by the BLM as eligible for Wild & Scenic protection and that has been proposed for National Recreation Area designation in previous sessions of Congress. It will also harm the*
- TOSS-7 *Sacramento River National Wildlife Refuge and State Wildlife Areas along the river between Red Bluff and Colusa. The dam raise will increase the risk of endangered fish being killed by*
- TOSS-8 *state and federal water diversions in the Sacramento-San Joaquin Delta.*
- TOSS-9 *The expanded reservoir will destroy and degrade habitat for several sensitive, threatened, and endangered plants and animals, including the Shasta salamander. In addition, the dam raise*
- TOSS-10 *will require the expensive removal or relocation of dozens of bridges, roads, and other structures, and will likely cost taxpayers more than billion dollars. It will also drown the*
- TOSS-11 *remaining homeland of Winnemen Wintu Tribe, including traditional cultural sites on the McCloud River still in use today.*
- TOSS-12 *To truly benefit fish and other wildlife in and along the Sacramento River, the Bureau should*

9/26/13 DEPARTMENT OF THE INTERIOR Mail - Shasta Dam & Reservoir

TOSS-12
CONTD

adopt a "no-dam raise" alternative that restores salmon spawning and rearing habitat, improves fish passage, increases minimum flows, screens existing water diversions, and modifies the current operation of the reservoir to increase cold water storage for fisheries, as recommended by the U.S. Fish and Wildlife Service. Of course, this would require the Bureau to modify existing water contracts.

TOSS-13

The proposed raise and enlargement of Shasta Dam and Reservoir will benefit water contractors more than it does endangered fish, public trust values, or U.S. taxpayers. Please

TOSS-14

discontinue this unwise project and take steps immediately to better operate the dam to benefit fish and the public lands and sensitive ecosystems along the Sacramento River.

Thank you.

Sincerely,
(name, address)

TOSS-15

It's crucial that our Senators, Dianne Feinstein and Barbara Boxer, know of our concern about this project. You can send a copy of your Bureau comment to our Senators by following these instructions:

1. Copy the Sample Email in this alert.
2. Visit Senator Feinstein's website and simply paste your copied Bureau email into the box provided, with a short cover sentence explaining that this is your comment on the Shasta Dam project.
3. Visit Senator Boxer's website and again paste your copied Bureau email into the box provided with a short cover sentence.
4. Be sure to fill out your name and contact information so that the Senators may receive and respond to your message.

Background

TOSS-16

The U.S. Bureau of Reclamation is seeking public comments on a proposed raise of Shasta Dam and expansion of its reservoir that would flood segments of the McCloud and upper Sacramento Rivers. The agency has released for public review and comment the Shasta Lake Water Resources Investigation (SLWRI) Draft Environmental Impact Statement (DEIS). The public has until Monday, Sep. 30, 2013 to submit comments via email or in writing. Overall, the

TOSS-17

proposed project will seriously impact thousands of acres of public land that provide outstanding recreational opportunities and support sensitive, threatened, and endangered wildlife.

TOSS-18

The Bureau is examining up to an 18.5-foot raise of Shasta Dam that would periodically flood nearly 1.5 miles of the McCloud and upper Sacramento Rivers. Both streams were identified by the Forest Service as potential National Wild & Scenic Rivers and the McCloud is protected under state law from dams and reservoirs. At stake are the rivers' nationally significant wild

Shasta Lake Water Resources Investigation
Environmental Impact Statement

9/26/13

DEPARTMENT OF THE INTERIOR Mail - Shasta Dam & Reservoir

- TOSS-18
CONTD trout fisheries, as well as outstandingly remarkable scenic, geological, and Native American cultural values (particularly for the McCloud).
- TOSS-19 The project will drown thousands of acres of the Whiskeytown-Shasta-Trinity National Recreation Area, which is managed by the Forest Service for public recreation and wildlife. These public lands harbor dozens of sensitive, threatened, and endangered wildlife species.
- TOSS-20 According to the U.S. Fish and Wildlife Service, the proposed expanded reservoir will "result in the loss, degradation, and fragmentation of habitat" for eight threatened and endangered species, including the Shasta salamander.
- TOSS-21 Raising the dam will also modify flows downstream in the lower Sacramento River, with potentially significant impacts on the river's public lands, riparian ecosystem, and wildlife.
- TOSS-22 Modified flows could harm a 20-mile segment of the waterway upstream of Red Bluff determined eligible for Wild & Scenic River protection by the BLM. These BLM lands have been proposed for National Recreation Area designation in previous sessions of Congress. Flow modifications could also harm the 10,000 acre Sacramento River National Wildlife Refuge and more than 3,700 acres of State Wildlife Areas along the river between Red Bluff and Colusa. The project will also further reduce fresh water flows into the Sacramento-San Joaquin Delta, increasing the mortality of the Delta's endangered fish.
- TOSS-23
- TOSS-24
- TOSS-25 In a brazen and cynical attempt to justify this destructive and expensive project, the Bureau claims that the dam raise and expanded reservoir, which will cost taxpayers more than a billion dollars, will provide needed cold water for endangered salmon spawning downstream of the dam. But according to the U.S. Fish and Wildlife Service, the benefits to salmon provided by the dam raise are "negligible." And the Bureau admits in the DEIS that every drop of additional water stored behind the raised dam will be sold to water contractors.

You can review the DEIS online. You can also download a fact sheet concerning the dam raise.

Thank you for taking action to help stop the Shasta Dam Raise!

For more information concerning this issue, please contact Steve Evans, Wild Rivers Consultant for the California Wilderness Coalition and Friends of the River, phone: (916) 442-3155 x221, email: sevans@friendsoftheriver.org.

ABOUT CALIFORNIA WILDERNESS COALITION

California's wild places offer a retreat from the frenetic pace of everyday life, and are also critically important to the ecological health of our region. Wilderness provides homes to threatened wildlife, supplies clean drinking water to California's growing communities, and contributes to clean air in our skies. CWC protects our wild landscapes through public education, legislation and advocacy. We believe that a well educated and activist citizenry is essential to the preservation of wild California.

[Click here to make a tax deductible gift to support our work.](#)

<https://mail.google.com/mail/u/0/?ui=2&ik=c2ba551c15&view=nt&search=inbox&siml=1415ab13e6bcb863>

3/1

California Wilderness Coalition · United States

This email was sent to rob@planitgreenprinting.com. To stop receiving emails, [click here](#).

You can also keep up with California Wilderness Coalition on [Twitter](#) or [Facebook](#).

Best wishes,
Rob Tossberg
Plan It Green Printing
4955 Highland View Ave.
Eagle Rock, CA 90041
310.403.2530
323.550.1496 fax
rob@planitgreenprinting.com
www.planitgreenprinting.com
www.planitgreenprinting.org Blog
2002 CoejlSC Receptient for Businesses Leading the way in
Environmental Practices

Response to Comments from Rob Tossberg

TOSS-1: Please refer to Master Comment Response DSFISH-5, “Fish and Wildlife Coordination Act Report.”

TOSS-2: Please refer to Master Comment Response REC-1, “Effects to Recreation at Shasta Lake.”

TOSS-3: Please refer to Master Comment Response WASR-1, “Eligibility of the McCloud River as a Federal Wild and Scenic River,” and Master Comment Response WASR-8, “Effects to the Eligibility of Rivers for Inclusion in the Federal Wild and Scenic River System.”

TOSS-4: Please refer to Master Comment Response WASR-6, “Protections of the Lower McCloud River as Identified in the California Public Resources Code, Section 5093.542.”

TOSS-5: Of the increased reservoir storage space, about 378,000 acre-feet would be dedicated to increasing the supply of cold water for anadromous fish survival purposes. Enlarging the reservoir Shasta Dam operational guidelines would continue essentially unchanged, except during dry years and critical years, when 70,000 acre-feet and 35,000 acre-feet, respectively, of the increased storage capacity in Shasta Reservoir would be reserved to specifically focus on increasing M&I deliveries. CP4 also includes augmenting spawning gravel and restoring riparian, floodplain, and side channel habitat in the upper Sacramento River.

TOSS-6: Please refer to Master Comment Response WASR-8, “Effects to the Eligibility of Rivers for Inclusion in the Federal Wild and Scenic River System.”

TOSS-7: Of the increased reservoir storage space, about 378,000 acre-feet would be dedicated to increasing the supply of cold water for anadromous fish survival purposes. Enlarging the reservoir Shasta Dam operational guidelines would continue essentially unchanged, except during dry years and critical years, when 70,000 acre-feet and 35,000 acre-feet, respectively, of the increased storage capacity in Shasta Reservoir would be reserved to specifically focus on increasing M&I deliveries. CP4 also includes augmenting spawning gravel and restoring riparian, floodplain, and side channel habitat in the upper Sacramento River.

TOSS-8: It is unlikely that any of the regulatory requirements, including those established in the 2008 USFWS BO, 2009 NMFS BO, or by the State Water Board, in the reasonably foreseeable future would be removed. These standards require that specific X2, Delta outflow, Old and Middle Rivers, and entrainment requirements are met so as to protect fish species in the Delta. As a result, there would be minimal cumulative impacts to Delta fish, as identified in Chapter 11, “Fisheries and Aquatic Ecosystems,” Section 11.3.5, “Cumulative Effects.”

TOSS-9: Comment noted. Chapter 13, “Wildlife Resources,” in the Final EIS was revised to enhance the discussion of resources, impacts to resources, and mitigation measures for impacted resources.

TOSS-10: Please refer to Master Comment Response RBR-2, “Reduced Public Access Around Shasta Lake.”

TOSS-11: Please refer to Master Comment Response CR-1, “Potential Effects to Cultural Resources.”

TOSS-12: Please refer to Master Comment Response ALTD-2, “Alternative Development – Anadromous Fish Survival,” and Master Comment Response P&N-1, “Purpose and Need and Objectives.”

TOSS-13: Please refer to Master Comment Response COST/BEN-1, “Intent of EIS and Process to Determine Federal Interest,” and Master Comment Response COST/BEN-4, “Non-monetary Benefits of Action Alternatives.”

TOSS-14: Please refer to Master Comment Response ALTD-1, “Alternative Development – Water Supply Reliability,” Master Comment Response ALTD-2, “Alternative Development – Anadromous Fish Survival,” and Master Comment Response P&N-1, “Purpose and Need and Objectives.”

TOSS-15: Please refer to Master Comment Response GEN-1, “Comment Included as Part of the Record.”

TOSS-16: Please refer to Master Comment Response GEN-1, “Comment Included as Part of the Record.”

TOSS-17: Please refer to Master Comment Response REC-1, “Effects to Recreation at Shasta Lake.”

TOSS-18: Please refer to Master Comment Response WASR-1, “Eligibility of the McCloud River as a Federal Wild and Scenic River,” and Master Comment Response WASR-6, “Protections of the Lower McCloud River as Identified in the California Public Resources Code, Section 5093.542.”

TOSS-19: Comment noted. Chapter 12, “Botanical Resources and Wetlands,” and Chapter 13, “Wildlife Resources,” in the EIS were revised to enhance the discussion of resources, impacts to resources, and mitigation measures for impacted resources.

TOSS-20: Comment noted. Chapter 13, “Wildlife Resources,” in the Final EIS was revised to enhance the discussion of resources, impacts to resources, and mitigation measures for impacted resources.

TOSS-21: Of the increased reservoir storage space, about 378,000 acre-feet would be dedicated to increasing the supply of cold water for anadromous fish survival purposes. Enlarging the reservoir Shasta Dam operational guidelines would continue essentially unchanged, except during dry years and critical years, when 70,000 acre-feet and 35,000 acre-feet, respectively, of the increased storage capacity in Shasta Reservoir would be reserved to specifically focus on increasing M&I deliveries. CP4 also includes augmenting spawning gravel and restoring riparian, floodplain, and side channel habitat in the upper Sacramento River.

TOSS-22: Please refer to Master Comment Response WASR-1, “Eligibility of the McCloud River as a Federal Wild and Scenic River.”

TOSS-23: Of the increased reservoir storage space, about 378,000 acre-feet would be dedicated to increasing the supply of cold water for anadromous fish survival purposes. Enlarging the reservoir Shasta Dam operational guidelines would continue essentially unchanged, except during dry years and critical years, when 70,000 acre-feet and 35,000 acre-feet, respectively, of the increased storage capacity in Shasta Reservoir would be reserved to specifically focus on increasing M&I deliveries. CP4 also includes augmenting spawning gravel and restoring riparian, floodplain, and side channel habitat in the upper Sacramento River.

TOSS-24: It is unlikely that any of the regulatory requirements, including those established in the 2008 USFWS BO, 2009 NMFS BO, or by the State Water Board, in the reasonably foreseeable future would be removed. These standards require that specific X2, Delta outflow, Old and Middle Rivers, and entrainment requirements are met so as to protect fish species in the Delta. As a result, there would be minimal cumulative impacts to Delta fish, as identified in Chapter 11, “Fisheries and Aquatic Ecosystems,” Section 11.3.5, “Cumulative Effects.”

TOSS-25: Please refer to Master Comment Response DSFISH-5, “Fish and Wildlife Coordination Act Report.”

TOSS-26: All operations simulation modeling in the DEIS was performed with the latest version of the CalSim-II simulation model, the best available tool for modeling joint CVP/SWP system operations in California. The assumptions in the modeling used in support of this document included the 2008 USFWS BO and 2009 NMFS BO, as well as the most recent versions of all other regulatory conditions. Specific details of the assumptions included in the CalSim-II modeling are included in the Modeling Appendix. In the modeling many other water supply and water quality requirements must be met to allow exports. Delta wide requirements are met with the additional releases from the enlarged Shasta reservoir allowing additional pumping. The results of this modeling include the system response to the project including changes in reservoir storages, releases, stream flows, and Delta exports. These results are summarized in the text with full results included in the Modeling Appendix.

33.11.221 Patricia Townsley

TOWN

| | | |
|---|------------|-----------|
| SUPERIOR RECORDING DIVISION OFFICIAL FILE COPY RECEIVED | | |
| OCT 01 2013 | | |
| CODE | ACTION | DATE |
| | K. Duncan | 18 Oct 13 |
| | to K. Chow | |

7762 Juniper Dr
Redding, CA 96003
Sept. 28, 2013

Dear Sirs

TOWN-1

You can raise Shasta Dam to the moon - BUT you still will not get any more water in it!! Look at it today - down 402 feet, 37 feet lower than this time last year!!

I have lived near the lake since the 1960's - there have not been very many times that the water had to be released because of over filling!!!

TOWN-2

Now the City of Woodland is getting their water supply from the Sacramento River - another serious dra

TOWN-3

We need another source of water ie the American and/or the Yuba Rivers!!!

| | | | | |
|--------|------|------|---------|-----|
| CLASS | Proj | Cont | Fold | DWG |
| ENR | 1310 | 230 | Initial | TC |
| BY | | | | |
| TOWN-4 | | | | |
| TOWN-5 | | | | |

Why were the environmentalists allowed to stop the Auburn Dam? There are networks of earthquake faults all over California - including in and all around Lake Shasta and Shasta Lake City!!!

Why have the riparian been sold such a false bill of information

Page 2

TOWN-5
CONTD.

about raising Shasta Dam?
What a waste of their and our
money!! AND moving the railroad
bridge and Highway 5 ??!!!

TOWN-6

ant anyone help in
restoring common sense and
find other rivers and places for
Dams and reservoirs!!!!

not every truly yours
Patricia L. Townsley

Response to Comments from Patricia Townsley

TOWN-1: Please refer to Master Comment Response RAH-1, “Available Water to Fill an Enlarged Reservoir.”

TOWN-2: Comment noted.

TOWN-3: Please refer to Master Comment Response ALTD-2, “Alternative Development – Anadromous Fish Survival.”

TOWN-4: The Auburn Dam remains an active authorized project, and Reclamation continues to manage the Auburn Project Lands as a potential reservoir site.

Additionally, the structural analyses for the proposed Shasta Dam raise considered the latest available information on potential seismic sources in the region, which include a few known Quaternary (active) faults, but none close to the dam. Historic seismicity in the region has been characterized as low to moderate. By following the seismic design criteria for Shasta Dam, potential impacts associated with seismicity in the Shasta Dam and vicinity area would be mitigated. This comment will be included as part of the record and made available to decision makers before a final decision on the proposed project. TOWN-5: Please refer to Master Comment Response GEN-1, “Comment Included as Part of the Record.”

TOWN-6: Please refer to Master Comment Response ALTD-1, “Alternative Development – Water Supply Reliability,” and Master Comment Response ALTR-1, “Range of Alternatives – General.”

33.11.222 Frank D. Treadway

TREA

 **PUBLIC COMMENT CARD**

Name: FRANK D. TREADWAY Organization: REDDING CITIZEN
Address: 1729 CHESTNUT ST. REDDING CA 96001
Email: _____

Written Comment: ADAMANTLY OPPOSED TO ANY ADDITIONAL RAISING OF SHASTA DAM. FURTHER, I WOULD LIKE TO KNOW THE TREA-1 AFFECTS ON THE NATIVE AMERICAN SITES OF THE WINTU WINNEMEM PEOPLE? WHERE WILL THE WATER COME FROM TO FILL THE DAM, TREA-2 WHETHER IT'S 6.5' OR 18.5'. ARE YOU COUNTING ON NEW OR ADDITIONAL RAINFALL? COUNTING ON NEW/ADDITIONAL WATER FROM TRIBUTARIES LEADING TOWARDS THE DAM? COUNTING ON WATER MELTING FROM THE TREA-3 GLACIERS OF MT. SHASTA? WHO WILL COMPENSATE THE WINTU WINNEMEM FOR ANY LOSS OF SACRED LAND AREA?

Tear here →

Response to Comments from Frank D. Treadway

TREA-1: Please refer to Master Comment Response CR-1, "Potential Effects to Cultural Resources," and Master Comment Response CR-11, "Cultural Resources and NEPA."

TREA-2: Please refer to Master Comment Response RAH-1, "Available Water to Fill an Enlarged Reservoir."

TREA-3: Please refer to Master Comment Response CR-2, "Federal Recognition," Master Comment Response CR-5, "Environmental Justice," and Master Comment Response CR-11, "Cultural Resources and NEPA."

33.11.223 David Grey on Behalf of Tsasdi Resort

TSAS1

From: David Grey <tsasdi@snowcrest.net>
Date: July 18, 2013, 7:41:19 AM PDT
To: <kchow@usbr.gov>, <bor-mpr-slwin@usbr.gov>
Subject: Written comment for Public Review and Comment Period

July 18, 2013

Good Morning Katrina,

Thank you for help and assistance Tuesday evening; I greatly appreciated your directing me to the person who was able to answer my question regarding dyke construction.

Enclosed is an OpEd article that I have written and submitted to the Record Searchlight.

TSAS1-1

Per the EIS proposal, the relocation of permitted businesses on the lake will be relocated whereas this option is not provided for businesses located on private property around the lake. Since private property businesses will not be relocated this action effectively removes private businesses from being present on Shasta Lake. The effects of this action needs to be addressed in the public review and comments in the Final EIS which will be retained in the SLWRI Record.

TSAS1-2

The elimination of private businesses on Shasta Lake reduces competition between government approved operations and private business operations. The public is restricted in choice and alternatives on one of the largest lakes in California. Employment opportunities are reduced and the taxes paid to Shasta County in terms of TOT taxes and property taxes are decimated (house boat companies and camp grounds on federal land do not pay TOT taxes and property taxes to the county).

TSAS1-3

In addition in the Lakehead area of the lake, restaurants, bars, and the grocery store would be dramatically affected financially which will likely lead to their demise.

Sincerely,

David Grey
Owner, Tsasdi Resort

IT IS DIFFICULT TO CHANGE

| | |
|--------|--|
| TSAS-4 | <p>Whenever we are facing change, we prefer to have choices in the direction that change is occurring. Allow me to put in perspective some of the change our community will be confronting as we come to terms with the raising of Shasta Dam.</p> <p>This OpEd is written from the perspective as a business owner on Shasta Lake. It is my position that the raising of Shasta Dam to increase water storage can be good for our community as well as to benefit all of California. At the present time when the lake is full our lake has a little less than 400 miles circumference to it and as a comparison this is about four times the circumference of Lake Tahoe. During the last years for the most part the forest service and the business community on the lake have worked in partnership with each other. We have appreciated each other's concerns and have tried to make decisions that would be best to preserve the specialness of this lake as well as supporting business opportunities around the lake.</p> |
| TSAS-5 | <p>As some of you may recall in 2007 there were several issues that immerged when the raising of the lake was once again being discussed as part of the updating of the Bureau of Reclamation's Feasibility Report. One significant issue that the forest service proposed was their desire to absorb an additional 50 vertical feet above the high water mark when the dam was raised or 300 horizontal feet whichever more was. At that time Congressman Wally Herger initiated contact with Sharon Heywood, Forest Supervisor having her state the legal justification they were operating from to confiscate private property around the lake. It appeared after this confrontation this matter faded and unfortunately it remains as an ambiguous option in the current Environmental Impact Statement (June 2013).</p> |
| TSAS-6 | <p>In the current Feasibility Report there are charts in the report that directly addresses whatever private properties may be taken and the value of these reimbursements'. There is a value placed on improved land vs. unimproved land etc. Businesses that are currently located on forest service property and have permits to operate will be relocated to another area on the lake. What is being proposed is that private business will be "bought out" and eliminated and "permitted businesses" will be relocated and by necessity combined around the lake. One interesting question is why should permitted businesses around the lake be relocated while private property be eliminated? Many of the affected business properties are located on the Sacramento arm of the lake in the area of Lakehead. There are campgrounds, marinas, and resorts with cabins that will be affected.</p> |

Shasta Lake Water Resources Investigation
Environmental Impact Statement

| | |
|---------|--|
| TSAS-7 | <p>Historically most of the businesses around the lake were established in the early 1950's. The business community on the lake works fairly well together. We in some ways are in competition with each other, but what permeates this community is that when we all work together we can all become more successful. What we all have in common is the lake and by working together we can attract more guests to visit the lake. All of us have stories of families coming to the lake renting the same cabin or the same campsite, or the familiar house boat year after year. At Tsasdi Resort we have families renting the same cabin for 35 consecutive years three generations. Many of the guests have been staying with us for the last ten to twenty years. Usually during the summer we are booked a year in advance from Saturday to Saturday. All of the businesses on the lake are primarily seasonal which creates a business with an interesting life style. We are small businesses that cater to the needs of families. We all enjoy the lake and want to share this jewel of Northern California with others. We all have invested our financial returns in improving our properties and have been committed to make our lake a setting that people want to visit.</p> |
| TSAS-8 | <p>To be more specific there are two resorts that only have cabins and boat docks on the lake located on private property; Sugarloaf Cottage Resort and Tsasdi Resort. Both of these resorts have been in continuous business for over sixty years. Over the last ten years our two resorts have contributed over a \$1,000,000 in direct tax revenue to Shasta County. Between our two resorts during this same period we have provided lodging for over 60,000 people who have then spent money supporting the businesses in Lakehead, spent money in the various marinas on the lake, as well as spending money in Redding's gas stations, Costco, restaurants, movie theaters, Sun Dial Bridge, Shasta Lake Caverns etc. We also sponsor two fishing tournaments each year that have drawn over 3200 fishermen to the lake during the last ten years. As evident from the above our two small resort businesses have made a sizeable contribution to Shasta County and our community.</p> |
| TSAS-9 | <p>Change is inevitable and something that can be exciting in which to participate. The change that the business community around the lake is facing is coming to terms with eliminating private land and the businesses located on them and then the relocating and consolidating existing camp grounds and marinas that are located on forest service properties. Historically we have provided services to families that have come to visit us over generations. How much control do we want to give government to dictate what they want for our lake? Should government pick which businesses to survive the raising</p> |
| TSAS-10 | <p>of the lake? Another troubling question is do we want to have the private businesses</p> |
| TSAS-11 | <p>and private property effectively removed from the shores of Shasta Lake?</p> |

Response to Comments from David Grey on Behalf of Tsasdi Resort

TSAS-1: Please refer to Master Comment Response SOCIOECON-1, "Socioeconomic Effects to Shasta Lake Vicinity."

TSAS-2: Please refer to Master Comment Response SOCIOECON-1, "Socioeconomic Effects to Shasta Lake Vicinity."

TSAS-3: Please refer to Master Comment Response SOCIOECON-1, "Socioeconomic Effects to Shasta Lake Vicinity."

TSAS-4: Thank you for your comment on the DEIS for the SLWRI, we appreciate your time in responding to the document. A response to this comment is not required under NEPA because the comment does not raise a significant environmental issue (NEPA Regulations 40 CFR 1503.4). Many comment authors expressed personal opinions, histories

or experiences which are not appropriately addressed as part of the NEPA process. This comment will be included as part of the record and made available to decision makers before a final decision on the proposed project.

TSAS-5: Please refer to Master Comment Response PLAR-11, "Inundation Zone/Reservoir Buffer."

TSAS-6: Please refer to Master Comment Response PLAR-1, "Effects to Private Residences and Businesses."

TSAS-7: Thank you for your comment on the DEIS for the SLWRI, we appreciate your time in responding to the document. A response to this comment is not required under NEPA because the comment does not raise a significant environmental issue (NEPA Regulations 40 CFR 1503.4). Many comment authors expressed personal opinions, histories or experiences which are not appropriately addressed as part of the NEPA process. This comment will be included as part of the record and made available to decision makers before a final decision on the proposed project.

TSAS-8: Thank you for your comment on the DEIS for the SLWRI, we appreciate your time in commenting on the document. While we thank you for information regarding the operations of your resort a response to this comment is not required under NEPA because the comment does not raise a significant environmental issue (NEPA Regulations 40 CFR 1503.4). Many comment authors expressed personal opinions, histories or experiences which are not appropriately addressed as part of the NEPA process. This comment will be included as part of the record and made available to decision makers before a final decision on the proposed project. Please refer to Master Comment Response REC-5, "Relocation of Private Recreation Facilities onto Federal Lands."

TSAS-9: Please refer to Master Comment Response GEN-1, "Comment Included as Part of the Record."

TSAS-10: Please refer to Master Comment Response GEN-1, "Comment Included as Part of the Record."

TSAS-11: Please refer to Master Comment Response GEN-1, "Comment Included as Part of the Record."

33.11.224 David Grey



F - TSAS

TSAS2

Owner: David Grey
www.tsasdiresort.com

| | | |
|--|--------|------------|
| BUREAU OF RECLAMATION OFFICIAL FILE COPY RECEIVED SEP 25 2013 | | |
| CODE | ACTION | REMARKS |
| 720 | | K. Duncan |
| | | 22 Oct 13 |
| | | D. K. Chow |

September 21, 2013

Karina Chow
Project Manager
Bureau of Reclamation, Planning Division
2800 Cottage Way
Sacramento, CA 95825-1893

RE: Comments Regarding Raising Shasta Dam

Dear Karina,

TSAS2-1

- Enclosed is a copy of my Op-Ed article that appeared in Record Searchlight on Sunday August 11, 2013.

The focus of this Op-Ed article concerned the removal of private business properties around Shasta Lake vs. "permitted" businesses on Forest Service property being relocated. Discussed in the article is the economic effect of this policy on the community of Lakehead as well as the city of Redding and Shasta County. The remediation of this action is to have the private business parcels that will be confiscated be relocated in other areas of the lake. To achieve this BOR should be an active participant in strongly recommending that this is the correct action that should be done to balance private party businesses and businesses on forest service properties. The history that has existed on this lake since its conception is to have a mix of private property and public lands.

TSAS2-2

- In the Draft Environmental Impact Statement there is generally a lack of specificity. In the prior draft, the proposed realignment of Lakeshore Drive was drawn; in the most recent draft the realignment proposal is not included. Specifically if the lower section of my resort property will be the location of Lakeshore Drive my home, swimming pool, conference room, laundry room, and 15 cabins will need to be rebuilt in the upper portion of my property. Fair market value would be assigned to the buildings and land, what additional reimbursements would be made for meeting current codes and building requirements. This issue is not specific to my property, but it applies to the marinas that would be combined and relocated in other areas of the lake. The fees required relocating buildings and accessories becomes a major expense to the business owner. These matters are not addressed in the current documents.

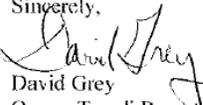
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Control No. 214
Folder I.D. 13043346
Date Input & Initials: 25 SEP 2013 AV

Page 2
Comments Regarding Raising Shasta Dam

- TSAS2-3
- During the construction of the dam, the railroad bridges and the roads, how will the loss of business be addressed? Some businesses while they are relocating will not be able to operate. Since this project will take many years to be completed the loss of income to the business owners around the lake is a significant issue to be addressed.
- TSAS2-4
- BOR is being disingenuous when they say that with their recommendations recreation will be increased with the raising of Shasta Dam. Certainly it is expected there will be more surface water to recreate on. What are being removed are businesses (resorts) that have cabins located on private property. Many of these cabins have modern amenities such as flat screens TV's, and marble counter tops that provide an atmosphere that attract guests who come back year after year. This is part of the recreational experience that currently exists on the lake; the consequence of removing this niche is not considered or being addressed in this proposal.
- TSAS2-5
- As a business owner I require much more detail to evaluate my options. It is interesting to look at the broad strokes that have been provided in the current report, but significant information is lacking in order to make informed business decisions. **Unfortunately, it appears that the residences and businesses are seen as "collateral damage" in this project and it will precede no matter what the costs are to the surrounding communities.**

Sincerely,

David Grey
Owner Tsasdi Resort

CC: Congressman Doug LaMalfa
CC: Senator Jim Nielsen

Shasta Lake Water Resources Investigation
Environmental Impact Statement

Op-Ed article that appeared in Record Searchlight on Sunday August 11, 2013, written by David Grey

IT IS DIFFICULT TO ACCEPT CHANGE

TSAS2-6

Whenever we are facing change, we prefer to have choices in the direction that change is occurring. Allow me to put in perspective some of the change our Lakehead community will be confronting as we come to terms with the raising of Shasta Dam.

This OpEd is written from the perspective of a small business owner on Shasta Lake. It is my position that the raising of Shasta Dam to increase water storage could be good for our community and could even benefit all of California. Now when Shasta Lake is full there are a little less than 400 shoreline miles. In comparison, this is about four times the circumference of Lake Tahoe. In addition, the U.S. Forest Service and the Lakehead business community operating along the lakeshore have, for the most part, worked in partnership with each other. We have appreciated one another's concerns and have tried to make decisions that would best preserve the uniqueness of Shasta Lake, while continuing to support business opportunities around the lake.

TSAS2-7

Some may recall that several issues emerged in 2007 when the raising of Shasta Dam was discussed as part of the Bureau of Reclamation's process to update their Feasibility Report. One significant issue that the U.S. Forest Service proposed was their desire to absorb an additional 50 vertical feet above the high water mark should the dam be raised or 300 horizontal feet, whichever measured more. At that time, Congressman Wally Herger initiated contact with Sharon Heywood, Forest Supervisor, requesting she state the legal justification under which the U.S. Forest Service would operate in order to confiscate additional private property around the lake. It became evident that after this request was made, the subject faded and, unfortunately, still remains an ambiguous option in the current Environmental Impact Statement (June 2013).

TSAS2-8

This is despite the assurance of the local Bureau of Reclamation representatives that the issue has been dropped as an option by the U.S. Forest Service.

TSAS2-9

In the current Bureau of Reclamation Feasibility Report, there are charts that directly address which private properties may be taken when Shasta Dam is raised and a summarized proposed value to be assigned for reimbursement to the owners. There are values placed on improved land vs. unimproved land, for example. Businesses that are currently located on U.S. Forest Service property and have permits to operate will be relocated to another area on Shasta Lake. Private business, on the other hand, will be "bought out" and eliminated. This will leave the "permitted businesses" to relocate and, by necessity, combine to alternate shoreline locations directed by the U.S. Forest Service. One perplexing question is, "Why should permitted businesses around the lake be relocated, while private property is directed to be eliminated?" The affected business properties are located on the Sacramento arm of the Shasta Lake in the area of my community of Lakehead. There are privately owned campgrounds, marinas, and resorts with cabins that will be affected by the Bureau of Reclamation proposals.

TSAS2-10

Historically, most of the businesses around Shasta Lake were established in the early 1950's. The business community attempts to work together. We are in some ways competitive, but one common ground permeates this business community -- when we all work together we can all become more successful. What we have in common is the beautiful shoreline of Shasta Lake,



| | |
|-------------------|--|
| TSAS2-10 CONTD | <p>and by working together, we can attract more guests to visit the our businesses on the lake. All of us have stories of families coming to Lakehead and renting the same cabin or the same campsite, or the familiar house boat year after year. At Tsasdi Resort, we have rental histories of families who have reserved the same cabin for 35 consecutive years spanning three generations. Many of our guests have rental histories averaging ten to twenty years. Usually before our summer ends, the entire Tsasdi Resort is booked a year in advance from Saturday to Saturday. It is of interest to point out that our private businesses are essentially seasonal, which creates a business atmosphere with an unique life style. We are small businesses that cater to the needs of families. We enjoy our beautiful Shasta Lake and want to share this "jewel of Northern California" with others. We have invested our financial returns toward improving our private business properties and are committed to maintain a shoreline setting that will attract visitors.</p> |
| TSAS2-11 | <p>Specificly, there are two resorts on privately deeded property in Lakehead that provide cabins and private boat docks: Sugarloaf Cottage Resort and Tsasdi Resort. Both of these resorts have been in continuous business for more than sixty years. Over the last ten years, these two resorts have contributed more than one million dollars in direct tax revenue to Shasta County. During this same period, these two resorts have provided lodging for more than 60,000 people who have, in turn, spent dollars supporting the other small businesses in Lakehead, spent dollars at various marinas on Shasta Lake, and spend money in Redding's gas stations, Costco, restaurants, movie theaters, the Sun Dial Bridge, Shasta Lake Caverns etc. These two resorts also sponsor two fishing tournaments each year that have drawn over 3200 fishermen to Shasta Lake during the last ten years. It is evident that Lakehead's two small privately owned resorts have made a large contribution to our local economy and surrounding Shasta County.</p> |
| TSAS2-12 | <p>Change is inevitable and something that can be exciting. The change that the privately owned small businesses around Shasta Lake are facing is difficult to accept. The Bureau of Reclamation is planning to eliminate all privately owned business located along the shoreline of Shasta Lake in order to relocate and consolidate all existing camp grounds and marinas located on and operated by the U.S. Forest Service.</p> |
| TSAS2-13 | <p>How much control do we want to give our federal government? Should the government be permitted to eliminate all free private enterprise and create a monopoly for all the concessions associated with camping, cabins and marinas on Shasta Lake?</p> |
| TSAS2-14 | <p>As a private small business owner in Lakehead, I would like to see our U.S. Congress include mitigating legislation that creates new public lands along the shores of Shasta Lake on which the four privately owned camping and marina business could relocate when Shasta Dam is raised.</p> |

Response to Comments from David Grey

TSAS2-1: Thank you for your comment on the DEIS for the SLWRI, we appreciate your time in responding to the document. A response to this comment is not required under NEPA because the comment does not raise a significant environmental issue (NEPA Regulations 40 CFR 1503.4). Many comment authors expressed personal opinions, histories or experiences which are not appropriately addressed as part of the NEPA process. This comment will be included as part of the record and made available to decision makers before a final decision on the proposed project.

TSAS2-2: Please refer to Master Comment Response REC-4, "Relocation of Recreation Facilities," Master Comment Response REC-5, "Relocation of Private Recreation Facilities onto Federal Lands," and Master Comment Response PLAR-1, "Effects to Private Residences and Businesses."

TSAS2-3: As stated in the DEIS Chapter 2, "Alternatives," Section 2.3.8, "Comprehensive Plan Construction Activities," inundated

recreation facilities and associated utilities would be relocated before demolition to the extent practicable. Section 2.3.8 also states that scheduling and sequencing of recreation facility relocation or modification construction activities will strive to minimize or avoid interruption of public access to recreation sites.

TSAS2-4: Please refer to Master Comment Response REC-5, “Relocation of Private Recreation Facilities onto Federal Lands.”

TSAS2-5: Thank you for your comment on the DEIS for the SLWRI, we appreciate your time in responding to the document. Compliance with the National Environmental Policy Act (42 U.S.C. 4321-4347) is mandated for federal agencies in carrying out their policies, programs, plans and other functions. NEPA requires federal agencies, whenever recommending or proposing legislation or other major federal actions, to prepare a detailed statement (i.e., the EIS) that describes the environmental impacts of the proposed action, any adverse environmental effects which cannot be avoided, alternatives to the proposed action, the relationship between local short-term uses of man’s environment and the maintenance and enhancement of long-term productivity, and any irreversible and irretrievable commitments of resources which would be involved in the proposed action. This comment will be included as part of the record and made available to decision makers before a final decision on the proposed project.

TSAS2-6: Thank you for your comment on the DEIS for the SLWRI, we appreciate your time in responding to the document. A response to this comment is not required under NEPA because the comment does not raise a significant environmental issue (NEPA Regulations 40 CFR 1503.4). Many comment authors expressed personal opinions, histories or experiences which are not appropriately addressed as part of the NEPA process. This comment will be included as part of the record and made available to decision makers before a final decision on the proposed project.

TSAS2-7: Please refer to Master Comment Response PLAR-11, “Inundation Zone/Reservoir Buffer.”

TSAS2-8: Please refer to Master Comment Response GEN-1, “Comment Included as Part of the Record.”

TSAS2-9: The DEIS supersedes content provided in the Draft Feasibility Report for the SLWRI. As described in the Real Estate Appendix (page 3-4) describes the methods for determining impacted parcels and value estimates for real estate acquisition costs regarding the different alternatives for the SLWRI project. As stated in Purpose and Scope of the Real Estate Appendix, the purpose of described analysis is

to compare project alternatives at a feasibility level analysis. It is acknowledged that raising Shasta Dam would have varying impacts on private homes and businesses. Businesses operated under USFS lease in the project area are typically marinas, features by which planning-level costs estimates can be defined for the purposes of NEPA. Relocation of businesses on private property is determined following Congressional authorization of the project. The relocation of businesses, and private homes, are prescribed by the policies and provisions in the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, as amended (Uniform Act) (49 CFR 24), as stated in Chapter 2, page 2-26. All Federal, State, local government agencies, and others receiving Federal financial assistance for public programs and projects that require the acquisition of real property must comply with the policies and provisions set forth in the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, as amended (Uniform Act) (49 CFR 24). All relocation and property acquisition activities, such as those associated with temporary easements during construction or with permanent changes in the study area, would be performed in compliance with the Uniform Act. Any individual, family, or business displaced by implementation of any of the action alternatives would be offered relocation assistance services for the purpose of locating a suitable replacement property, to the extent consistent with the Uniform Act.

Under the Uniform Act, relocation services for residences would include providing a determination of the housing needs and desires, a determination of the amount of replacement housing each individual or family qualifies for, a list of comparable properties, transportation to inspect housing referrals, and reimbursement of moving costs and related expenses. For business relocation activities, relocation services would include providing a determination of the relocation needs and requirements; a determination of the need for outside specialists to plan, move, and reinstall personal property; advice as to possible sources of funding and assistance from other local, State, and Federal agencies; listings of commercial properties, and reimbursement for costs incurred in relocating and reestablishing the business. No relocation payment received will be considered as income for the purpose of the Internal Revenue Code.

TSAS2-10: Thank you for your comment on the DEIS for the SLWRI, we appreciate your time in responding to the document. A response to this comment is not required under NEPA because the comment does not raise a significant environmental issue (NEPA Regulations 40 CFR 1503.4). Many comment authors expressed personal opinions, histories or experiences which are not appropriately addressed as part of the NEPA process. This comment will be included as part of the record and

made available to decision makers before a final decision on the proposed project.

TSAS2-11: Thank you for your comment on the DEIS for the SLWRI, we appreciate your time in responding to the document. A response to this comment is not required under NEPA because the comment does not raise a significant environmental issue (NEPA Regulations 40 CFR 1503.4). Many comment authors expressed personal opinions, histories or experiences which are not appropriately addressed as part of the NEPA process. This comment will be included as part of the record and made available to decision makers before a final decision on the proposed project.

TSAS2-12: Please refer to Master Comment Response PLAR-1, “Effects to Private Residences and Businesses.”

TSAS2-13: Please refer to Master Comment Response GEN-1, “Comment Included as Part of the Record.”

TSAS2-14: Please refer to Master Comment Response GEN-1, “Comment Included as Part of the Record.”

33.11.225 Gloria Silverthorne Gomes on Behalf of United Tribe of Northern California, Inc., Wintoon-Wintu-Wintun

| | UTNC | BUREAU OF RECLAMATION OFFICIAL FILE COPY RECEIVED SEP 17 2013 | | | | | | | | | | | | |
|-----------------------|--|--|----------------|-----------|------------|-----|-------------|----------|-------------|-------------|-----------------------|------------|-------------|--|
| | Katrina Chow Project Manager Bureau of Reclamation 2800 Cottage Way MP-720 Sacramento, Ca 95825 | 9-13-13 <table border="1" style="font-size: small;"> <thead> <tr> <th>CODE</th> <th>ACTION</th> <th>SUPPLEMENT</th> </tr> </thead> <tbody> <tr> <td>700</td> <td>J.R. Dunbar</td> <td></td> </tr> <tr> <td></td> <td>17 Sep 2013</td> <td></td> </tr> <tr> <td></td> <td>AD. K. Chao</td> <td></td> </tr> </tbody> </table> | CODE | ACTION | SUPPLEMENT | 700 | J.R. Dunbar | | | 17 Sep 2013 | | | AD. K. Chao | |
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| 700 | J.R. Dunbar | | | | | | | | | | | | | |
| | 17 Sep 2013 | | | | | | | | | | | | | |
| | AD. K. Chao | | | | | | | | | | | | | |
| | RE: De'Ja'Vu'-Raising of Shasta Dam | | | | | | | | | | | | | |
| UTNC-1 | <p>My name is Gloria Silverthorne Gomes. I am the Chairwomen of The United Tribe of Northern California, Inc., Wintoon-Wintu-Wintun, Shasta County, Redding, Ca.</p> <p>I am writing to you about the raising of Shasta Dam. With concerns from our Wintu members. We are all are not in favor of this to happen AGAIN. We do not want to go thru the indignity of flooding our Tribal land again. There are still Sacred places, some graveyards are still around that would be washed out again, our prayer places, caverns, ceremony places gathering herbs and more.</p> <p>We are not a recognized tribe, but we still hold have our Traditional places that need to be taken care of. Our elders told us how to take care of these places for All peoples.</p> | | | | | | | | | | | | | |
| UTNC-2 | <p>We don't see why you would want to raise the dam when as of today the level of the dam is under 100 foot level. If the Mts do not give snow there isn't more water for the creeks to flow.</p> | | | | | | | | | | | | | |
| UTNC-3 | <p>My family roots are from the McCloud River on my mother and fathers side, most of the Wintu here are of the same blood. Over 1,000 Wintu are in Shasta Co. and they do not want this to happen. That includes the Sacramento River and the lower Pit River people.</p> <p>Our land was taken from us once and we don't want to see it again, it hurts, it hurts our hearts.</p> | | | | | | | | | | | | | |
| UTNC-4 | <p>We also think of all the business that is it really the best thing for the people who</p> | | | | | | | | | | | | | |
| | <small>NOTICE: IF YOU DETACH THIS DISK, PLEASE INSERT IT IN THE DISK DRIVE</small> | SCANNED <table border="1" style="font-size: x-small;"> <tr> <td>Classification</td> <td>PRJ-23.02</td> </tr> <tr> <td>Project</td> <td>214</td> </tr> <tr> <td>Control No.</td> <td>13042147</td> </tr> <tr> <td>Folder I.D.</td> <td>1224516</td> </tr> <tr> <td>Date input & Initials</td> <td>9-17-13 RN</td> </tr> </table> | Classification | PRJ-23.02 | Project | 214 | Control No. | 13042147 | Folder I.D. | 1224516 | Date input & Initials | 9-17-13 RN | | |
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Shasta Lake Water Resources Investigation
Environmental Impact Statement

UTNC-5
CONTD.

↑ live here? Please think with your hearts and not
with your big plans and big money. It won't work.
The Mountain won't let it.

Thank you. From the heart,



GLORIA SILVERTHORNE GOMES
20059 Parocast Rd.
Redding, Ca 96003
(530)275-1915

Farewell to Winnem

Condensed for the Files of the Shasta County Historical Society, Redding, California, 1912

By HELEN HOGUE

Peaceful and the Plains

In writing of the McCloud river, that beloved haunt of early day Indians, and called by them "Winnem," one feels the necessity of three classifications: facts, figures and sentiment.

It is the sentiment and irritable charm of this historic stream which appeals to me, and the only phase upon which I shall touch in this brief article. Whole chapters could be devoted to the its discovery in 1828, or to the some half dozen caves adjacent, or even to the physical description.

Approximately seventy miles in length, the river is fed by Squaw Valley Creek which heads near Mount Shasta in Siskiyou County, California, that portion of the river of which I write, lies in Shasta County, just north of Redding, now the site of Shasta Dam.

Strangely enough, white settlers have left this region entirely to the Indians, with a few exceptions, and for this reason the McCloud has remained primitive, unchanged and unmarred. Interesting stories are told by Joseph C. Campbell, son of Jeremiah B. Campbell, who in the early fifties was lured to the McCloud river country by his Indian bride and persuaded to leave his first settlement on the Sacramento. These stories of the caves, the fishing, the deer hunts, Indian romances, stories of the early-day struggle to live, lose nothing in the telling by this soft-spoken son of Indian blood.

For the purpose of looking for a last time upon the beauties of this river territory, soon to be inundated by Shasta Dam waters, I journeyed from Redding, north on Highway 99,

less than two years ago, then heavily wooded on either side, careful in the warm sun of Shasta County, you might easily believe you had lost the trail. You might recognize, as I did, the "Deer Head" tree, a perfect replica of a deer head, growing at the roadside, and go on hoping to find the country you knew. Through a net-work of trailer camps, cabins, real estate shacks and service stations I hurried. Through the dust I saw a sign—"Shady Pine Subdivision" but the pines were now stove wood, tiered and ready for the winter.

Growding the speed limit I hurried on, stopping first at the point where the Pit and McCloud rivers merge; the old bridge and Balbia's service station being the first familiar landmarks. This merging of the waters of the two beautiful streams is a distinct raffle, the united waters flowing down as one into the Sacramento some miles south.

About five miles north of the old bridge, I drove in at what was once the United States Hatchery at Baird. The building is the one rebuilt in 1881 to replace the original, built in 1874 and destroyed by flood waters. As I slowed down beside the aprawling structure, I discovered it had be-

come a dormitory for the Civilian Conservation Corps—bunks and boys were everywhere.

Only the beautiful McCloud river was unchanged; a bit turbulent at this point, with the magnificent "Gay Rocks" in the background. A large house, once the home of hatchery superintendents, now housed CCC of ficers, and quarters for 400 men had sprung up, as if by magic. An Indian cemetery, fenced and carefully tended, was fested by a machine shop and garage.

I hurried on, remembering a forest of pine trees, tall and straight and dense they were; cool and resful on hot days. I found instead, a few stumps; the ground plowed and broken for a recreation field. Rubbish and logs lined the once beautiful Oregon trail, that fertile field for early day stage robbers.

The hand of progress is ruthless; that which moves forward in mighty achievement, must scatter before it like inconsequential chickens before a cyclone. Shasta Dam, then in the early stages of construction, is no exception, and thrilling though the project is, one must be utterly lacking in sentiment not to wince a bit at the sight of natural beauty giving way to this gigantic man-made marvel of concrete! Surely the dam, some thirty miles distant will not affect this remote area. I reasoned! I questioned a workman. "Yes," he said, "the dam will back the river up for a distance of approximately thirty five miles."

Continuing on, over the old Oregon trail, now packed and scarred, I came back again to the Highway. Driving past auto camps, and soft drink stands, strangely incongruous, I turned in at Salt Creek. Here the

fine ranch of the Stratton family, perhaps 2000 acres in all, lay in peaceful beauty, unaware of the fate awaiting it.

The road grew steep, and climbed and wound over the mountain which lies between the Stratton place and the so-called EDC Indian Lodge on the upper McCloud. (This my objective, for EDC, Thomas, sister of Joseph Campbell will have a wealth of information for me.) *My Garden* At the highest point on this mountain stands one large pine tree, but below, thousands like it spread in magnificent panorama.

Suddenly the road parallels the river, the McCloud, called the most beautiful in the land: "Winnem," the Indians call it, meaning "Middle Water," or "Middle River." The river narrows some at this point, its rapids lashing and glistening through the dense foliage on its banks; its foam as white as the wild Avalea and wild Syringa blooming there in profusion.

Another quarter of a mile and the river becomes calm and widens; a tranquil lake, it lolls in the warm sun. On the left is a log house, a gay flower garden, and the inevitable dogs of an Indian habitai. I made my peace with the dogs, unlatched the gate and was hospitably received by EDC Thomas, site of Indian mother and white Father, and proud of her ancestry.

"Yes, the dam will flood my place," she told me, in reply to my inquiry, "in four, five, maybe six years—I don't worry yet."

"You know," I ventured, "that the Central Valley project is a marvelous thing; the dam will be 560 feet high, with a reservoir capacity of 35 miles; and think of the agricultural lands that will be benefited."

Stair silences and then — "Yes, I

THE COVERED WAGON

heard all that; and I know too it lack up the waters of our beautiful Winimem. Painem and the Sacramento; all our trees gone, our homes where we have lived so long. This is all the life I know—my home for 56 years. I am sad to leave it."

EDC told me too, that the lands to the north, owned by private interests, would not be altered by flood waters. This area includes vast holdings of William R. Hears; but the river frontage to the south was even then being cleared.

Traveling back a few miles on foot, over familiar trails, I was amazed at what EDC, speaking very good English, had called "desecration." The forest was there to be sure, but prone, and ready for the fire-brand. Huge mounds of ashes, ghastly remains of timber already burned, still smoldered; blackened boulders—a hill I remembered as "Maidenhair Hill" now a dirt heap, bare of all vegetation, lawed and levelled by gigantic teeth!

Making my way through tangled briars, I came to an old Indian cemetery, known as the Curl Cemetery. Only the re-filled mounds of dirt remained, where once rested the bodies of Indian braves.

The moving of Indian cemeteries had been accomplished, I knew, in vain, painstaking detail by our government, but to the majority of the Indians it was just another bewildering phase of progress.

The prophecy of a local Indian with whom I had recently talked, came back to me as I stood among the ruins of their once sacred ground.

"No good will come," he said: "It is against all Christian ethics to move them; we have laid our dead with tears, and a great hope, and we are grieved that their sleep is to be desecrated."

"No good will come; voices are never lost; the rocks and the trees of the McCloud are saying, 'Where shall we fall! The Spirit of our dead are watching.'"

I recalled an Indian prayer.

"Leave me a little of the sun; do not devour it altogether from me. Leave me a little."

And so the song of the pine is hushed. Those proud sentinels of the McCloud, together with the fir, the cedar and the madrone lie fallen at the very banks, crushing the wild *Arceuthobium* beneath their weight. An occasional echo of the executioner's ax, working further on down the river, alone breaks the silence.

Farewell to Winimem.

WANTED: A MEDAL

Wanted: A medal
To pin on a man
Who is doing the things
A patriot can.

It's not buying bonds
Though he does buy a few,
Nor gathering scrap
For he's doing that too;

It's not closely adhering
To his quota of meats,
Nor "the one cup of coffee"
And "easy on sweets;"

It's not buttoning his lip
As we all are advised,
Nor supporting Red Cross
As you may have surmised;

It's a more simple thing
(As he does it, he smiles)
It's JUST STRICTLY KEEPING
TO THIRTY FIVE MILES!

—ROSENA GILES

April 11, 1992 - 460 pages

From Al Logan Staller Attorney for the Wintun from the
narrative for Federal Acknowledgment
for the Wintun Tribe

Despite the finding of Special Indian Agents for California Kelsey, Asbury and Terrell that the Wintun Tribe or Baird Band of Indians was an Indian tribe, and that land in addition to individual public domain allotments should be purchased in their behalf and for their collective use, plans formed between 1904 and 1919 to establish a reservation for tribe on either side of the McCloud River in the vicinity of the town of Baird near the old salmon hatchery never were consummated. Despite numerous efforts, the United States never established a permanent reservation land base, in Siskiyou County or Shasta County or elsewhere, to accommodate the Wintun Tribe as a body. Late efforts to settle this tribe on a land base failed, due to a sub rosa understanding (ca. 1915-1917) between the Special Indian Agent for California John J. Terrell and Commissioner Cato Sells with Mr. D. P. Doak, a San Francisco land speculator who wanted to keep the Baird Indians in their traditional area as a cheap source of labor for the Shasta Dam project to which he wanted to sell his own land.

Doak succeeded in convincing the Department of the Interior that it would be in the long-term best interests of the Wintuns to keep them in the area without advising them that land values were escalating because of the Shasta Dam project. He further convinced the Department to help him force the Indians to sell him their Indian public domain allotments and other holdings, so that he could consolidate his own lands, and make a real killing on sales of his land to the project. His pitch to the Department was that the tribal members who were working in the government fish hatcheries and living in the Baird area would lose those jobs when the dam waters covered their allotments, homes and businesses, while the building of the dam would increase job opportunities in cheap manual labor during construction: therefore the Indians should be kept in ignorance, bought out cheap, and not be encouraged or aided in moving away, lest their cheap services as laborers be lost as a sales bonus to buyers of Doak's holdings for the project. He promised to help the government buy land cheap for the Tribe later, after the dam was finished. WWI intervened in the completion of the dam, but the Department retained the rest of Doak's plan, with the result that the Tribe lost most of its allotted lands. Most of the members' properties were sold out or simply expropriated by the time the dam was completed. Some Wintuns got jobs building the dam, and lived at the CCC camp in Central Valley, called the Toyon camp. However, plans for relocating them to a reservation never came through. (See below). From the 1880s until early 1920s, many Wintuns received Indian homesteads, public domain Indian allotments, or other allotments because they had never abandoned tribal relations. Although the rancherias allocated from the early 1900s until the 1930s to homeless Wintuan or partly-Wintuan communities were terminated in the 1950s to 1970s, the Wintun Tribe and its members were not terminated [The evidence supporting these facts will address the criteria for acknowledgment in 25 CFR 83.7 (g), "Is not expressly terminated or otherwise forbidden to participate in the federal-Indian relationship by statute."]

From pre-contact times until the building of the Shasta Dam in the 1930s, governmental authority of and for the Tribe actually resided in dynastic Headmen. Just prior to contact, these included the Chief in the Redding area, Chief Soda Purelta. There were Sacramento River Canyon

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chiefs such as Sadum-Sally, Dalla-can, Wiel-putus, Shoo-toot, and the great chief Dol'-le-ken-til'-le-meh, who died about 1895. Southern
reported:

ome of the noted chiefs of the McCloud tribe before the coming of the whites were Cho-cho-ha, Clu-chu, and Dalla-ken-tell-me. During the troubled times of the gold rush chiefs were: Black Hawk, so called by the whites, 1851-1853, Num-tarium and Bulla-Faromah -- 1853-1855.

Norel-putus (Called Captain John by the whites), late fifties. We-en-con-ness, in the sixties, Cal-cah-lula (Black Salmon) from the seventies to the nineties. These chiefs were among those who guided the ill-fortunes of the unlucky Win-nim-min tribes during those tragic days (May Hazel Southern, unpublished notes on Wintun, Shasta College Library, April 18, 1941.)

A series of elected local Headmen followed or survived into the 1900s, until the Baird Wintoons began to elect leaders and representatives and established the Winnemem Baird Auxiliary. These late hereditary chiefs included Sun-ne-sa, or Alexander, who died at 75 in 1909 and is buried at Antler. There was always controversy over their selection or their fitness to rule, and none lasted long in office, or achieved the stature of their predecessors, due to lack of popular support. Probably the first of the elected great chiefs from this century was a Nontipom, Chief Edward Alexander, son of Sun-ne-sa, who was voted in, succeeding his father, at an election at Turtle Bay in 1914. Other Chiefs were elected, but none had the following and authority of their predecessors. Cultural and spiritual continuity rested with Shamans and elected heads of families in more recent historical times, with the series of organizations and institutions representing continuity of secular and political leadership, determining membership and exercising governmental influence in the community from precontact times to the present, as organized under the Baird Indian Auxiliary, Wintun Cultural and Educational Association, and Toyon Wintu Center, Inc.

From before 1900 to 1930, and the destruction by a mysterious fire of the Baird Auxiliary Council House and its records at Stillwater, secular leadership of the Wintun Tribe resided in that organization at that site and several other meeting sites along the McCloud River (Lala Curl, Interview, LIFE building, Central Valley, Ca., August 12, 1990, 6 p.m.), and even at Mike Reid's hlut dance house in Redding at the present site of the Downtown Mall (Florence Jones, interview, June 19, 1990). In the years following the burning of the Baird Auxiliary Council House, tribal meetings and gatherings occurred at the Rainbow Club in Buckeye, now the home of Lala Curl (Lala Curl, Interview, Holiday Inn, Redding, Oct. 27, 4:00 p. m., 1989; and at LIFE building, Central Valley, Ca., August 12, 6 p. m., 1990.) (The Tribe was never formally organized under the terms of the Indian Reorganization Act of 1934; but neither did they vote against its application to them, and so they remain eligible to organize under Section 16 of that Act. The Tribe was not listed in Theodore Haas's Ten Years of Tribal Government under the IRA in California (1947) as having had an IRA election.

In 1971, the tribe gained a temporary trust land base (the abandoned CCC camp in which Wintun Tribe and other workers lived during the building of the Shasta Dam) by occupation. This site held a

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makeshift rancharia for Wintuns from at least the 1850s, where they became known as Seaman's Indians from the 1850s. At the time of the Dersch murders, the Seamans family had protected them in August of 1866 (Alice Seamans, n.d.). Caleen Sisk wrote of this event recently (Sisk 1989: 10, *ff.*; see below). The Wintun Tribe continued efforts to hang onto the property in defiance of non-Indian interlopers and pretenders to the title, who actually physically attacked members of the Band to evict them from the land in the 19th century.

Josephine R. Vogler, Secretary of Toyon Wintu Center, Inc., in a Letter of April 14, 1972 to Ed Forbes, Director, SCCAP, made a request that the Toyon Wintu Center, Inc. be treated as the sole, authorized entity for the purpose of receiving funds, and for the purposes of administering the Toyon facility. Chuck Gardinier was to be denied authority as coordinator of the facility; Elvin McDaniel was to be denied the right to conduct activities with his community board; and Mr. Lego was to cease CAP activities on the property and remit rent. The Center was to cooperate with all Indians occupying the site, and others willing to comply with the rules of the Board. She added:

We, the Wintu people are asserting our ancestral rights, along with the first agreement put forth to the Wintu people by your agency and yourself which brought about the Incorporation of the Toyon Wintu Center, Inc.

Mrs. Vogler had the only minutes for the tribal meetings as acting secretary from August, 1971 until new elections.

On April 30, 1972, the Board Members and candidates for the Board of Toyon Wintu Center, Inc. were Raymond Markwick (of Redding), Vice Chairman, Lala Curl (of Redding), Treasurer, Lorrin Timmons (of Toyon), Archie Timmons (of Toyon), Mildred Rhoades (of Big Bend), Jack Potter (of Big Bend), Al Thomas (of Toyon), Lenore Cornish (of Toyon), June Smith (of Keswick), Josephine R. Vogler (of Redding), Secretary, Frank La Pena (of Sacramento), Harley Hampton (of Shasta), President, Ernest Braghetta (of Redding), Ivan Edmonds (of Redding), Evelyn Bickle (of Redding). Elections were held May 20, 1972 and results reported at a meeting May 23, 1972 at the Rainbow Club (still a favored membership meeting site).

Throughout the 1970s, and for a decade afterwards, the Band continued to inquire as to the prospects of completing the transfer of the land into trust. They never lost faith that eventually the United States would secure their land base and made no attempt to obtain another, until they realized at last that the government had abandoned them and there was no other land available in the area for them to buy.

In a resolution signed October 3, 1984, dated June 9, 1984, under Loren Timmons and Sharon Vasquez, Toyon Wintu Center, Inc., and Wintu Education and Cultural Council agreed to seek recognition for the Wintu Tribe. Subsequently, various schisms occurred in the leadership of the Tribe until the resolution of these problems eventually became possible in the joint resolution of all the groups to acknowledge the original foundation of tribal government and its continuous basis in 1990.

Today the Tribe holds a claim to use of the GSA land in the name of Toyon Wintu, Inc., as a result of a settlement in the Scholfield case (1985), with a promise of eight years continued usufructuary rights, pending the outcome of federal acknowledgement efforts.

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Until the establishment of by-laws under the Baird Auxiliary, an earlier organizational effort, and under a corporate charter in 1971, leadership resided in hereditary leaders and family heads. The Tribe established governing documents and reaffirmed enrollments in 1971 under Toyon Wintu Center, Inc. Tribal membership continues to be composed primarily of persons of proven Wintun Tribe ancestry who are not members of other Reservations and Rancherias. The United States has dealt with Wintun spokespersons and leaders, both of the corporation and traditional hereditary leadership, as representatives of the Band through the current generation.

Family heads and elected or appointed officials have represented in significant part the continuous strand of leadership running to precontact times, spanning substantially all changes in the culture. The Tribe's religious and cultural leadership is in an unbroken though dwindling line, stretching back 8000 -- perhaps to the end of the last Ice Age -- through the late Tillie Brock and Niles Charles to the present leader, Florence Curl Jones, and her trainees. The Tribe's secular leadership likewise has been unbroken, notwithstanding changes in form, and particular instances of long-term tenure in service include Lala Popejoy Curl, now over 80, served on the Baird Indian Auxiliary from the early 1930s on, was a Director of the Indian Board of Cooperation, and still serves on the Board of Toyon Wintu Center, Inc. Mrs. Curl and her contemporary Wintun leaders were very active in the Indians of California claims cases. Washington Fann, now in his late nineties, once was a Chair. of the Baird Indian Auxiliary. When noted missionary and advocate for the rights of California Indians from 1914 to 1955, F. W. Collette, died in a car accident in northern California, Mrs. Curl and her companions were following him in another car, on the way to a meeting. In that accident, along with the tragic loss of Collette, many more historic documents of the tribe were lost, including land records. Mrs. Curl still maintains perhaps the largest single private depository of Wintun historical records.

The United States already has acknowledged a formal government-to-government relationship with the Tribe based on separate or distinct political status through actions of Congress and the Department of Interior over the past 130 years. The Tribe seeks reaffirmation of the intergovernmental relationship through acknowledgement of their duly constituted Council.

The Tribe's members have participated in a variety of federal and state programs targeted to Indians, including education, housing and health programs, and its members have been recognized as entitled to such participation based on their identity as members of the Wintun Tribe. As Indians who had not abandoned tribal relations, Wintuns were entitled to public land and other allotments.

The Tribe has received federal services as Indians, including health (IHS) and education (Title IV: Indian Education), as well as HUD and community services grants. Wintuns have attended Indian schools in Stewart, Nevada, Riverside, California and elsewhere. September 1, 1988, Dalton J. Henry, Area Education Programs Administrator, made a determination that members of the "Wintu Tribe" were ineligible for Higher Education services because the Tribe is not on the list of Indian Tribal Entities - Recognized and Eligible to Receive Services From the

United States Bureau of Indian Affairs.

Response to Comments from Gloria Silverthorne Gomes on Behalf of United Tribe of Northern California, Inc., Wintoon-Wintu-Wintun

UTNC-1: Please refer to Master Comment Response CR-1, "Potential Effects to Cultural Resources."

UTNC-2: Please refer to Master Comment Response RAH-1, “Available Water to Fill an Enlarged Reservoir.”

UTNC-3: Please refer to Master Comment Response GEN-1, “Comment Included as Part of the Record.”

UTNC-4: Please refer to Master Comment Response PLAR-1, “Effects to Private Residences and Businesses.”

33.11.226 Jason Vandrack



Public Comment Card

During the 90-day public review and comment period for the Shasta Lake Water Resources Investigation (SLWRI) Draft Environmental Impact Statement (EIS), Reclamation provides several methods for the receipt of written comments. This public comment card is one method for interested persons to submit written comments, which will be included and addressed in the Final EIS and retained in the SLWRI Record. Please write clearly. You may leave this card at today's meeting or mail at your convenience. Written comments may also be sent by email to bor-mpr-slwri@usbr.gov or provided in-person at related workshops and/or public hearings. All written comments must be sent/postmarked on or before midnight on September 30, 2013.

Name: Jason Vandrack Organization: _____
Address: 5810 Fillett Ln
Email: Jason.vandrack7@yahoo.com

Comment: it will Bona bis of vad that will help out the community etc

Response to Comments from Jason Vandrack

VAND-1: Thank you for your comment related to potential employment supported by a Shasta Dam enlargement. Please refer to Master Comment Response SOCIOECON-2, “Effects on Short-term and Long-term Employment.”

33.11.227 Chris Veal

7/23/13

DEPARTMENT OF THE INTERIOR Mail - The "blue line"



VEAL

SLWRI, BOR MPR <sha-mpr-slwri@usbr.gov>

The "blue line"

1 message

Chris Veal <chrisveal@shasta.com>

Fri, Jul 19, 2013 at 3:08 PM

To: kchow@usbr.gov

Cc: bor-mpr-slwri@usbr.gov

Katrina,
VEAL-1

Here are the references to the infamous "blue line" that we discussed Tuesday evening.

As you can see, the preliminary draft and the current draft are identical, except that the prelim referred to the area as "Relocation Areas," whereas now they are referred to as "Alternative Areas of Potential Activity" (sounds like spin). This, combined with the 300 foot property evaluations in the real estate section, lead me to wonder if there's not some sub rosa agenda here. As in:

- The Forest Service called for a 300 foot setback in the preliminary plan.
- It has been determined that they had no authority to do so.
- The text referring to that setback has been removed, but the "blue line" remains under another name.

So, are you folks trying to sneak this 300 foot setback in under the radar? If not, then you should remove it completely from all of the maps in the plan.

The examples I sent you are pages 19-31 and 19-32, but this applies to all maps in Chapter 19 (and probably elsewhere).

Regards,

Chris

Chris Veal
Lakehead, CA
530.238.2011

7/23/13

DEPARTMENT OF THE INTERIOR Mail - The "blue line"

4 attachments



DraftCharlieCreekNorth.jpg
734K



DraftSugarloafArea.jpg
666K



PrelimDraftCharlieCreekNorth.jpg
211K



PrelimDraftSugarloafArea.jpg
195K

Response to Comments from Chris Veal

VEAL-1: Please refer to Master Comment Response PLAR-11, "Inundation Zone/Reservoir Buffer."

33.11.228 Julia Catherine Voorhees

VOOR

Julia Catherine Voorhees
804 Vincente Ave.
Berkeley, CA 94707

Ms. Katrina Chow, Project Manager
Bureau of Reclamation
2800 Cottage Way, MP-720
Sacramento, CA. 95825

| | | |
|---|--------|-----------------|
| BUREAU OF RECLAMATION OFFICIAL FILE COPY RECEIVED | | |
| SEP 30 2013 | | |
| CODE | ACTION | SUPPLIER & DATE |
| 700 | | KD [signature] |
| | | 18 Oct 13 |
| | | to: K Chow |

Dear Ms. Chow,

VOOR-1 I am writing you as in regards to my strong opposition to the proposal to raise the Shasta Dam and enlarge the water reservoir. My primary concerns revolve around the ecological health and integrity of the surrounding environment specifically the threatened endemic wildlife in the region. Additionally, I feel that the validity of the dam raise proposal is questionable and a "Take
VOOR-2 No Action" alternative should be implemented until more information is included in the DEIS, including the relocation and ongoing survival rates of endangered and threatened species in question.

DEIS – Shasta Lake Water Resources Investigation (SLWRI) - Chp. 13, Wildlife

VOOR-3 The new Shasta Dam construction will negatively impact the survival of the Shasta Salamander, which was federally relisted as a threatened species in 1994. The Shasta Salamander is endemic to the Shasta Lake region of northern California and 38 rare *genetically distinct* populations have been identified by Reclamation in the Shasta lake region. The salamander was surveyed in both limestone and non-limestone habitats and were primarily found within three of four limestone belts: the Kennett Formation, McCloud Limestone and Hosselkus Limestone. According to Chapter 13, Wildlife of the DEIS: Direct mortality of Shasta salamanders would occur in areas of suitable habitat. New construction activities in the proposed areas would directly result in a loss of 35 acres of limestone habitat and 2,870 acres of non-limestone habitat, critical habitat for the Shasta Salamander. This impact would be significant and unavoidable and the "Take No Action" has been recommended for their mitigation of their risk of extinction due to Shasta Dam related construction.

VOOR-4 To further compound the issue of construction, there is a major absence of information within the DEIS with regards to new potential habitat range for the Shasta Salamander post construction. There was no attempt to incorporate this information and assimilate the adverse impacts on a yearly basis, or more importantly for recovery and species extinction risk. No
VOOR-5 attempts were made to use a Multiple Life Cycle quantitative model. This concern also applies to the andromodous fish population, many of which are federally listed as threatened or endangered, and are of great concern to me as well.

| | |
|----------------|----|
| Classification | 23 |
| Project | 23 |
| Control No. | 13 |

ANDROMODOUS FISH

| | |
|---------|---|
| VOOR-6 | <p>I am quite upset with the proposed notion that raising the dam has absolutely anything to do with the efforts to ensure the survival of the local anadromous fish populations. Specific studies to the Shasta Dam region have been conducted, on tax payer dollars, to prove the validity of the project on this pretense and results were contradictory.</p> |
| VOOR-7 | <p>I want to return attention to the National Oceanic and Atmospheric Administrations' (NOAA) biological opinion and reiterate their final opinion on the Shasta Dam raise. The NMFS's final Opinion concludes that based on the best available scientific and commercial information, the California State Water Project-Central Valley Project (CVPISWP) operations are likely to <u>jeopardize the continued existence</u> of the following federally listed species:</p> <ul style="list-style-type: none"> •Endangered Sacramento River winter-run Chinook salmon (<i>Oncorhynchus tshawytscha</i>), •Threatened Central Valley spring-run Chinook salmon (<i>O. tshawytscha</i>), •Threatened Central Valley steelhead (<i>O. mykiss</i>), •Threatened Southern Distinct Population Segment (DPS) of North American green sturgeon (<i>Acipenser medirostris</i>), and •Southern Resident killer whales (<i>Orcinus orca</i>). |
| VOOR-8 | <p>The National Marine Fisheries Service NMFS also concludes that the proposed action is likely to <u>destroy or adversely modify</u> the designated critical habitats of:</p> <ul style="list-style-type: none"> • Sacramento River winter-run Chinook salmon (Endangered), • Central Valley spring-run Chinook salmon, and • Central Valley steelhead, and • Proposed critical habitat for the Southern DPS of North American green sturgeon. |
| VOOR-9 | <p>Additionally, the Bureau of Reclamation Fish and Wildlife Coordination Act Report – June 2013 specifically states that the current dam proposal will have serious negative effects on the anadromous fish population and that the “Only one alternative (CP4) provides any measurable benefit to anadromous fish survival, and even under that alternative, in the vast majority of years the enlarged cold water pool results in either <i>negligible</i> or slightly negative impacts to Chinook salmon survival. In about 90 percent of the years, there would be no benefit to anadromous fish survival. Even in CP4, the benefits of an enlarged cold water pool for each of the four runs of Chinook salmon are limited to a few critical and dry water years representing 6 – 16 percent of the water years, based on the 1922 – 2002.”</p> |
| VOOR-10 | <p>To truly benefit andromodous fish and other wildlife in the Sacramento River, the SLWRI should consider a "no-dam raise" alternative that restores salmon spawning and rearing habitat, improves fish passage, increases minimum flows, screens existing water diversions, and modifies the current operation of the reservoir to increase cold water storage for fisheries, as recommended by the U.S. Fish and Wildlife Service.</p> |

VOOR-11

VOOR-11 The thought of the proposed dam raise and its effects on the endemic wildlife of the region has caused me a great deal of ongoing emotional distress and angst which has directly impacted my professional and personal life. I find the validity and overall honesty of proposal to be disingenuous. As a perhaps naïve, soon to be University graduate, I find the ongoing debate to raise or not to raise, discouraging and frankly depressing. The fate of numerous threatened and endangered animal and plant species are dependent on the decision to modify an inanimate structure which was the cause of their demise in the first place. Spending hundreds of millions of dollars of tax payer's dollars on the dam raise in order to fulfill water contracts benefiting the top 10% of big agriculture who are notorious for mismanaging water use and irrigation is not a valid reason to ravage the Shasta region of its biological health and diversity. I am not sure when it became ethically acceptable to give credibility to those who, in my opinion, have intentionally misguided the public for private interests.

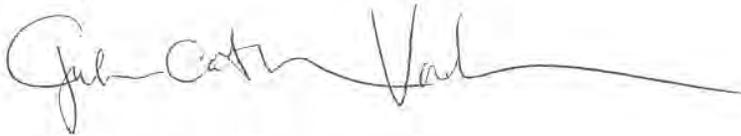
VOOR-12

VOOR-13

VOOR-14

California is often referred to as a role model to the global environmental consciousness movement and as citizens of the state of California, it is our responsibility to uphold that honor. We should *all* be held accountable to ensure the maintenance of environmental health. To be environmentally and ethically responsible a take no action route should be taken for the time being until better irrigation management practices are in place so that we are capable of using water efficiently and responsibly.

Sincerely,



Julia Catherine Voorhees
San Francisco State University, San Francisco, CA.
College of Natural Resource Management and Conservation

Response to Comments from Julia Catherine Voorhees

VOOR-1: In the EIS, Chapter 13, “Wildlife Resources,” was revised to enhance the discussion of special-status species, impacts to special-status species, and mitigation measures for special-status species.

VOOR-2: The SLWRI has two primary coequal objectives that must be met, and neither must impede or harm the other objective. While the SLWRI is not the only way to improve anadromous fish survival, the most efficient way to meet both primary objectives is to enlarge Shasta Reservoir. The existing Shasta Reservoir cannot be reoperated to benefit anadromous fisheries without impacting water supply reliability. Please refer to Master Comment Response ALTD-2, “Alternative Development – Anadromous Fish Survival,” Master Comment Response ALTR-1, “Range of Alternatives – General,” Master Comment Response P&N-1, “Purpose and Need and Objectives,” and Master

Comment Response GEN-5, “Some People Support Dam Raise and Others Oppose Dam Raise.”

VOOR-3: Shasta salamander is not a federally listed species. It is a California state listed threatened species. According to the USFWS, “Critical habitat is a term defined and used in the Federal Endangered Species Act. It is a specific geographic area(s) that contains features essential for the conservation of a threatened or endangered species and that may require special management and protection.” The USFWS has not proposed the Shasta salamander for listing, nor has it designated critical habitat for this species.

The Final EIS has been revised to enhance the discussion of Shasta salamander, impacts to Shasta salamander, and mitigation measures for Shasta salamander. Impact Wild-1, “Take and Loss of Habitat for the Shasta Salamander,” addresses impacts to Shasta salamander in Chapter 13, “Wildlife Resources,” of the Final EIS.

VOOR-4: The EIS and Wildlife Resources Technical Report Attachment 2, “Species Accounts for Special-Status Wildlife in the Shasta Lake and Vicinity Portion of the Primary Study Area,” was updated to include the correct number of Shasta salamander sites. The Wildlife Resources Technical Report Attachment 9, “Shasta Salamander Survey Report,” contains information on Shasta salamander survey results. In Chapter 13, “Wildlife Resources,” Section 13.3.4, “Direct and Indirect Effects Section, of the EIS, Impact Wild-1, “Take and Loss of Habitat for the Shasta salamander” includes the analysis of impacts to Shasta salamander. The EIS was revised to enhance the mitigation measures (Section 13.3.5, “Mitigation Measures”) for Shasta salamander.

VOOR-5: Please refer to Master Comment Response GEN-1, “Comment Included as Part of the Record.”

VOOR-6: As described in Chapter 11, “Fisheries and Aquatic Resources,” Section 11.3.3, “Direct and Indirect Effects,” raising Shasta Dam does show benefits to local anadromous fish populations. Please refer to Master Comment Response GEN-5, “Some People Support Dam Raise and Others Oppose Dam Raise.”

VOOR-7: While the CVP and SWP operations were concluded in the 2009 NMFS BO to likely destroy or adversely modify the designated critical habitat of the Sacramento River winter-run Chinook salmon, Central Valley spring-run Chinook salmon, Central Valley steelhead, and green sturgeon, the SLWRI would provide benefits to the habitat of these species/runs by improving water temperatures and, under CP4 and CP5, including spawning and rearing habitat restoration. Please refer to

Master Comment Response GEN-1, “Comment Included as Part of the Record,” and Master Comment Response DSFISH-3, “Fish Habitat Restoration.”

VOOR-8: While the CVP and SWP operations were concluded in the 2009 NMFS BO to likely destroy or adversely modify the designated critical habitat of the Sacramento River winter-run Chinook salmon, Central Valley spring-run Chinook salmon, Central Valley steelhead, and green sturgeon, the SLWRI would provide benefits to the habitat of these species/runs by improving water temperatures and, under CP4 and CP5, including spawning and rearing habitat restoration. Please refer to Master Comment Response GEN-1, “Comment Included as Part of the Record,” and Master Comment Response DSFISH-3, “Fish Habitat Restoration.”

VOOR-9: Please refer to Master Comment Response DSFISH-5, “Fish and Wildlife Coordination Act Report.”

VOOR-10: The SLWRI has two primary coequal objectives that must be met, and neither must impede or harm the other objective. While the SLWRI is not the only way to improve anadromous fish survival, the most efficient way to meet both primary objectives is to enlarge Shasta Reservoir. The existing Shasta Reservoir cannot be reoperated to benefit anadromous fisheries without impacting water supply reliability. Please refer to Master Comment Response ALTD-2, “Alternative Development – Anadromous Fish Survival,” Master Comment Response P&N-1, “Purpose and Need and Objectives,” Master Comment Response DSFISH-3, “Fish Habitat Restoration,” and Master Comment Response DSFISH-8, “National Marine Fisheries Service Recovery Plan, Anadromous Fish Restoration Program Doubling Goals and Biological Opinions.”

VOOR-11: Please refer to Master Comment Response EI-1, “Intent of NEPA Process to Provide Fair and Full Discussion of Significant Environmental Impacts,” Master Comment Response P&N-1, “Purpose and Need and Objectives,” and Master Comment Response ALTR-1, “Range of Alternatives – General.”

VOOR-12: Please refer to Master Comment Response GEN-1, “Comment Included as Part of the Record.”

VOOR-13: A response to this comment is not required under NEPA because the comment does not raise a significant environmental issue (NEPA Regulations 40 CFR 1503.4). Many comment authors expressed personal opinions, histories or experiences which are not appropriately addressed as part of the NEPA process. Reclamation, through the scoping process and discussions with agencies and stakeholders, has

performed information gathering and focused studies to document resource conditions and evaluate the potential impacts of the range of alternatives developed through the SLWRI feasibility study. This comment will be included as part of the record and made available to decision makers before a final decision on the proposed project.

In addition, this comment appears to be related to the preliminary cost allocation analysis completed for the Draft Feasibility Report (which was released to the public in February 2012). Please refer to Master Comment Response GEN-1, "Comment Included as Part of the Record," and Master Comment Response COST/BEN-5, "Potential Project Financing."

VOOR-14: Please refer to Master Comment Response ALTD-1, "Alternative Development – Water Supply Reliability," Master Comment Response P&N-1, "Purpose and Need and Objectives," and Master Comment Response EI-1, "Intent of NEPA Process to Provide Fair and Full Discussion of Significant Environmental Impacts."

33.11.229 Mike and Katie Voss



Public Comment Card VOSS

During the 90-day public review and comment period for the Shasta Lake Water Resources Investigation (SLWRI) Draft Environmental Impact Statement (EIS), Reclamationatic VOSS-1 several methods for the receipt of written comments. This public comment card is one method for interested persons to submit written comments, which will be included and add VOSS-2 Final EIS and retained in the SLWRI Record. Please write clearly. You may leave this card at today's meeting or mail at your convenience. Written comments may also be sent to bor-mpr-slwri@us VOSS-3
vided in-person at related work- shops and/or publ VOSS-4
written comments must be sent postmarked on or before midnight on September 30, VOSS-5

Name: Mike + Katie Voss Organization: _____
Address: 2-0366 Lakeview Dr. P.O. Box 10 Lakeview 96051
Email: kvossy@gmail.com

Comment #1 what ALTERNATIVES HAVE SLWRI EXPLORE & TO THIS OVERPRICED UNUSUAL PLAN?
#2-3 LAKES OR SOURCES SUPPLY SHASTA LAKE WITH WATER, MT. SHASTA FUNS OFF TO A SPRING IN THE PARK AND BECOMES HEAD OF THE SACRAMENTO RIVER. LAKE MC CLOUD SPILLS INTO THE MC CLOUD RIVER. LAKE BRITAN FLOWS INTO THE PIT RIVER. WHAT WOULD BE COSTS IF EITHER LAKE MC CLOUD OR LAKE BRITAN DAMS WERE ENLARGED INSTEAD?
WE HAVE SELDOM SEEN A REALLY FULL LAKE IN OVER 30 YEARS!
ALSO, THERE WERE PLANS TO BUILD A NEW DAM SOUTH OF HERE, ANY NEWS ON THAT?
HAVE WATER ENGINEERS LOOKED AT REMOVAL OF MANY "LOW" SPOTS IN BOTTOM OF LAKE, OR DIG A LARGE HOLE?

Response to Comments from Mike and Katie Voss

VOSS-1: Please refer to Master Comment Response ALTR-1, "Range of Alternatives – General."

VOSS-2: Please refer to Master Comment Response ALTD-1,
“Alternative Development – Water Supply Reliability.”

VOSS-3: Please refer to Master Comment Response RAH-1, “Available
Water to Fill an Enlarged Reservoir.”

VOSS-4: Please refer to Master Comment Response ALTD-1,
“Alternative Development – Water Supply Reliability.”

VOSS-5: Please refer to Master Comment Response ALTD-1,
“Alternative Development – Water Supply Reliability.”

33.11.230 Russ Wade



During the 90-day public review and comment period for the Shasta Lake Water Resources Investigation (SLWRI) Draft Environmental Impact Statement (EIS), Reclamation provides several methods for the receipt of written comments. This public comment card is one method for interested persons to submit written comments, which will be included and addressed in the Final EIS and retained in the SLWRI Record. Please clearly. You may leave this card at today's meeting or mail at your convenience. Written comments may also be sent by email to bor-mpr-slwri@usbr.gov or provided in-person at related workshops and/or public hearings. All written comments must be sent/postmarked on or before midnight on September 30, 2013.

Public Comment Card

Name: Russ Wade Organization: _____
Address: 1991 HELLER RESIDENCE, CA 96007
Email: _____

Comment RAISING THE DAM, IS ANOTHER DAMN POOR IDEA. HISTORICAL RECORDS INDICATE THE WATER ISN'T THERE. ONLY 11 YEARS OUT OF THE PAST 69 YEARS HAS THERE BEEN EXCESS WATER. 84% OF THE TIME THE WATER ISN'T THERE. BUT WASTING TIME + MONEY

Response to Comments from Russ Wade

WADE-1: Please refer to Master Comment Response RAH-1,
“Available Water to Fill an Enlarged Reservoir.”

33.11.231 Margret and Fritz Griener Wagner



WAGN

comment Shasta Dam

1 message

magwagner@juno.com <magwagner@juno.com> Thu, Jul 11, 2013 at 1:52 PM
To: BOR-MPR-SLWRI@usbr.gov

Ref: comments to raise Shasta Dam

We are against raising the dam another 18 inches for the following reasons:

- WAGN-1 Destruction of more ancestral native Indian land
- WAGN-2 Dam is hardly ever filled to capacity due to draughts
- WAGN-3 Weakening of structural integrity, danger of flooding downstream
- WAGN-4 Agriculture needs to use water more effective
- Water is wasted on low value crops like rice and cotton
- WAGN-5 Agriculture pays not their fair price for water
- WAGN-6 Cities downstream need to implement drastic water savings
- To save water, billing practices need to change (higher price for water wasters)
- The "lawn cult" needs to change to sustainable landscape
- WAGN-7 Did it ever occur to remove the accumulated silt behind the dam?
- WAGN-8

Also, a reminder that water is more precious than oil and gas, so stop thinking of destroying our water resources with fracking!

Margret Wagner and Fritz Greiner, Redding, CA

Response to Comments from Margret and Fritz Griener Wagner

WAGN-1: Please refer to Master Comment Response CR-1, "Potential Effects to Cultural Resources."

WAGN-2: Please refer to Master Comment Response RAH-1, "Available Water to Fill an Enlarged Reservoir."

WAGN-3: Thank you for your comment on the DEIS for the SLWRI, we appreciate your time in responding to the document. The proposed dam raise has been studied extensively and will fully meet Reclamation's public protection guidelines for dam safety. This comment will be included as part of the record and made available to decision makers before a final decision on the proposed project.

WAGN-4: Please refer to Master Comment Response ALTD-1, "Alternative Development – Water Supply Reliability," and Master Comment Response ALTR-1, "Range of Alternatives – General."

WAGN-5: Please refer to Master Comment Response GEN-1,
“Comment Included as Part of the Record.”

WAGN-6: Please refer to Master Comment Response ALTR-1, “Range
of Alternatives – General.”

WAGN-7: Please refer to Master Comment Response ALTD-1,
“Alternative Development – Water Supply Reliability.”

WAGN-8: Please refer to Master Comment Response FRACK-1,
“Water Supply used for Fracking.”

33.11.232 Thomas Walker

10/15/13

DEPARTMENT OF THE INTERIOR Mail - Regarding Shasta Dam

WALK



Regarding Shasta Dam

Thomas Walker <walkerthomas121@gmail.com> Sat, Sep 28, 2013 at 5:23 PM
To: BOR-MPR-SLWRI@usbr.gov

To the Bureau of Reclamation,

WALK-1

I am in full support of the Winnemem Wintu's alternative proposal to the dam raise, which is NO dam raise.

WALK-2

The relationship of the salmon, the mountain, the rivers, and the people of the (presently named) McCloud River, is integral to the health of the Earth. By raising the Shasta Dam, we further encroach not only on the land that has already been nearly annihilated by settlers and settler developments (i.e., the Shasta Dam), but also the people that come from the land. The Shasta Dam's legacy is one of genocide (I really hope you have all watched "Dancing Salmon Home," you will understand my use of the word "genocide" as appropriate), and I pray, along with the Winnemem Wintu, the sacred mountain, the river, the salmon, and all the integral parts of the ecosystems from the Sacramento River up into the springs of Mount Shasta, that we will not continue to desecrate the land and the people as has already been done for the last one and half a centuries.

WALK-3

I am born and raised in Chico, California. I am a settler, the child of settler's, and I find fulfillment and joy in my soul to struggle with the Winnemem Wintu for their traditional ways and lands. When we fight for the rights of indigenous people and for the rights of the land, we take a step towards healing the wounds of genocide and environmental destruction. Those wounds are real pain, and if you pray to the mountain and the river, you will feel that pain.

Thank you very much for reading.

Sincerely,

Thomas Walker

Chico, CA

Response to Comments from Thomas Walker

WALK-1: Thank you for sharing your opinion. Your comment will be placed in the record for the SLWRI and be made available to decision makers. A response to this comment is not required under NEPA because the comment does not raise a significant environmental issue (NEPA Regulations 40 CFR 1503.4). Many comment authors expressed personal opinions, histories or experiences which are not appropriately addressed as part of the NEPA process.

WALK-2: Please refer to Master Comment Response CR-1, “Potential Effects to Cultural Resources,” and Master Comment Response CR-8, “Native American Connection to Salmon.”

WALK-3: Thank you for sharing your history. Your comment will be placed in the record for the SLWRI and be made available to decision makers. A response to this comment is not required under NEPA because the comment does not raise a significant environmental issue (NEPA Regulations 40 CFR 1503.4). Many comment authors expressed personal opinions, histories or experiences which are not appropriately addressed as part of the NEPA process.

33.11.233 Jill Ward

WARD

Jill Ward
114840 Bear Mountain Road #4
Redding, CA 96003
Sept. 30, 2013
Katrina Chew
Project Manager
US Bureau of Reclamation
Planning Division
2800 Cottage Way
Sacramento, CA 95825-1893

SUP OFFICE
OCT 24 2013
100 ✓

| | |
|-----------------------|-----------|
| Classification | ENV-6.00 |
| Project | 214 |
| Control No. | 3 5216 |
| Folder ID. | 1261130 |
| Date Input & Initials | 10-2-13 v |

Dear Ms. Chew:

WARD-1 I join with my other tribal members and urge you to not allow Shasta Dam to be raised. May you please consider the damage you will be causing to myself & all of my ancestors after me.

WARD-2 My father, Gary Bradley Curl was born in the town called Ydolfom, in what is now Shasta Lake. He was a Winnemem Wintun (Middle water people) & hunted & fished there (taught by his father) & all their relations back generation after generation. He mother late Stacey Curl Also was Born there as was her mother & her mother before her. ^{Susie Peppay} ^{EDC Campbell}

WARD-3 We, my children & I still practice our Religion & Ceremonies there, as I have since I was 18 years old. I'm now 53. Our Native traditions revolve around the sacred places still exposed from the ~~the~~ ^{first} Raise of Shasta Dam. By raising the dam again you take away ^{me &} my grandchildren rights to their heritage & Religious Freedom.

②

WARD-3
CONTD

WARD-4

My family will suffer harm from this proposed raise. Our Tribal Rights to Land, Water, Minerals, & Timber were never adjudicated or relinquished. THE 1941 act of Congress that established the CV project was not upheld with the promises made before. How can you continue to ignore those issues & proceed without compensating the unsettled Act.

→ Please consider my comments when you examine the issues.

Sincerely,
Jill Ward

Response to Comments from Jill Ward

WARD-1: Thank you for sharing your opinion. Your comment will be placed in the record for the SLWRI and be made available to the decision-makers. A response to this comment is not required under NEPA because the comment does not raise a significant environmental issue (NEPA Regulations 40 CFR 1503.4). Many comment authors expressed personal opinions, histories or experiences which are not appropriately addressed as part of the NEPA process.

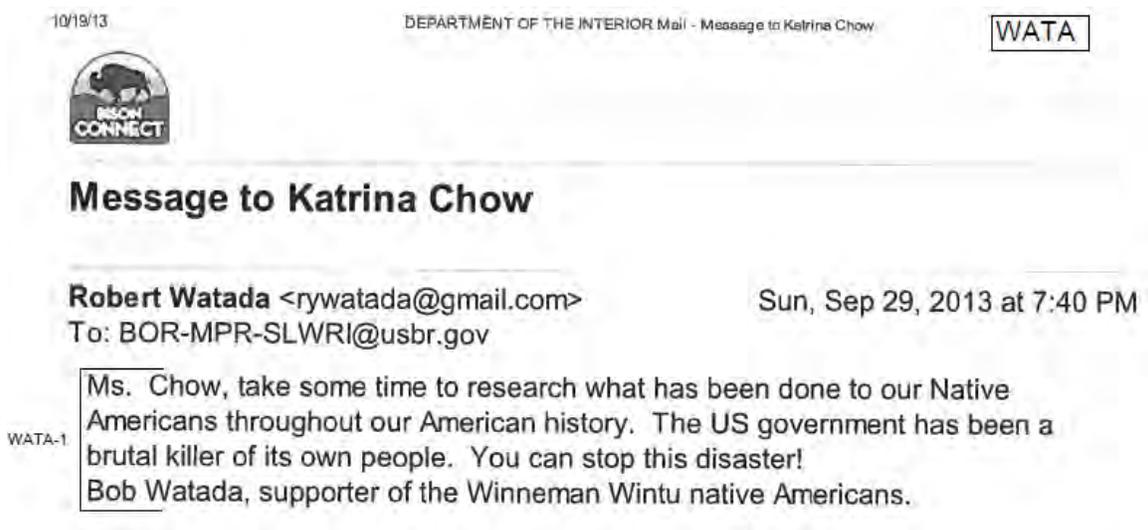
WARD-2: Thank you for sharing your history. Your comment will be placed in the record for the SLWRI and be made available to the decision-makers. A response to this comment is not required under NEPA because the comment does not raise a significant environmental

issue (NEPA Regulations 40 CFR 1503.4). Many comment authors expressed personal opinions, histories or experiences which are not appropriately addressed as part of the NEPA process.

WARD-3: Please refer to Master Comment Response CR-1, “Potential Effects to Cultural Resources.”

WARD-4: Please refer to Master Comment Response CR-2, “Federal Recognition.”

33.11.234 Robert Watada



Response to Comments from Robert Watada

WATA-1: Chapter 1, “Introduction,” Section 1.6, “Areas of Controversy,” of the DEIS acknowledges that Native American concerns and cultural resources remain an area of controversy. The U.S. Congress will use this Final EIS, the related Final Feasibility Report, and supporting information, as well as any additional information they believe appropriate, to determine the public interest in the project, and the form scope of project authorization (if any). As this Final EIS chapter includes public and agency comments received on the DEIS, and responses to each of these comments, these decision makers will have a full characterization of the public interests.

As stated in Chapter 1, “Introduction,” Section 1.2.1, “Project Purpose and,” of the Final EIS, the Project purpose is to improve operational flexibility of the Delta watershed system to meet specified primary and secondary project objectives including increasing survival of anadromous fish populations in the Sacramento River and increasing water supply and water supply reliability for agricultural, M&I, and environmental purposes, to help meet current and future water demands (primary objectives); and to conserve, restore and enhance ecosystem

resources in the Shasta Lake area and the upper Sacramento River, reduce flood damage downstream, develop additional hydropower generation capabilities at Shasta Dam, maintain and increase recreation opportunities at Shasta Lake and maintain or improve water quality conditions downstream (secondary objectives). The DEIS examines the full range of impacts on the human environment of five action alternatives and a no action alternative.

Chapter 14, “Cultural Resources,” identifies impacts from inundation of Traditional Cultural Properties, which include Winnemem Wintu places of traditional, ceremonial, and sacred uses. See “Impact Culture-2” in Section 14.3.4, “Mitigation Measures,” for “CP1,” “CP2,” “CP3,” “CP4,” and “CP5,” are identified as significant and unavoidable, with no feasible mitigation identified.

Please refer to Master Comment Response CR-3, “Current Effects to Cultural Resources.”

33.11.235 Loraine Webb

10/19/13

DEPARTMENT OF THE INTERIOR Mail - Raising Shasta Dam

WEBB



Raising Shasta Dam

Loraine Webb <poet.roseate@gmail.com>
To: BOR-MPR-SLWRI@usbr.gov

Sun, Sep 29, 2013 at 7:59 AM

Dear Board of Reclamation and Katrina Chow - Project Manager..

WEBB-1 Since your own findings evince that the "most economical" raising of Shasta Dam would translate to a statewide water storage capacity that would expand by only 1.5%, and that the creation of 76,000 acre-feet of firm yield would add less than 0.2% of agricultural and urban water use per year in California, California taxpayers are asking WHY?

WEBB-2 This proposed boondoggle Billion-dollar gift to Central Valley water purveyors would further imperil Chinook Salmon's necessity for cold-water breeding streams! I believe you must know this, and expect you to protect the public trust. This is imperative. NOTHING is of greater importance. Please.. do the right thing.

Respectfully,
Loraine Webb
11110 White Oak Way,
Nevada City, CA
95959

Response to Comments from Loraine Webb

WEBB-1: The SLWRI DEIS does not include evaluations related to economic feasibility because it is not required under NEPA. Accordingly, the DEIS does not identify a "most economical" alternative. As described in the Master Comment Response COST/BEN-2, "Comments Related to the SLWRI Feasibility Report," evaluations related to economic feasibility was included in the SLWRI Final Feasibility Report.

Please refer to Master Comment Response COST/BEN-1, "Intent of EIS and Process to Determine Federal Interest," and Master Comment Response COST/BEN-3, "Increased Water Supply Reliability under Action Alternatives."

WEBB-2: Benefits and impacts to Chinook salmon are discussed in EIS Chapter 11, "Fisheries and Aquatic Ecosystems," Section 11.3.3, "Direct and Indirect Effects." As described in the EIS, all action alternatives would generally result in improved flow and water temperature conditions for Chinook salmon in the upper Sacramento River downstream from Shasta Dam. This would benefit anadromous fish survival in the upper Sacramento River.

Please refer to Master Comment Response COST/BEN-1, "Intent of EIS and Process to Determine Federal Interest," and Master Comment Response FISHPASS-1, "Fish Passage Above Shasta Dam."

33.11.236 Carl Weidert

WEID1

Katrina Chow Project Manager
Reclamation Planning Division
2800 Cottage Way
Sacramento, CA 95825-1893

Carl Weidert
7577 Sparky Lohr Ln
Shingletown, CA 96088

Dear Ms. Chow,
Enclosed are my comments on the
Shasta Dam raising EIR.

| BUREAU OF RECLAMATION OFFICIAL FILE COPY RECEIVED | | |
|---|--------|-------------------|
| CODE | ACTION | SURNAME & DATE |
| 700 | ✓ | K. Duncan |
| | | 20 Jul 2013 |
| | | to: K. Chow |
| | | |
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In order to prevent the raising of Shasta Dam a viable alternative to increase water supply for California must be provided. The following alternative would do this.

California canals have approximately 1000 miles of canals with a 20 ft width, which is 100,000 acres (estimate of a water engineer at a water forum in Redding) in the state. All or most held by government agencies. This area and the lateral non canal land could be utilized to generate electricity, thus substantially meet the states clean energy commitments., conserve water by preventing evaporation and provide new money for these agencies.

This can be accomplished by using solar, solar thermal and hydrogen to produce electricity. The canal would be covered with movable covers that are covered with photo voltaic solar cells that would provide day time power and reduce water loss from evaporation. Banks of linear solar thermally heating liquid sodium or some other medium would be stored and run conventional turbines via heat exchangers to extend power production into or through the night. Some electricity could be used to split water into hydrogen and oxygen, which would be burned to either boost the sodium temperature or directly burned to produce steam to drive the turbines.

The colleges and universities of California could be challenged as the Defense Department DARPA does to provide a modular design, business plan and the amount of water saved annually . This would generate multiple designs at low cost. Participating students could receive a year of paid college as an incentive. The state would own the modular designs and business plans and we would know how much water would be saved.

These modules would be sold to private enterprise which would lease canal sections and in five years have built the module-s or loose the lease. Sections that are not leased could have modules placed of them by governments, paid for by bonds or lease money. Lease money could also be used to pay for the Williamson Act agriculture lands which would broaden the support base for any legislation. Money from modular sales could be used for the installation of state modules and/or a grant pool for college grants.

This system would have these advantages: Increased power output because of the cooling of the bottom side of the solar cell, which enhances cash return, design costs are minimized because contest module designs could be used, each project would have lower costs for environmental review as the canals are already industrialized, transmission lines would be available by using lines crossing the canal and needed new lines have a built in power line corridor. This would be a win win for everyone.

Desert federally owned land and private land are being leased for solar energy production. India is covering canals at this time to both produce electricity and save water. This is a viable plan and should be seriously considered by the State and Bureau of Reclamation in all water analysis and environmental documents.

WEID1-1

Response to Comments from Carl Weidert

WEID1-1: Please refer to Master Comment Response ALTD-1, “Alternative Development – Water Supply Reliability,” Master Comment Response P&N-1, “Purpose and Need and Objectives,” and Master Comment Response ALTR-1, “Range of Alternatives – General.”

33.11.237 Carl Weidert

WEID2

To: Ms. Katrina Chow Project Manager
Mail Code MP-720 Bureau of Reclamation
2800 Cottage Way
Sacramento, Ca 95825-1898

7577 Sparky Kolar Lane
Shingletown, California 96088
September 27 2013

Don Reck Chief Environmental & Natural Resources
Bureau of Reclamation
Mail Code NC-300
16349 Shasta Dam Blvd. 530 475-1554
Shasta Lake City Ca 96019

BUREAU OF RECLAMATION
OFFICIAL FILE COPY
RECEIVED
OCT 22 2013

| | | |
|------|---------|-------------|
| CODE | SECTION | SURNAME |
| 750 | | K. Duncan |
| | | 23 Oct 13 |
| | | TO: K. Chow |

Re: Should the Shasta Dam Be Raised?

Dear Ms. Chow and Mr. Reck:

WEID2-1 The worth of the Shasta Dam is great for the people and crops of California. But a complete environmental impact report on the consequences of raising the dam between 6 1/2 and 18 feet must analyze reasonable alternatives for new water for California.

WEID2-2 A reasonable alternative to raising the dam which has never been analyzed follows. Cover all California's canals including the Central Valley Project canals transporting water from San Francisco Bay Delta to Los Angeles, as well as the Glenn-Colusa and Imperial Valley canals with tight-fitting covers. California's intense sunshine now evaporates huge amounts of water into the air.

Water saving by covering California's canals was the subject of Lucas Mertz's thesis for a Master's Degree from Chico State recently. Using a low estimate for water evaporation, Mertz calculated that two (2) million acre feet of water could be saved annually by covering the Central Valley Project (CVP) canals from the Delta to Los Angeles.

The result could be a triple win for California generating (1) new water, (2) new electricity and (3) new money. How?

The State of California could lease space over the CVP canals

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Ms Katrina How,
Mr Don Reck

7577 Speckly Lake Ln
Shingletown Ca 96088
Sept 27, 2013

WEID2-2
CONTD
to private industry. Private industry could mount photo-voltaic cells onto the canal covers, and the state could recover the expenses. The electricity generated could be sold by private industry to "the grid" - PG&E, City of Redding, So Cal Edison etc.

WEID2-3
Another reason the Environmental Impact Report (EIR) is not complete is that our federal government's Bureau of Reclamation has not compared costs between the 3 alternatives: (1) raising the dam, (2) building a pair of tunnels under S.F. Bay Delta to ship less salty water to So. California, and (3) covering California's canals.

WEID2-4
A fourth alternative that should be analyzed is (as Texas does) Mandatory water conservation by consumers as well as big agri-business.

WEID2-5
Raising the Dam would compromise the McCloud River's eligibility as a Wild and Scenic River as over 2 miles of it would be flooded near Shasta Lake. As 1 of the few undammed California Rivers, the McCloud should be preserved in its wild, natural state.

WEID2-6
Raising Shasta Dam is not consistent with the United States' government policy of leaving "aboriginal peoples' sacred lands inviolate."

WEID2-7
The arbitrary nature of federal officials saying who is and is not a tribe is unfair. It is morally wrong to cause to be flooded Puberty Rock the most important and holy religious site of the McCloud River Wintu plus dozens of other sacred sites & burial graves, when less destructive alternatives have not been carefully studied.

WEID2-8
Raising this Dam would adversely affect multiple species of special concern now living in the Sacramento River.

WEID2-9

Carl Weidert

Mary Martha Weidert

Response to Comments from Carl Weidert

WEID2-1: Please refer to Master Comment Response ALTD-1, "Alternative Development – Water Supply Reliability," Master Comment Response P&N-1, "Purpose and Need and Objectives," and Master Comment Response EI-1, "Intent of NEPA Process to Provide Fair and Full Discussion of Significant Environmental Impacts."

WEID2-2: Please refer to Master Comment Response ALTD-1, “Alternative Development – Water Supply Reliability,” Master Comment Response P&N-1, “Purpose and Need and Objectives,” and Master Comment Response EI-1, “Intent of NEPA Process to Provide Fair and Full Discussion of Significant Environmental Impacts.”

WEID2-3: Please refer to Master Comment Response GEN-1, “Comment Included as Part of the Record,” and Master Comment Response COST/BEN-1, “Intent of EIS and Process to Determine Federal Interest.”

WEID2-4: Please refer to Master Comment Response ALTD-1, “Alternative Development – Water Supply Reliability.”

WEID2-5: Please refer to Master Comment Response WASR-1, “Eligibility of the McCloud River as a Federal Wild and Scenic River.”

WEID2-6: Please refer to Master Comment Response CR-1, “Potential Effects to Cultural Resources,” and Master Comment Response CR-2, “Federal Recognition.”

WEID2-7: Please refer to Master Comment Response CR-2, “Federal Recognition.”

WEID2-8: Please refer to Master Comment Response CR-1, “Potential Effects to Cultural Resources.”

WEID2-9: Please refer to Master Comment Response GEN-5, “Some People Support Dam Raise and Others Oppose Dam Raise.”

33.11.238 Carl L. and Mary Martha Weidert

9/30/13

DEPARTMENT OF THE INTERIOR Mail - McCloud River-attach to 9/29/13 email from Weidert to Chow

WEID3



CHOW, KAYCHINA kchowa@usbr.gov

McCloud River-attach to 9/29/13 email from Weidert to Chow

Marti Weidert <martiweidert@frontier.com>
To: kchow@usbr.gov

Sun, Sep 29, 2013 at 8:45 AM

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WEID3-6
CONTD



DSCN0594.jpg
163K

Shasta Lake Water Resources Investigation
Environmental Impact Statement



9/30/13

DEPARTMENT OF THE INTERIOR Mail - Draft Environmental Impact Report on Raising Shasta Dam



Draft Environmental Impact Report on Raising Shasta Dam

Marti Weidert <martiweidert@frontier.com>

Sun, Sep 29, 2013 at 8:48 AM

To: kchow@usbr.gov

Cc: carl weidert <weidert@frontier.com>, donna ramirez <ramdohiker@yahoo.com>, Dianna Thrasher <diannamt@c-zone.net>

Ms. Katrina Chow, Project Manager, Bureau of Reclamation

Dear Ms. Chow:

WEID3-1 The value of Shasta Dam to Californians and agriculture here is great. But a complete environmental impact report on the consequences of raising the dam between 6.5 and 18.5 feet must analyze reasonable alternatives for new water in California.

WEID3-2 A reasonable alternative to raising the dam which has never been analyzed follows:
Cover all California's canals, including those of the Central Valley Project, the Glenn-Colusa and Imperial Valley, with tight-fitting covers. California's intense sunshine evaporates huge amounts of water into the air.

Water saving by covering California's canals was the subject of Lucas Mertz's thesis for a Master's Degree from Chico State recently. Using a low estimate for water evaporation, Mertz calculated that two (2) million acre feet of water could be saved annually by covering the Central Valley Project canals all the way from the San Francisco Bay Delta to the City of Los Angeles.

WEID3-3 The result could be a triple win for California. Such covers can generate new water, (2) new electricity, and (3) new money. How?

The State of California could lease space over the Central Valley Project canals to private industry. Private companies could mount photo-voltaic cells onto the canal covers, and the State could recover the expenses. The electricity generated could be sold by private industry to the grid...e.g. Pacific Gas & Electric, various cities, and San Diego Gas & Electric.

WEID3-4 Another reason the Draft EIR is not complete is that our federal government's Bureau of Reclamation has not compared costs between 3 alternatives: (1) its plan to raise the dam, (2) building twin tunnels under San Francisco Bay's Delta area to transport less-salty water south, and (3) covering California's canals.

WEID3-5 A fourth alternative that should be analyzed for how much water could be harvested is mandatory water conservation by homeowners in towns, cities and countryside as well as agricultural businesses state-wide.

WEID3-6 Has the Bureau considered how raising Shasta Dam would compromise the McCloud River's eligibility as a Wild and Scenic River, since over two miles of the lower McCloud would disappear under Shasta Lake. As one of California's very few wild/scenic rivers still left, the McCloud should be preserved in its wild, natural state. Please see attached photos taken August, 2013.

WEID3-7 Raising Shasta Dam is not consistent with the United States government policy of leaving aboriginal people's sacred lands inviolate. The arbitrary nature of federal officials saying who is and who is not a tribe is unfair. It is morally wrong to cause the submerging of Puberty Rock, the most important religious and holy site of the McCloud River Wintu. Dozens of other sacred native American sites and burial sites must be considered when less destructive alternatives have not been carefully studied.

Shasta Lake Water Resources Investigation
Environmental Impact Statement

9/30/13

DEPARTMENT OF THE INTERIOR Mail - Draft Environmental Impact Report on Raising Shasta Dam

WEID3-8 The adverse affect on multiple species of special concern now living in the Sacramento River will be significant.

Sincerely,

CARL L. WEIDERT

MARY MARTHA WEIDERT

P.S.

WEID3-9 I refer you to archeologist Daniel Lenihan's article on the fate of Hoover Dam entitled "Blowing in the Wind" in **Natural History's** February 2013 issue. He points out water's key to life on the planet, and dam builders have a strong case that snowpack from mountains is a renewable resource and reasonable alternative to fossil fuels. He says "Societies that make massive investments in water impoundments must ignore or sidestep the issue of how to maintain such munificence over time. Dams have a limited useful lifetime. Rivers carry suspended particulates to the ocean..When an energetic river on its way to the ocean runs into still lake water it drops its sediment load. Reservoirs eventually silt in, and whe they do, there is little in the way of practical solutions to the ensuing problems. You can't really fix the old impoundment systems; they can only be cannibalized by newer, bigger dams downstream. River drain systems find new routes to the sea of you clog the old ones..."

"Dams are built with the intent of a 100-year lifetime—just long enough for societies to become completely dependent on them. "Archeologists..profession gives us the perspective of time. We've seen the remains of the water control efforts of the Ancestral Puebloan builders at Mesa Verde and similar engineering attempts at Chaco Canyon. Its hard not to notice that neither place, magnificent as they were, remains inhabited."-Daniel Lenihan

MMW

10/25/13

DEPARTMENT OF THE INTERIOR Mail - Fwd: Wild/Magnificent McCLOUD - attach to email fromWeidert 9/29/13

WEID4



**Fwd: Wild/Magnificent McCLOUD - attach to email fromWeidert
9/29/13**

KATRINA CHOW <kchow@usbr.gov>
To: KATHLEEN DUNCAN <kduncan@usbr.gov>

Wed, Oct 23, 2013 at 1:10 PM

Sent from my iPhone

Begin forwarded message:

From: Marti Weidert <martiweidert@frontier.com>
Date: September 30, 2013, 8:14:22 PM PDT
To: katrina chow <kchow@usbr.gov>
Cc: donna ramirez <ramdohiker@yahoo.com>
Subject: Wild/Magnificent McCLOUD - attach to email fromWeidert 9/29/13



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Shasta Lake Water Resources Investigation
Environmental Impact Statement

10/25/13

DEPARTMENT OF THE INTERIOR Mail - Fwd: Wild/Magnificent McCLOUD - attach to email from Weidert 9/29/13



Shasta College professor observing McCloud River, August 2013



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10/25/13

DEPARTMENT OF THE INTERIOR Mail - Fwd: WildMagnificent McCLOUD - attach to email fromWeidert 9/29/13



World Class fly fishing Wild and Scenic McCloud River-August 2013. photos by m. weidert



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Shasta Lake Water Resources Investigation
Environmental Impact Statement

10/25/13

DEPARTMENT OF THE INTERIOR Mail - Fwd: Wild/Magnificent McCLOUD - attach to email from Weidert 9/29/13



Turbulent, gorged McCloud River racing towards the ocean August 2013



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10/25/13

DEPARTMENT OF THE INTERIOR Mail - Fwd: Wild/Magnificent McCLOUD - attach to email from Weidert 9/29/13



The McCloud flows from springs on Mt. Shasta's south flank with icy waters in August 2013



https://mail.google.com/mail/u/0/?ui=2&ik=20581cb21c&view=nt&as_from=KChow%40usbr.com%2C&as_subset=all&as_within=1w&search=adv&th=141e6f0f1b... 5/6

Shasta Lake Water Resources Investigation
Environmental Impact Statement

10/25/13

DEPARTMENT OF THE INTERIOR Mail - Fwd: Wild/Magnificent McCLOUD - attach to email from Weidert 8/29/13



McCloud River Aug 2013 photos by M. Weidert

https://mail.google.com/mail/u/0/?ui=2&ik=20581cb21c&view=pt&as_from=KChow%40usbr.gov%2C&as_subset=all&as_within=1w&search=adv&th=141e6f00b... 6/6

Response to Comments from Carl L. and Mary Martha Weidert

WEID3-1: Please refer to Master Comment Response ALTR-1, “Range of Alternatives – General,” and Master Comment Response P&N-1, “Purpose and Need and Objectives.”

WEID3-2: Please refer to Master Comment Response ALTR-1, “Range of Alternatives – General,” and Master Comment Response P&N-1, “Purpose and Need and Objectives.”

WEID3-3: Please refer to Master Comment Response ALTD-1, “Alternative Development – Water Supply Reliability,” and Master Comment Response P&N-1, “Purpose and Need and Objectives.”

WEID3-4: Please refer to Master Comment Response COST/BEN-1, “Intent of EIS and Process to Determine Federal Interest.”

WEID3-5: Chapter 2, “Alternatives,” Section 2.3.1, “Management Measures Common to All Action Alternatives,” of the DEIS describes the management measures retained during the alternatives development process that are included, to some degree, in all of the action alternatives. In an effort to reduce demand, all action alternatives include a water conservation program for new water supplies that would be created by the project to augment current water use efficiency practices. The proposed program would consist of a 10-year initial program to which Reclamation would allocate approximately \$1.6 million to \$3.8 million to fund water conservation efforts. Funding would be proportional to additional water supplies delivered and would focus on assisting project beneficiaries (agencies receiving increased water supplies because of the project), with developing new or expanded urban water conservation, agricultural water conservation, and water recycling programs. Program actions would be a combination of technical assistance, grants, and loans to support a variety of water conservation projects, such as recycled wastewater projects, irrigation system retrofits, and urban utilities retrofit and replacement programs. The program could be established as an extension of existing Reclamation programs, or as a new program through teaming with cost-sharing partners. Combinations and types of water use efficiency actions funded would be tailored to meet the needs of identified cost-sharing partners, including consideration of cost-effectiveness at a regional scale for agencies receiving funding. Please refer to Master Comment Response ALTD-1, “Alternative Development – Water Supply Reliability.”

WEID3-6: Please refer to Master Comment Response WASR-1, “Eligibility of the McCloud River as a Federal Wild and Scenic River,” and Master Comment Response WASR-6, “Protections of the Lower McCloud River as Identified in the California Public Resources Code, Section 5093.542.”

WEID3-7: Executive Order 13007, “Indian Sacred Sites,” and the Native American Graves Protection and Repatriation Act apply to federally-recognized tribes. Please refer to Master Comment Response

CR-1, “Potential Effects to Cultural Resources,” and Master Comment Response CR-2, “Federal Recognition.”

WEID3-8: Impacts to special-status species including Fisheries and Wildlife are discussed in Chapter 11, “Fisheries and Aquatic Ecosystems,” and Chapter 13, “Wildlife Resources,” in the EIS.

WEID3-9: Comment noted.

33.11.239 Russell Wells



Proposed Enlargement of the Shasta Dam and Reservoir.

Russell Wells <pelican@sonic.net>
To: BOR-MPR-SLWRI@usbr.gov

Sun, Sep 29, 2013 at 11:45 AM

Ms. Katrina Chow
SLWRI Project Manager
Bureau of Reclamation Planning Division
2800 Cottage Way
Sacramento, CA 95825-1893
Fax: (916) 978-5094
Email: BOR-MPR-SLWRI@usbr.gov

Dear Ms. Chow:

WELL-1

Although you will recognize the following text as a form letter, I want you to know that I have read and agree with it in every detail. That such ecological damage is proposed in order to benefit a few contractors — this sort of thing has got to stop. It is the function of government to safeguard and increase, if possible, the essential resources on which all life depends. Allowing them to be destroyed in exchange for money has to be a total abandonment of responsibility. Please, therefore, be a hero and reject this proposal.

WELL-2

Thank you for soliciting public comments in response to the Bureau's proposed raise and enlargement of the Shasta Dam and Reservoir.

WELL-3

I oppose raising the dam and enlarging the reservoir, primarily because the U.S. Fish and Wildlife Service says that the proposal will have "negligible benefits" for threatened and endangered salmon and steelhead in the Sacramento River.

WELL-4

In addition, enlarging the reservoir will harm thousands of acres of public land managed for outdoor recreation and for wildlife habitat. The enlarged reservoir will drown segments of the

WELL-5

McCloud and upper Sacramento Rivers identified by the U.S. Forest Service as eligible for National Wild & Scenic Rivers. Further, the enlargement will violate state law requiring the protection of the McCloud's free flowing character and extraordinary wild trout values.

WELL-6

I am also concerned that enlarging the reservoir will further modify flows downstream in the Sacramento River, to the detriment of river's riparian and aquatic habitats and the many threatened and endangered fish and wildlife species that depend on these habitats. These

WELL-7

flow modifications will adversely affect a segment of the Sacramento River upstream of Red

Shasta Lake Water Resources Investigation
Environmental Impact Statement

10/24/13

DEPARTMENT OF THE INTERIOR Mail - Proposed Enlargement of the Shasta Dam and Reservoir.

| | |
|-----------------|---|
| WELL-7 contd | <p><i>Bluff identified by the BLM as eligible for Wild & Scenic protection and that has been proposed for National Recreation Area designation in previous sessions of Congress. It will also harm the Sacramento River National Wildlife Refuge and State Wildlife Areas along the river between Red Bluff and Colusa. The dam raise will increase the risk of endangered fish being killed by state and federal water diversions in the Sacramento-San Joaquin Delta.</i></p> |
| WELL-8 | |
| WELL-9 | |
| WELL-10 | <p><i>The expanded reservoir will destroy and degrade habitat for several sensitive, threatened, and endangered plants and animals, including the Shasta salamander. In addition, the dam raise will require the expensive removal or relocation of dozens of bridges, roads, and other structures, and will likely cost taxpayers more than billion dollars. It will also drown the remaining homeland of Winnemen Wintu Tribe, including traditional cultural sites on the McCloud River still in use today.</i></p> |
| WELL-11 | |
| WELL-12 | |
| WELL-13 | <p><i>To truly benefit fish and other wildlife in and along the Sacramento River, the Bureau should adopt a "no-dam raise" alternative that restores salmon spawning and rearing habitat, improves fish passage, increases minimum flows, screens existing water diversions, and modifies the current operation of the reservoir to increase cold water storage for fisheries, as recommended by the U.S. Fish and Wildlife Service. Of course, this would require the Bureau to modify existing water contracts.</i></p> |
| WELL-14 | |
| WELL-15 | |
| | <p><i>The proposed raise and enlargement of Shasta Dam and Reservoir will benefit water contractors more than it does endangered fish, public trust values, or U.S. taxpayers. Please discontinue this unwise project and take steps immediately to better operate the dam to benefit fish and the public lands and sensitive ecosystems along the Sacramento River.</i></p> |

Response to Comments from Russell Wells

WELL-1: Please refer to Master Comment Response GEN-1, "Comment Included as Part of the Record."

WELL-2: Please refer to Master Comment Response DSFISH-5, "Fish and Wildlife Coordination Act Report."

WELL-3: Please refer to Master Comment Response REC-1, "Effects to Recreation at Shasta Lake."

WELL-4: Please refer to Master Comment Response WASR-1, "Eligibility of the McCloud River as a Federal Wild and Scenic River," and Master Comment Response WASR-8, "Effects to the Eligibility of Rivers for Inclusion in the Federal Wild and Scenic River System."

WELL-5: Please refer to Master Comment Response WASR-1, "Eligibility of the McCloud River as a Federal Wild and Scenic River," and Master Comment Response WASR-8, "Effects to the Eligibility of Rivers for Inclusion in the Federal Wild and Scenic River System."

WELL-6: Please refer to Master Comment Response GEN-1, “Comment Included as Part of the Record.”

WELL-7: Please refer to Master Comment Response WASR-8, “Effects to the Eligibility of Rivers for Inclusion in the Federal Wild and Scenic River System.”

WELL-8: Please refer to Master Comment Response GEN-2, “Unsubstantiated Information.”

WELL-9: It is unlikely that any of the regulatory requirements, including those established in the 2008 USFWS BO, 2009 NMFS BO, or by the State Water Board, in the reasonably foreseeable future would be removed. These standards require that specific X2, Delta outflow, Old and Middle Rivers, and entrainment requirements are met so as to protect fish species in the Delta. As a result, there would be minimal cumulative impacts to Delta fish, as identified in Chapter 11, “Fisheries and Aquatic Ecosystems,” Section 11.3.5, “Cumulative Effects.”

WELL-10: Comment noted. Chapter 13, “Wildlife Resources,” in the Final EIS was revised to enhance the discussion of resources, impacts to resources, and mitigation measures for impacted resources.

WELL-11: Please refer to Master Comment Response RBR-2, “Reduced Public Access Around Shasta Lake.”

WELL-12: Please refer to Master Comment Response CR-1, “Potential Effects to Cultural Resources.”

WELL-13: Please refer to Master Comment Response ALTR-1, “Range of Alternatives – General.”

WELL-14: Please refer to Master Comment Response COST/BEN-1, “Intent of EIS and Process to Determine Federal Interest,” and Master Comment Response COST/BEN-4, “Non-monetary Benefits of Action Alternatives.”

WELL-15: Please refer to Master Comment Response ALTR-1, “Range of Alternatives – General.”

33.11.240 Frank Wilkens

7/23/13

DEPARTMENT OF THE INTERIOR Mail - Lake Shasta input



WILK

SLWRI, BOR MPR <sha-mpr-slwri@usbr.gov>

Lake Shasta input

1 message

Frank Wilkens <fswilkens@sbcglobal.net>

Tue, Jul 2, 2013 at 12:03 PM

WILK-1 BOR-MPR-SLWRI@usbr.gov

*I applaud the opportunity to input on the singular prospect of "raising the dam". My input is in the form of a question:
Why isn't lowering the bottom of the lake being considered?*

WILK-2

Raising the dam creates so many spin-off problems with hurting some existing businesses, re-routing highways and railroads, changing bridge configurations, etc.

WILK-3

Dredging the floor of the three river beds would be less disruptive, in my opinion.....and should be less expensive. The silt removed could be used effectively elsewhere.

Shouldn't this idea at least be in the debate?

*Frank Wilkens
Redding, CA*

Response to Comments from Frank Wilkens

WILK-1: Please refer to Master Comment Response ALTD-1, "Alternative Development – Water Supply Reliability."

WILK-2: A response to this comment is not required under NEPA because the comment does not raise a significant environmental issue (NEPA Regulations 40 CFR 1503.4). Many comment authors expressed personal opinions, histories or experiences which are not appropriately addressed as part of the NEPA process. This comment will be included as part of the record and made available to decision makers before a final decision on the proposed project.

WILK-3: Please refer to Master Comment Response ALTD-1, "Alternative Development – Water Supply Reliability."

33.11.241 Peggy Williams

WILL

Rice FARMERS are selling the water + not Raising —

**PUBLIC COMMENT CARD**

Name: Peggy Williams (American Indian) Organization: Wm. Jefferson Clinton Found.
Address: 19745 Lakshon DR Lakehead, CA 96051 atain.
Email: peggywilliams7205@yahoo.com

Written Comment: TERRORISM! to our DAM We want to be
WILL-1 able to drive over the Bridge + Camp at the foot
of the DAM - NO MORE! why? Past terrorism
like 9/11 + OR MAJOR Earth Quakes - SHASTA has them.
WILL-2 DONT Raise this DAM: Tier Water
Storage down thru the St of Calif.
WILL-3 DONT Build this Dam - We will all
end up with crazy radicals flying planes in
it. We will flood to SACRAMENTO (City)

WILL-4 Business in Lakehead go, employees go - NO TOURISTS. \$
Resorts take 24/7 - 365 days a year to operate!
Don't put all your Water (eggs) in ONE BIG Basket. # for work
You will loose + so will ALL CALIFORNIANS Flooded

Tear here →

Response to Comments from Peggy Williams

WILL-1: Comment noted.

WILL-2: Please refer to Master Comment Response ALTD-1, “Alternative Development – Water Supply Reliability.”

WILL-3: Please refer to Master Comment Response GEN-5, “Some People Support Dam Raise and Others Oppose Dam Raise.”

WILL-4: Please refer to Master Comment Response GEN-1, “Comment Included as Part of the Record.”

33.11.242 Jeanette Williams

9/19/13

DEPARTMENT OF THE INTERIOR Mail - the sarred land project

WILLI



the sarred land project

jeanette williams

Wed, Sep 18, 2013 at 10:40

<williamsjeanette106@gmail.com>

AM

To: BOR-MPR-SLWRI@usbr.gov

to whom it may concern

i am writing this email in disgust at the fact that you intend to flood the plane of the american tribe the Winnemem Wintu Tribe no matter how much debate is put into this project you are actually taking away burela sites which will be in fact detremetal to there belifs and customs im am in the uk and have seen this on a socail networking site and i felt the need to write this to you as it compely and unltery wrong and which u are doing this WILLI-1

this is a sacret sote to them which is stil in use by allcounts u woundt just go diging up chriatian churches bural ssite so what makes this any diferwnt ther practices have propbery predated many cenytoies and slo the fact you have stopped the salom spaweing on ther natural ground the dam ios a dam iy doesnt need to improved upon is shoud not have been built int er bloody first place if it aint broke dont bloody fix it WILLI-2

your sincerely

jan shadowolf williams BA (HONS) MA PHD

Response to Comments from Jeanette Williams

WILLI-1: DEIS Chapter 14, “Cultural Resources,” Section 14.2, “Regulatory Framework,” describes the Federal and State laws that protect Native American burials. Please refer to Master Comment Response CR-15, “National Historic Preservation Act Section 106 Consultations,” and Master Comment Response CR-13, “Native American Graves Protection and Repatriation Act Process,” which describe the timing and content of the National Historic Preservation Act process, and the Native American Graves Protection and Repatriation Act.

WILLI-2: Please refer to Master Comment Response DSFISH-6, “Historic Dam Effects on Fisheries.”

33.11.243 Stephan C. Volker on Behalf of Winnemem Wintu Tribe

WINN

Stephan C. Volker
Joshua A.H. Harris (of counsel)
Alexis E. Krieg
Stephanie L. Clarke
Daniel P. Garrett-Steinman
Jamey M.B. Volker
M. Benjamin Eichenberg
Lauren E. Pappone

Law Offices of
Stephan C. Volker
436 – 14th Street, Suite 1300
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Tel: (510) 496-0600 ❖ Fax: (510) 496-1366
svolker@volkerlaw.com

11:45:01

September 26, 2013

Ms. Katrina Chow, Project Manager
Bureau of Reclamation
2800 Cottage Way, MP-720
Sacramento, CA 95825-1893
e mail: kchow@usbr.gov
fax: (916) 978-5094

Re: Comments of Winnemem Wintu Tribe on Shasta Lake Water Resources Investigation Draft Environmental Impact Statement

I. INTRODUCTION

On behalf of the Winnemem Wintu Tribe, we submit the following comments regarding the Shasta Lake Water Resources Investigation Draft Environmental Impact Statement ("DEIS"). We request that the Bureau of Reclamation ("Reclamation") more fully consider the cultural and environmental costs of raising Shasta Dam ("Project") that it evaluate a more comprehensive range of alternative methods for improving anadromous fish survival and increasing water supply reliability in the Central Valley including investigation of potential fishways around Shasta Dam, and that Reclamation more fully involve the Winnemem Wintu Tribe in its decisionmaking process.

WINN-1

WINN-2
WINN-3
WINN-4

The Winnemem Wintu Tribe is an historic non-gaming Native California Tribe. The Winnemem's traditional territory included the east side of the upper Sacramento River watershed, the McCloud River and Squaw Creek watersheds, and approximately 20 miles of the Pit River from the confluence of the McCloud River, Squaw Creek and Pit River up to Big Bend. Salmon, which have been extirpated upstream of Shasta Dam since its completion in 1944, are an essential component of Winnemem Wintu culture, and were once a staple food. Although 90 percent of the Tribe's traditional lands are now submerged under the McCloud Reservoir and Shasta Reservoir, and salmon no longer breed upstream of Shasta Dam, the Tribe has continuously maintained its spiritual, cultural, and traditional connection to its remaining accessible native lands and waters.

WINN-5

WINN-3
CONTD

¹ These potential fishways include, for example, utilizing Cow Creek, Little Cow Creek and Dry Creek coupled with a 2500-foot tunnel to Shasta Reservoir at Jones Valley Marina.

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September 26, 2013
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- WINN-6 For the Winnemem Wintu, the proposed raising of Shasta Dam does not pose merely a water allocation issue between farmers in the Central Valley and commercial and sports fishermen. Nor is it simply a power struggle between private development and public agencies charged with protecting public trust resources including fish, wildlife and recreation. Instead, the raising of Shasta Dam is a threat to the very existence of the Winnemem Wintu people and the way of life that the creator gave to the Tribe. It is about the ongoing destruction of what was once a diverse, balanced and productive natural world, blessed with abundant salmon, clean water and healthy forests, meadows, wetlands and riparian areas. The raising of Shasta Dam would be the end of the world as the Winnemem know it.
- WINN-7 The Draft Environmental Impact Statement ("DEIS") is based upon and, unfortunately, exacerbates, the Draft Feasibility Report's ("DFR's") inadequate analysis of cultural impacts. Consequently, it fails to fully and fairly address this Project's profound and irreparable impacts on the Winnemem. The DEIS ignores the Winnemem's long-standing but never resolved claims to ownership of the lands that would be flooded. It overlooks their vital, historic cultural ties to the salmon runs that Shasta Dam destroyed. It ignores the Winnemem's dependence on a healthy, balanced and sustainable ecosystem.
- WINN-8 The DEIS' treatment of environmental impacts likewise gives short shrift to sound science. It overlooks fundamental principles of hydrology and biology that pose compelling reasons why Reclamation's proposal to raise Shasta Dam should be rejected. First, it ignores the fact that raising the dam's height makes construction of a viable fishway for salmon *less, not more, feasible.* Second, it overlooks the fact that raising the dam's height would destroy more spawning habitat by inundating rivers that flow into the reservoir. Third, it ignores the fact that raising the dam's height would increase the reservoir's surface area, exposing more water to evaporation, and thus *increase* rather than decrease net water loss.
- WINN-9
- WINN-10
- WINN-11 Because the DEIS fails to adequately discuss how raising the dam's height would destroy the Winnemem people's natural and cultural heritage, and harm water quality, water quantity, fish and wildlife habitat, and public recreational use of Shasta Reservoir, and because it ignores the alternative of restoring historic salmon runs above the reservoir through construction of a fishway around Shasta Dam, it should be withdrawn and its profound errors and omissions rectified.

II. HISTORICAL BACKGROUND

- WINN-12 In 1851, the federal government and representatives from the Winnemem and other Wintu bands signed the Treaty at Cottonwood Creek, ceding vast tribal lands to the federal government in exchange for reservation land, food, and clothing. Though this treaty was never ratified by the United States Congress, the federal government nonetheless deemed the land ceded, and began giving land, mineral, and resource rights to private parties in the Winnemem's historical homeland with no compensation to the Winnemem. Eventually, some of the Winnemem Wintu received Indian allotments which allowed them to remain on the McCloud

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Page 3

WINN-12

↑
River and other traditional sites. However, the majority of habitable allotments were flooded when Reclamation constructed Shasta Dam.

WINN-12
CONTD.

In 1941, Congress passed 55 Stat. 612, which gave the United States the right to take title to all tribal lands needed for the Central Valley Project and related infrastructure. The Act also promised that the Indians would be paid "just and equitable compensation" for the land taken, and that the sites of any "relocated cemeteries shall be held in trust by the United States for the appropriate tribe, or family." 55 Stat. 612 §§ 2, 4.

The Winnemem Wintu people were never provided "just and equitable compensation" for the United States government's massive appropriation of land for Shasta Reservoir. Even the Winnemem Wintu's sacred gravesites were violated. Reclamation moved approximately 183 Winnemem Wintu graves from Shasta Dam's impact area to a new site, styled the "Shasta Reservoir Indian Cemetery," and violated 55 Stat. 612 by failing to hold this site in trust for the Winnemem Wintu. Since the Winnemem Wintu were never compensated for their land allotments that were taken by the government and flooded by Shasta Dam, the Winnemem are still the rightful owners of that land. Reclamation cannot proceed with any plans that would enlarge Shasta Reservoir without first settling the Winnemem Wintu's claims to ownership of the land already flooded.

WINN-13

Due in large part to Reclamation's repeated violation of 55 Stat. 612, the Department of the Interior failed to include the Winnemem Wintu when the Department published the first list of "federally recognized" tribes. In 2008, the California Legislature passed Assembly Joint Resolution 39, which urges Congress to restore federal recognition to the Winnemem Wintu, but Congress has failed to act on this request. Reclamation has failed to accord the Winnemem Wintu full participation in Reclamation's decisionmaking process, despite the fact that its proposal to raise Shasta Dam will have a disproportionate, and profoundly adverse, effect on the Winnemem Wintu.

WINN-14

The federal government's repeated uncompensated takings of Winnemem Wintu lands and destruction of their primary staple – the McCloud River's salmon – has incalculably harmed the Tribe.

III. ENVIRONMENTAL JUSTICE ISSUES

WINN-15

↓
The DEIS acknowledges that the Winnemem Wintu "live within the Shasta Lake area, where they continue to actively practice many aspects of their traditional culture," DEIS 14-9, and that the Winnemem "have strong traditional and contemporary connections with the land, and their ongoing use of many archaeological and religious sites is *fundamental to the well-being of their culture*, particularly the education of their youth." DEIS 14-11 (emphasis added). Raising Shasta Dam would cause significant and unmitigable impacts to the Winnemem Wintu's cultural resources. DEIS 14-20 through 14-31.

Shasta Lake Water Resources Investigation
Environmental Impact Statement

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Near the McCloud Bridge Campground, for example, a network of important cultural sites would be lost with a 20.5 foot increase in water elevation.² These include the ceremonial grounds, Balas Son (Puberty Rock) and Ilawi Son (Children's Rock) that are already inundated much of the year. See Figures 1-3. Near these spots, the Woman's Blessing Place would also be inundated. See Figure 4. Suckerfish Pool, located north of the McCloud Bridge, would also be flooded. See Figure 5.

WINN-15
CONTD



Figure 1: As seen from the McCloud River Bridge, 9-19-2013

² The proposed 18.5-foot increase in the dam height would result in a 20.5-foot increase in the maximum water level, due to a 2-foot reduction in the freeboard height.

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WINN-15
CONTD



Figure 2: Children's Rock with the McCloud River Arm of Shasta Reservoir behind it, 9-19-2013



Figure 3: Puberty Rock emerging from the McCloud River arm of Shasta Reservoir, 9-19-2013

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WINN-15
CONTD



Figure 4: Woman's Blessing Place, 9-19-2013



Figure 5: Suckerfish Pool, 9-19-2013

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- WINN-15
CONTD
- ↑ The Winnemem Wintu *must* have continued access to their traditional communal sites for cultural and spiritual practices because their culture is inextricably tied to the land; sites cannot simply be relocated or replaced.³ Indeed, the DEIS recognizes that adverse impacts to many culturally important places “cannot be mitigated” because their significance is “inextricably tied to physical location,” rendering relocation infeasible. DEIS 14-23, 14-25, 14-26, 14-28, 14-30.
- WINN-16
- The DEIS mentions potential impacts to cultural resources, but Reclamation does not actually place much importance on protecting the Winnemem Wintu culture. This is clear from the primary and secondary “planning objectives,” which address such diverse issues as anadromous fish populations, water supply, ecosystem resources, flooding, hydropower, recreation, and water quality, *but make no mention of cultural resources*. DEIS ES-6. This contemplated sacrifice of the Winnemem’s culture for the benefits claimed for others is shocking in its disdain for the Winnemem community. The Winnemem have a human right to sustainable traditional food sources and a right to practice their culture in their traditional territory.
- WINN-17
- Reclamation must rectify its failure to address the potential destruction of most of the Winnemem Wintu’s remaining cultural sites. As a first step, Reclamation must address what would be lost, and alternatives and mitigations that would prevent such losses, in its DEIS.
- A. The DEIS Impermissibly Defers Compliance with National Historic Preservation Act Section 106**
- WINN-18
- Section 106 of the National Historic Preservation Act (“NHPA”) (16 U.S.C. § 470 et seq.) requires Reclamation to consider whether the alternatives addressed in the DEIS will affect properties of religious and cultural significance to the Winnemem Wintu Tribe, and to consult with the Tribe and the State Historic Preservation Officer to attempt to minimize the adverse effects of its undertaking. 16 U.S.C. § 470(f).
- Reclamation took the important step of inviting the Winnemem Wintu to participate in the Section 106 process “as an invited consulting party.” DEIS ES-34. In addition, Reclamation acknowledges not only the legal but also the practical necessity of such consultation when it notes that “it is important to acknowledge the special expertise of Indian tribes when assessing the eligibility of properties to which they attach ceremonial and cultural significance.” DEIS 14-13. However, such acknowledgement and a formal invitation mean little unless they are accompanied by action.
- WINN-19
- Reclamation continues to drag its feet. For example, the DEIS states that a “detailed discussion of cultural resources” is contained in two Technical Reports: *Cultural Resources Alternatives Assessment for the Shasta Lake Water Resources Investigation*, and *Native American Tribal Coordination, Shasta Lake Water Resources Investigation*. DEIS 14-1. However, both of these reports were published in 2008, based on just three meetings with the
- WINN-15
CONTD
- ³ Declaration of Indigenous Rights art. 25 recognizes the right of indigenous peoples “to maintain and strengthen their distinctive spiritual relationship” with their traditional territories.

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Environmental Impact Statement

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| | |
|------------------|---|
| WINN-19 CONTD | Winnemem Wintu in 2007 and 2008. DEIS 14-18. Neither contains vital current information such as that which the Winnemem provided Reclamation during a meeting on October 8, 2012. |
| WINN-20 | <p>Reclamation's belated consultation with the Winnemem Wintu remains incomplete, and the DEIS' analysis of impacts on cultural resources is therefore necessarily deficient. It is unclear why Reclamation would assert that "Native American groups are unwilling to provide sufficiently detailed information" so that the agency can "identify and formally document Traditional Cultural Properties." DEIS 14-18. The Winnemem Wintu have repeatedly expressed interest in being part of the decision making process, and have taken representatives from Reclamation to see many sacred sites. Additional consultation, a completed Memorandum of Agreement, and updated versions of the 2008 Technical Reports are needed to comply with Section 106, 36 C.F.R. § 800.6, and NEPA, to ensure protection of the Winnemem's cultural resources. See DEIS Plan Formulation Appendix 5-21.</p> |
| WINN-21 | <p>Reclamation will not be able to "take into account the effects of [its] undertaking(s)" (36 C.F.R. § 800.1(a)) on the Tribe's Traditional Cultural Properties ("TCPs") until it <i>completes</i> the consultation process. Reclamation's failure to adequately identify and minimize potential adverse impacts to the Tribe's TCPs violates both the spirit and the letter of the NHPA.</p> <p>Despite performing an initial consultation with the Tribe, Reclamation has not followed through on its commitments, and has ignored its duty to perform consultation and analysis <i>early</i> in the planning process. 36 C.F.R. § 800.2(c)(2)(ii); 36 C.F.R. § 800.3(b). Instead, it states that:</p> <p>[A]gencies may conduct nondestructive planning activities <i>without</i> completing Section 106, provided that the actions do not prohibit subsequent consideration of alternatives to avoid, minimize, or mitigate the undertaking's adverse effects on historic properties. This [DEIS] is in support of a feasibility study. . . . Reclamation will not have a specific undertaking until such time as Congress makes a decision regarding whether to authorize a project that would involve raising the dam and appropriates funding for this purpose.</p> <p>DEIS 14-13 through 14-15 (internal citation omitted; emphasis added).</p> <p>In other words, Reclamation intends to choose an alternative now, receive a commitment of resources from Congress, and <i>then</i> attend to its NHPA duties later, <i>after</i> Congress has already funded Reclamation's proposal. This is impermissible. It trivializes section 106 consultation, <u>rendering it a meaningless afterthought.</u> It violates both the NHPA and NEPA. Reclamation has a duty to perform its section 106 compliance <i>concurrently with its NEPA review.</i> 36 C.F.R. § 800.3(b). The law could not be more explicit on this point: "The agency official must complete the section 106 process <i>prior to</i> the approval of the expenditure of any Federal funds on the undertaking or prior to the issuance of any license." . . . The agency official shall ensure that the section 106 process is initiated early in the undertaking's planning, <i>so that a broad range of alternatives may be considered during the planning process</i> for the undertaking." 36 C.F.R. §</p> |
| WINN-22 | |

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WINN-22
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800.1(c), quoting 16 U.S.C. 470f, emphasis added. Congress cannot make an informed decision on *whether* to “authorize a project that would involve raising the dam” unless the Project’s impact statements first provide an analysis of its impact on cultural resources. Such an analysis is impossible without more input from the Winnemem, as would be provided during the Section 106 process.

Reclamation may not delay consultation in such a way that it would preclude “subsequent consideration of alternatives to avoid, minimize or mitigate the undertaking’s adverse effects on historic properties.” 36 C.F.R. § 800.1(c). Instead, Reclamation must complete the section 106 process *prior to* recommending a final alternative in the FEIS and presenting the ROD to Congress for its consideration and approval.

B. Reclamation Must Comply With the 1941 Indian Lands Acquisition Act

WINN-23

As discussed above, in 1941 Congress passed an “Act for the acquisition of Indian lands for the Central Valley project, and for other purposes.” This Act gave the United States right and title to all tribal land “within the area embraced by the Central Valley project,” and mandated that the “appropriate tribe” be paid “just and equitable” compensation for the lands taken. 55 Stat. 612 § 2. The Act also allowed the government to relocate Indian cemeteries, and required that the new sites be “held in trust by the United States for the appropriate tribe, or family.” 55 Stat. 612 § 4. Reclamation continues to fail to comply with the 1941 Act. Raising the Shasta Dam would only exacerbate the existing injustices by taking more land from the Winnemem Wintu when the tribe still has not been compensated for the lands flooded by the original dam.

WINN-24

First, the Winnemem Wintu were never compensated for the United States government’s massive appropriation of their land for Shasta Reservoir. Ninety percent of the Winnemem’s traditional territory, and the majority of the habitable allotments that they were given after the Treaty at Cottonwood Creek, are now submerged beneath the Shasta and McCloud Reservoirs. Since the Winnemem Wintu were never compensated for their land allotments that were taken by the government and flooded by Shasta Dam, the Winnemem are still the rightful owners of that land. Reclamation cannot proceed with any plans that would enlarge the Shasta Reservoir without first settling the ownership of the land already flooded.

WINN-25

Second, Reclamation moved approximately 183 Winnemem Wintu graves from Shasta Dam’s impact area to a new site, styled the “Shasta Reservoir Indian Cemetery,” and violated 55 Stat. 612 by failing to hold this site in trust for the Winnemem Wintu. Today, a number of different tribes use the cemetery for burials, and Reclamation insists that “burial is not based on tribal affiliation nor is the cemetery dedicated to a specific tribe.” Personal communication from Pete Lucero to Marc Dadigan. However, the 1941 Act is quite clear – and Reclamation admits – that the 1941 Act “requires the cemetery [] to be held in trust *for the appropriate tribe or family.*” *Id.* (emphasis added). Therefore, burial *should* be based on tribal affiliation, and the cemetery *should* be dedicated to the Winnemem Wintu. Since the 183 graves that Reclamation moved were Winnemem Wintu graves, the Winnemem Wintu is the “appropriate tribe” for which the cemetery must be held in trust.

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WINN-26

When recently asked whether Reclamation had investigated finding replacement lands to compensate the Winnemem Wintu as required by the 1941 Act, Reclamation's representative deflected the question, claiming that the "key person on this question is not available." Personal communication from Pete Lucero to Marc Dadigan, September 2013. No one has since provided any follow up information on this issue. With respect to the 1941 Act itself, Mr. Lucero simply stated that Reclamation's "position is that [the 1941 Act] is federal law and we comply." *Id.* Reclamation is correct that the 1941 Act is federal law, but the claim that the agency has complied with this law is refuted by the record. Reclamation must address its continuing violation of the 1941 Act before appropriating still more of the Winnemem Wintu's remaining territory.

C. The DEIS Fails to Adequately Address Executive Order 12898

WINN-27

Executive Order 12898 (February 11, 1994) requires that federal agencies "make achieving environmental justice part of [their] mission[s] by identifying and addressing, as appropriate, disproportionately high and adverse human health or environmental effects of [their] programs, policies, and activities on minority populations." In addition, it directs that "[e]ach Federal agency shall conduct its programs, policies, and activities that substantially affect human health or the environment" such that they "do not have the effect of excluding persons (including populations) from participation in, denying persons (including populations) the benefits of, or subjecting persons (including populations) to discrimination under, such programs, policies, and activities, because of their race, color, or national origin."

Reclamation must adhere to Executive Order 12898 as part of its NEPA analysis. 40 C.F.R. section 1502.25(a) directs agencies to "prepare draft environmental impact statements concurrently with and *integrated with* . . . other environmental review laws and executive orders." (Emphasis added.) See also *NEPA Law and Litigation*, 2nd ed., Thompson Reuters/West 2012, 2-109 ("[a]gencies are to incorporate the principles and approaches suggested in the [EPA's Guidance to implement NEPA in accordance with EO 12898] into new or revised regulations, policies, and guidances").

WINN-28

Raising the height of Shasta Dam would permanently inundate sites of cultural and spiritual significance to the Winnemem Wintu, and would therefore have a disproportionate adverse impact on the Tribe. According to the Stanford University Center for Comparative Studies in Race and Ethnicity, raising the dam by 18.5 feet, as proposed in Comprehensive Plan 4 ("CP4"),⁴ would inundate 26 *Winnemem Wintu ethnic sites*. Additionally, at least seven ethnic sites of the Winnemem Wintu would be indirectly affected by CP4, since they are only used in

⁴ The DFR and the DEIS Engineering Summary Appendix identifies Comprehensive Plan 4 ("CP4") as providing the greatest net economic benefits. DFR ES-23; DEIS Engineering Summary Appendix 5-1, 6-1. If implemented, CP4 will raise the height of the dam by 18.5 feet and the maximum elevation of the lake by 20.5 feet, and has the potential to increase water storage by 634,000 acre feet. DFR ES-18; DEIS 2-16.

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↑ conjunction with sacred sites that would be inundated. It is also possible that nine other ethnic sites would be destroyed due to staging, construction and campground relocation.⁵

The proposal to raise Shasta Dam would harm non-tribal use of the area as well. For example, the Dekkas Rock Forest Service campground, which currently provides parking, campfire rings, barbeques, and can accommodate up to 60 people at a time, would be submerged under the expanded reservoir. In light of the fact that the Shasta Dam raise is being touted for increasing recreation opportunities (DEIS 2-37, 2-38, 2-43, 2-47, 2-62), such facilities would likely have to be relocated. However, the DEIS does not disclose their possible new locations. This lack of information is troubling to the Winnemem Wintu, whose remaining cultural sites may be proposed for relocation of the flooded recreation sites. The Winnemem Wintu use the next flat area directly up the hill from Dekkas Rock as an important sacred campground and doctoring site. Reclamation has failed to address the likelihood that the Forest Service will simply move the public campground onto this sacred site. Additionally, the increased pool elevation will expose important cultural sites, such as Eagle Rock and Guardian Rock, to vastly increased risks of vandalism and litter. See Figures 6-7.

WINN-29



Figure 6: Guardian Rock, 9-19-2013

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⁵ Based upon the maps included in the DFR, 16 additional cultural sites, including Samwell Cave and Guardian Rock (see Figure 6), appear to lie within the flood-zone.
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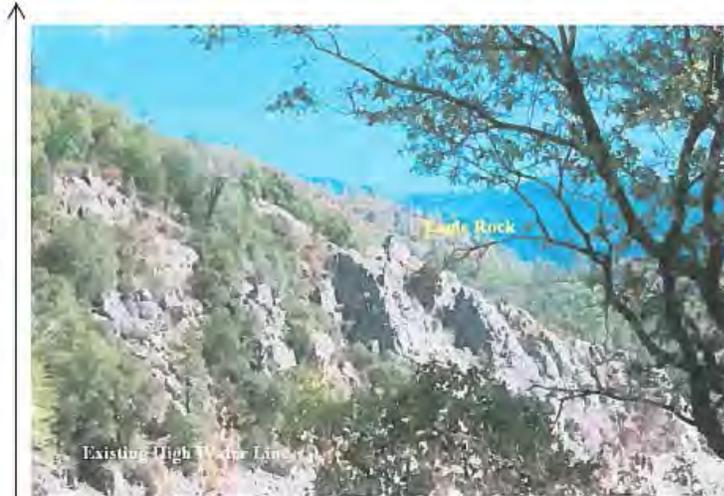


Figure 7: Eagle Rock, 9-19-2013

WINN-30

Raising Shasta Dam would irreparably harm the Winnemem Wintu people while bestowing immense wealth on Westlands Water District; the Winnemem would bear all the burdens of the Project but not share in any of the benefits. This is antithetical to the concept of environmental justice, and to the intent and letter of EO 12898. Reclamation's complete disregard for the environmental justice implications of its actions is yet another instance of its unlawful conduct.

WINN-31

The DEIS also fails to adequately address the requirements of the Native American Graves Protection and Repatriation Act ("NAGPRA") and the Archaeological Resources Protection Act of 1979 ("ARPA"). These statutes provide special protections for Native American graves, cultural or sacred items, and other archaeological resources on public lands. In particular, NAGPRA specifies the ownership and control of any cultural items discovered on federal or tribal lands. 25 U.S.C. 3002(a). ARPA establishes a permitting process for any excavation of archaeological resources, prohibits any other excavation, removal, or damage of such resources, and establishes penalties for violation of the Act. 16 U.S.C. 470cc, 470ee, 470ff. While Reclamation describes each statute in a short paragraph, it fails to discuss the implications of the statutes for the Project or how it will comply with either statute's requirements. DEIS 14-12. Reclamation must fully discuss and address, and demonstrate its compliance with, these statutes when considering any potential project around Shasta Reservoir.

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D. Health Must be Considered as an Environmental Justice Issue

WINN-32

Native American communities, including the Winnemem Wintu, have disproportionately high rates of obesity, type 2 diabetes, and cardiovascular disease. Studies cite the loss of traditional cultural practices and food sources as a contributing cause of these health issues. For the last 70 years, the Winnemem have lacked access to salmon due to construction of Shasta Dam and extirpation of the historic salmon runs above the dam. Salmon was a traditional staple food for the Winnemem, with both spiritual and practical significance. Restoring breeding populations of salmon to the McCloud River and other tributaries of the Shasta Reservoir is essential to recovery of the Winnemem's historic utilization of this key source of physical and spiritual nourishment, and a vital step toward improving the Tribe's health.] As discussed further below, Reclamation fails to consider any alternative – such as the Cow Creek/Little Cow Creek/Dry Creek fishway – that would restore salmon runs to the McCloud River.

WINN-33

E. United Nations Declaration on the Rights of Indigenous Peoples

WINN-34

The United Nations Declaration on the Rights of Indigenous Peoples (“Declaration of Indigenous Rights”) affirms that indigenous communities have the right to participate in the development or use of their traditional territories and resources.⁶ Although the Declaration of Indigenous Rights is not binding on Reclamation, since it was nearly unanimously endorsed, it represents broad international agreement on the principles of according cultural rights and privileges to indigenous people. It mandates that Reclamation and other government agencies cooperate in good faith with the Winnemem Wintu and other First Peoples. Since the original construction of Shasta Dam, when Reclamation took Winnemem lands without compensation and in violation of 55 Stat. 612, Reclamation has failed to comply with this mandate. The Declaration of Indigenous Rights further states that all indigenous peoples have a right to self-determination (art. 3), a right to their lands and natural resources (art. 26), a right to the conservation and protection of their environment (art. 29), and the right to maintain, develop, and participate in decisions regarding development on their lands (arts. 20, 23). It also mandates that countries obtain the “free and informed consent” of indigenous communities prior to approving any project that will affect that community’s territory or resources. Declaration of Indigenous Rights, art. 32. The Winnemem Wintu Tribe strongly encourages Reclamation to consider these factors in its decisionmaking process.

⁶ See generally U.N. Declaration on the Rights of Indigenous Peoples, G.A. Res. 61/295, art. 3. U.N. GAOR, 61st Sess., 107th plen. mtg., U.N. Doc. A/RES/61/295 (Sept. 13, 2007). Although the United States voted no, all but four of the U.N. member states voted in 2007 to support the Declaration of Indigenous Rights. In 2010, the State Department belatedly announced “support” for the Declaration of Indigenous Rights, but that support was qualified, as the United States proposed a different definition of “free, prior informed consent” than that laid out in the Declaration. See Announcement of U.S. Support for the United Nations Declaration of the Rights of Indigenous Peoples, available at <http://www.state.gov/documents/organization/153223.pdf>.

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IV. THE DEIS VIOLATES NEPA

WINN-35

NEPA requires that an EIS take a “hard look” at the environmental impacts of proposed major federal actions and provide a “full and fair discussion” of those impacts. 40 C.F.R. § 1502.1; *see also National Parks & Conservation Ass’n v. Babbitt*, 241 F.3d 722, 733 (9th Cir. 2001). The EIS must “rigorously explore and objectively evaluate all reasonable alternatives,” and “[d]evote substantial treatment to each alternative considered in detail including the proposed action so that reviewers may evaluate their comparative merits.” 42 U.S.C. § 4332(2)(C)(iii); 40 C.F.R. § 1502.14. Here, however, as explained below, the DEIS defines the Project’s purpose and objectives too narrowly, fails to discuss a reasonable range of alternatives, and its analysis of many environmental impacts is absent or inadequate. Therefore, the DEIS violates NEPA.

A. The DEIS Defines the Project’s Purpose and Objectives Too Narrowly

WINN-36

An EIS must “specify the underlying purpose and need to which the agency is responding in proposing the alternatives including the proposed action.” 40 C.F.R. §1502.13. The purpose and need statement necessarily informs the range of alternatives considered “because when ‘the purpose is to accomplish one thing, it makes no sense to consider the alternative ways by which another thing might be achieved.’” *National Parks & Conservation Ass’n v. Bureau of Land Management*, 606 F.3d 1058, 1071 (9th Cir. 2009) (“*NPCA v. BLM*”) (quoting *City of Angoon v. Hodel*, 803 F.2d 1016, 1021 (9th Cir. 1986)). It is thus axiomatic that “[a]n agency may not define the objectives of its action in terms so unreasonably narrow that only one alternative among the environmentally benign ones in the agency’s power would accomplish the goals of the agency’s action, and the EIS would become a foreordained formality.” *NPCA v. BLM*, 606 F.3d at 1070, quoting *Friends of Southeast’s Future v. Morrison*, 153 F.3d 1059, 1066 (9th Cir. 1998).

Here, instead of framing the goal of the Project in terms of increasing anadromous fish survival and improving water supply and reliability, Reclamation preempts the NEPA-mandated consideration of alternatives by engrafting the raising of Shasta Dam onto the Project’s purpose and objectives. The “project purpose” is to “improve operational flexibility of the Delta Watershed system *through modifying the existing Shasta Dam and Reservoir*.” DEIS ES-5, emphasis added. The “primary project objectives”⁷ are “increas[ing] the survival of anadromous fish populations in the Sacramento River” and “increas[ing] water supply and water supply reliability . . . with a focus on enlarging Shasta Dam and Reservoir.” DEIS ES-6, 1-5, 2-5, emphasis added. The DEIS reveals that Reclamation has assumed all along that it would raise Shasta Dam. Rather than studying whether raising the dam was the best way to address anadromous fish decline and water supply reliability, Reclamation decided to raise the dam, and then conducted a study only to determine *how much to raise it*. This framing of the Project’s

⁷ The DEIS uses the terms “project objectives” and “planning objectives” interchangeably. DEIS ES-5.

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purpose and objectives ensures that only alternatives that include Reclamation's favored plan—raising the dam—will be retained.

As discussed further below, Reclamation's selective framing of the Project objectives resulted in an unduly narrow set of action alternatives *all* of which include raising Shasta Dam. Only one alternative—the required no-action alternative—would not involve raising the dam, and it is not given serious analysis or consideration.

B. The DEIS Fails to Analyze a Reasonable Range of Alternatives

NEPA requires that an EIS “[r]igorously explore and objectively evaluate all reasonable alternatives” so that “reviewers may evaluate their comparative merits.” 42 U.S.C. § 4332(2)(C)(iii); 40 C.F.R. § 1502.14. Furthermore, “[a]n agency may not define the objectives of its action in terms so unreasonably narrow that the only one alternative among the environmentally benign ones in the agency's power would accomplish the goals of the agency's action, and the EIS would become a foreordained formality.” *NPCA v. BLM*, 606 F.3d at 1070. “The [EIS] need not consider an infinite range of alternatives, only reasonable or feasible ones.” *Carmel-By-The-Sea v. U.S. Dep't of Transp.*, 123 F.3d 1142, 1155 (9th Cir. 1977). However, “the existence of a viable but unexamined alternative renders an environmental impact statement inadequate.” *Friends of Yosemite Valley v. Kempthorne*, 520 F.3d 1024, 1038 (9th Cir. 2008).

WINN-37

The Fish and Wildlife Service agrees that Reclamation should have considered non-raise alternatives, and compared them to raise alternatives. Fish and Wildlife Coordination Act Report (“FWCA Report”) App. C at 23. Agencies have an obligation “to consider every possible alternative to a proposed action.” *Seattle Audubon Society v. Moseley*, 80 F.3d 1401, 1404 (9th Cir. 1996); see *Muckleshoot Indian Tribe v. U.S. Forest Service*, 177 F.3d 800, 813 (9th Cir. 1999). Agencies must also explain their rejection of alternatives, 40 C.F.R. § 1502.14(a); those explanations cannot be arbitrary. See *Ilio 'Ulaokalani Coalition v. Rumsfeld*, 464 F.3d 1083, 1099-1101 (9th Cir. 2006) (invalid explanation for rejection of alternatives rendered EIS invalid); *Bob Marshall Alliance v. Hodel*, 852 F.2d 1223, 1228 (9th Cir. 1988) (“[i]nformed and meaningful consideration of alternatives—including the no action alternative—is thus an integral part of the statutory scheme”).

But instead of evaluating non-raise alternatives, Reclamation only considered alternatives that would raise the dam. Indeed, five of the six alternatives differ only in *how* high they would raise the dam. The only non-raise alternative—the required no-action alternative—is not given serious consideration. This violates NEPA. See *City of Tenakee Springs v. Clough*, 915 F.2d 1308, 1312 (9th Cir. 1990) (no-action alternative must receive discussion and evaluation). Reclamation devotes lengthy discussion to its five dam-raise alternatives, including detailed cost-benefit analyses and project descriptions, but fails to include any comparable discussion of the no-action alternative. DEIS 5-4, 5-9, 5-12, 5-13, 5-28 through 5-30, 5-40. In addition, Reclamation fails to include the no-action alternative alongside the comprehensive plan comparisons of the five dam-raise alternatives in the Plan Formulation, betraying its

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| WINN-37 CONTD. | ↑ impermissible premise that the no-action alternative is separate from and not a viable alternative to the five dam-raise alternatives. |
| WINN-38 | Moreover, Reclamation cursorily rejects – without providing adequate reasoning or explanation – 36 feasible management measures that do not involve raising the dam. DEIS 2-3 through 2-5; 2-8 through 2-11; 2-29 through 2-31.] First, Reclamation rejects five no-raise alternatives because they are “not as efficient as increasing storage” or considered “not an alternative to new storage.” DEIS 2-29 through 2-45. Reclamation fails to provide any justification or cite to any data upon which it relied, leaving the public no basis upon which to evaluate its decision. Reclamation’s statement that <i>not raising a dam</i> is not a good alternative to <i>raising a dam</i> ends its inquiry before it begins, violating NEPA’s requirement that the agency consider a range of alternatives – “the heart of the environmental impact statement.” 40 C.F.R. § 1502.14. |
| WINN-39 | |
| WINN-40 | Second, Reclamation rejects eight management measures for being too costly. DEIS 2-3 through 2-5, 2-14, 2-16, 2-29 through 2-31, 2-33 through 2-45. However, the DEIS fails to provide any evidence showing that the costs of implementing these options would render them economically infeasible. This omission violates NEPA. <i>Southwest Alaska Conservation Council v. Federal Highway Administration</i> , 649 F.3d 1050, 1059 (9th Cir. 2010) (agency must provide “reasoned support” for rejection of alternative); <i>cf. Valley Citizens for a Safe Environment v. Aldridge</i> , 886 F.2d 458, 461-62 (1st Cir. 1989) (upholding rejection of alternatives on cost and other grounds because EIS contained specific cost estimates and a comparison of costs between alternatives). |
| WINN-41 | Third, Reclamation rejects seven measures that address improving anadromous fish populations because the options “would not directly contribute to improved ecological conditions along mainstream Sacramento River” and are “independent of hydraulic/hydrologic conditions in the upper Sacramento River.” DEIS 2-3 through 2-5, 2-8 through 2-14. Reclamation seems to assume that fish can survive – and must remain – in fragmented, non-integrated ecosystems, and can only benefit from improvements in their immediate area. This is incorrect. Fish and wildlife do not inhabit only those areas that Reclamation has deemed important enough to protect and restore. Rather, fish require complex, integrated ecosystems with a variety of habitat types for their various life stages, and cannot survive if their habitat is hopelessly fragmented. The Fish and Wildlife Service points out this flaw in Reclamation’s analysis when it calls for Reclamation to expand the scope of its NEPA review to include “lower reaches of the tributaries to the Sacramento River between Keswick Dam and RBDD” due to this area’s “importance for providing rearing habitat for salmonids.” FWCA Report at ii, 11. Reclamation’s decisions on management measures reveal a myopic focus on raising Shasta Dam, at the expense of restoring and protecting anadromous fish and their habitat. This is directly contrary to Congress’ direction. Failing to consider viable but unexamined alternatives violates NEPA. <i>Friends of Yosemite Valley</i> , 520 F.3d at 1038. |
| WINN-42 | ↓ Reclamation also dismissed management measures that were specifically identified by the National Marine Fisheries Service (“NMFS”) to be beneficial, and in some cases crucial, to |

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restoring and maintaining anadromous fish populations. For example, NMFS's analysis under the Endangered Species Act ("ESA") of reasonable and prudent alternatives ("RPAs") to the Central Valley Project/State Water Project ("CVP/SWP") operations concluded that establishing an anadromous fish passage program at Keswick and Shasta dams in order to "partially restore winter-run [salmon] to their historical cold water habitat" was an action that "Reclamation must take" to ensure the continued existence of winter-run populations.⁸ NMFS, 2011 amendments to 2009 Reasonable and Prudent Alternatives, p. 17. Nevertheless, Reclamation refused to develop a method for fish passage at Shasta Dam without offering any in-depth discussion of why this option was purportedly found to be too costly and to have a "low potential" for success. DEIS 2-5.

WINN-43

In particular, Reclamation fails to examine the alternative of utilizing the potential fishway that currently exists in Cow Creek, Little Cow Creek and Dry Creek, which together provide a natural means of providing passage for salmon from the Sacramento River near Anderson north to the headwaters of Dry Creek just 2500 feet from Jones Valley Marina on Shasta Reservoir. Installation of a tunnel from Dry Creek to Jones Valley Marina could provide access from the Dry Creek watershed to Shasta Reservoir. Installation of a floating water intake directing water into the tunnel to Dry Creek could provide a means of providing a year-round salmon fishway between the Sacramento River and the upper Sacramento, McCloud and Pit Rivers that bypasses Shasta and Keswick dams. Such tunnels have been constructed elsewhere, such as the one-mile Potter Valley Project built in 1908 that diverts water from the mainstem of the Eel River into the East Fork of the Russian River. Assuming for illustrative purposes only that a continuous flow of 100 cfs would be sufficient to provide fish passage between Shasta Reservoir and Dry Creek, approximately 72,000 acre feet annually would be required. This volume is less than one-eighth of the additional water that would be theoretically provided should the proposed dam raise be approved. While the Winnemem oppose the dam raise because of its severe cultural and environmental impacts as discussed above, in the event the dam is raised nonetheless, this alternative could mitigate the adverse impacts of the dam raise while potentially restoring salmon runs from the Sacramento River to its upper watersheds above the dam. The approximate location of this potential fishway is shown in Figure 8 below:

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⁸ The 2011 amendments to the 2009 RPAs are available here:
http://swr.nmfs.noaa.gov/ocap/040711_OCAP_opinion_2011_amendments.pdf.

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Figure 8

WINN-44 Reclamation also ignores alternatives that would reduce downstream demand for Shasta Reservoir's waters, such as retiring selenium-contaminated farmland in the Central Valley, including Westlands' three water districts.

WINN-45 It is disingenuous for Reclamation to claim that increasing survival of anadromous fish populations is a primary planning objective (DEIS 1-4 through 1-7, 2-3) when only *one* of its five alternatives would result in any benefit to anadromous fish. See FWCA Report at v, 128, 132, 135, 171, 176, 181 ("All five of the SLWRI alternatives provided benefits for increased Water Supply Reliability, but only one alternative (CP4) achieved measurable benefits to Anadromous Fish Survival"). Reclamation should have incorporated management actions that benefit anadromous fish populations into more of its considered alternatives.

WINN-46 Likewise, it is misleading for Reclamation to imply that storing and releasing more cold water will solve the problems facing anadromous fish populations, and that raising Shasta Dam is the only way to do so. In order to reverse the decline of these fish populations it is critical to

WINN-47 establish sustainable populations in the Little Sacramento and McCloud Rivers above Shasta

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| WINN-47 CONTD. | <p>Dam and to provide these fish access to their traditional spawning and rearing grounds. Yet virtually all of the analysis in the DEIS and DFR involves controlling dam releases to provide cold water <i>below</i> Shasta Dam. <i>See, e.g.</i>, DFR 2-3 through 2-4; <i>see also</i> DEIS 2-8 through 2-11 (retaining management measures for cold releases in Sacramento River but not most other beneficial management measures).</p> |
| WINN-48 | <p>Reclamation must address and rectify these deficiencies. It must examine alternatives to raising the dam because one of the “primary factors” contributing to the decline of the winter-run and spring-run Chinook salmon is Shasta Dam’s “blockage of historical habitat.” NMFS, 2009 <i>Public Draft Recovery Report</i> (“NMFS Recovery Report”), pp. 19, 23, 24-25, 36. The 2009 Recovery Report recognizes that in order to restore chinook and steelhead populations, dams must be “removed or modified” to allow fish to access their historical spawning habitats. NMFS Recovery Report, pp. 77, 89, 96 (“[w]ith the exception of Battle Creek, passage past Shasta and Keswick dams <i>will be required</i> to achieve the representation and redundancy criterion,” emphasis added), 102 (“[r]eintroductions [to the Little Sacramento and McCloud Rivers] would be dependent upon successful passage programs above Keswick and Shasta dams”). As discussed above, the DEIS identifies a number of ecosystem restoration measures, including restoring fish habitat and increasing spawning gravel, that do not require raising Shasta Dam or enlarging the reservoir. <i>See, e.g.</i>, DEIS 2-3 through 2-5, 2-29 through 2-31.</p> |
| <p>C. <u>The DEIS Fails to Adequately Analyze Environmental Impacts</u></p> | |
| WINN-49 | <p>As discussed above, salmon are an integral part of the Winnemem Wintu culture and historically an essential food source for the Winnemem people. In addition, both federal and state environmental laws and policy emphasize the importance of protecting, enhancing, and restoring fish and wildlife populations, their habitats, and the varied ecosystems of which they are a part. For example, in 1992 the Central Valley Project Improvement Act (“CVPIA”) fundamentally redirected management of the Central Valley Project (“CVP”) to establish the priority and importance of protecting fish, wildlife, and their habitats. Title 34, P.L. 102-575; DEIS 1-2. Specifically, the CVPIA established that “fish and wildlife mitigation, protection, and restoration” is a priority equal to water supply, and that “fish and wildlife enhancement” is a priority equal to hydropower generation. DEIS ES-2, 1-2. Thus, Reclamation is tasked with placing equal weight on these conservation priorities in its management of the CVP.</p> |
| WINN-50 | <p>More broadly, the National Water Resources Planning Policy (specified in the Water Resources Development Act (“WRDA”) of 2007, Public Law 110-114, § 2031, 42 U.S.C. § 1962-3) requires that federal investments in water resources should “protect and restore the functions of natural systems and mitigate any unavoidable damage to natural systems.” DFR 3-4. By presuming that Shasta Dam will be raised even before its habitat impacts are evaluated, Reclamation’s DEIS fails to implement this clear congressional mandate.</p> |
| WINN-51 | <p>The federal Endangered Species Act (“ESA”) also establishes a number of protections for endangered and threatened species and their habitats, through its species conservation and agency consultation requirements, prohibitions against takings of listed species and harm to their</p> |

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↑ habitats, and civil and criminal penalties. 16 U.S.C. §§ 1536, 1538, 1539, 1540. Loss of habitat, most notably due to construction of Shasta Dam, has contributed to the decline of fish species that were historically abundant in the Sacramento River watershed. Sacramento River winter-run Chinook salmon are now listed as endangered under the ESA. Spring-run Chinook salmon, Central Valley steelhead, and North American green sturgeon, among others, are listed as threatened.⁹ As discussed below, Reclamation has failed to adequately address whether raising Shasta Dam would protect and promote fish habitat and restore these species' populations as required, or instead, push them even closer to extinction.

WINN-52

The California Regional Water Quality Control Board's Basin Plan¹⁰ for the Sacramento and San Joaquin River Basins ("Basin Plan") indicates that cold water spawning habitat for anadromous fish populations is an existing beneficial use of the Sacramento, Pit and McCloud Rivers above Shasta Dam. Basin Plan, 4th Ed., Oct. 2011, II-5.00, II-6.00. "Protection and enhancement of existing and potential beneficial uses are primary goals of water quality planning" in California. Basin Plan II-1.00. Reclamation must comply with California's Basin Plan and water quality objectives for these rivers under sections 303, 313 and 401 of the Clean Water Act. 33 U.S.C. §§ 1313, 1323, 1341. Thus, protecting, enhancing, and restoring this habitat must be the central focus of Reclamation's planning process.

1. Reclamation Has Failed to Require Protection and Enhancement of Anadromous Fish Populations and Habitat.

WINN-53

↓ Despite the fact that the CVPIA mandates that "fish and wildlife enhancement" be given a priority equal to hydropower generation (DEIS 1-2) and increasing anadromous fish population survival is one of the primary objectives of the Project (DEIS 2-5), Reclamation dismisses

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⁹ Winter run Chinook salmon were initially listed as a federally threatened species in 1990 (55 Fed. Reg. 46515), and then due to continuing population declines, declared endangered in 2005 (70 Fed. Reg. 37160). Their critical habitat in the Sacramento River and its tributaries was designated in 1993. 58 Fed. Reg. 33212. Spring run Chinook salmon were listed as threatened, and their critical habitat designated, in 2005. 70 Fed. Reg. 37160, 52488. Central Valley steelhead were listed as threatened in 1998 (63 Fed. Reg. 13347) and their critical habitat was designated in 2005 (70 Fed. Reg. 52488). The Southern Distinct Population Segment ("DPS") of North American green sturgeon was listed as threatened in 2006 (71 Fed. Reg. 17757) and its critical habitat was designated in 2008 (73 Fed. Reg. 52084).

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¹⁰ Basin Plans are required by California Water Code section 13240, and are supported by section 303 of the federal Clean Water Act, which requires states to designate uses and corresponding water quality criteria for navigable waters. Pursuant to the California Water Code, section 13050, Basin Plans establish for the waters in a given area beneficial uses, water quality objectives, and plans to meet those objectives. The beneficial uses and their corresponding water quality objectives qualify as "water quality standards" for purposes of compliance with the Clean Water Act. 33 U.S.C. § 1313. Federal facilities must comply with these standards. 33 U.S.C. § 1323.

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WINN-53
CONTD. management measures that would have significant benefits to anadromous fish *only because* they would have “significant impacts to hydropower.” DEIS Plan Formulation Appendix 2-49 (dismissing possibility of increasing instream flows on the lower McCloud and Pit Rivers). Reclamation’s narrow focus on hydropower demonstrates that it has *failed* to accord equal importance to fish enhancement as the law requires.

2. ***Reclamation Has Failed to Address the Hard Questions Concerning the Likely Adverse Effects of this Proposal on Water Quality, Water Quantity, Fish and Wild Habitat, and Public Recreational Use of Shasta Reservoir.***

WINN-54 The DEIS virtually ignores fundamental principles of hydrology and biology that pose compelling reasons why Reclamation’s proposal to raise Shasta Dam should be rejected. First, raising the dam makes construction of a viable fishway for salmon less feasible. A fish passage allowing fish to navigate around Shasta Dam is necessary to reestablish their access to traditional spawning grounds, and to restore the Winnemem’s access to this important cultural resource and food source. At over 600 feet high, Shasta Dam already presents a challenge to engineers designing a way for fish to move upstream. Increasing the height of Shasta Dam will only reduce the feasibility of a fish passage system, which is crucial for protecting salmon populations. Reclamation *ignores* the ways that this action will hinder and frustrate the other planned projects to restore anadromous fish above Shasta Dam.

WINN-55 Second, raising the dam would destroy more fish spawning habitat by inundating rivers and streams above the reservoir. Reclamation, NMFS, and California agencies have been developing a pilot program to transport salmon and steelhead upstream of Shasta Dam and reestablish the Upper Sacramento and McCloud River populations. If such plans are to be successful, the fish will need suitable spawning habitat – namely, shallow river water with gravel and cobble streambeds – in these rivers and their tributaries. Raising Shasta Dam will further inundate upstream rivers and tributaries, destroying spawning habitat, threatening the success of a potential fish transport program, and further endangering the already imperiled salmon and steelhead populations.

WINN-56 Third, raising the dam would increase the reservoir’s surface area, exposing more water to evaporation, and thus increase rather than decrease net water loss. Water shortages are a serious problem in California, and will become even worse as global warming continues. Therefore, it is critical to employ the most efficient available methods to store, transport, and use limited freshwater supplies. Reservoirs are extraordinarily inefficient storage mechanisms, because they increase the surface area to volume ratio of waterways, and therefore increase the quantity of water lost to evaporation. The DEIS notes that raising Shasta Dam would increase the average surface area of the lake by three to eleven percent. DEIS 2-38, 2-55. However, the DEIS fails to inform the public and decisionmakers that additional water would be lost to evaporation due to Shasta Reservoir’s increased surface area. The modeling appendix mentions that it calculated an evaporation amount by multiplying the monthly evaporation rate of the lake by each alternative’s surface area, but the results of these calculations are not included in the
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↑ DEIS. Modeling Appendix 2-15.¹¹ The DEIS also fails to discuss how the lengthened shoreline and its associated shallow waters will warm the water in those areas and instead focuses on the presumed recreational benefits of a larger lake. DEIS 2-37, 2-38, 2-43, 2-47, 2-62. *See also* DEIS 11-51 (discussing effects of increasing surface area, but *not* mentioning increased evaporation or increased Reservoir temperature in shallows).

The DEIS fails to address these compelling reasons why raising the dam's height would harm water quality, water quantity, fish and wildlife habitat, and public recreational use of Shasta Reservoir.

3. Reclamation Fails to Demonstrate That There Will Be Sufficient Water to Refill an Enlarged Dam in Dry Years.

WINN-57

↓ The DEIS fails to demonstrate that Shasta Dam's watershed is of sufficient size to refill the 634,000 acre feet of contemplated additional storage in dry and critically dry years when Reclamation claims the additional water storage would be most needed. Indeed, in at least one chapter, the DEIS states that the reservoir would exceed current full pool only in "wetter-than-normal years." DEIS 10-30 (CP1), 10-35(CP2), 10-38(CP3), 10-42(CP4), 10-44 to 10-45 (CP5). If one of the 18.5 ft alternatives were implemented, a denuded and barren lakebed much larger than that which already exists would result. See Figures 9-10.

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¹¹ According to data from the California Department of Water Resources Data Exchange Center, the mean monthly evaporation rate for the Shasta Reservoir from May 1984 to August 2013 is already approximately 7,779.5 acre feet; and the Reservoir lost an average of 138.8 cubic feet per second between August 23 and September 22, 2013. *See* <http://cdec.water.ca.gov/>; http://cdec.water.ca.gov/cgi-progs/staMeta?station_id=SHA

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Figure 9: "Bathtub Ring" from Shasta Dam, 9-20-2013



Figure 10: Panorama at Forest Service Dekkas Campground, 9-19-2013

WINN-58

Climate change will dramatically decrease precipitation and snowfall in dry years, thus reducing the quantity of water this watershed can yield during droughts. Thus, implementing a dam raise will cause immense harm by destroying the Winnemem Wintu's cultural resources and approximately 4,875 acres of forest land (10-17) without necessarily providing any benefits when additional water is most needed.

WINN-59

Reclamation also fails to demonstrate that the contemplated beneficiaries of the additional storage have water rights under California law to use it. Without these required rights, the claimed additional supply could not be used by the anticipated beneficiaries. In view of the many competing demands for this water, it is unlikely that those parties that assume they will receive this additional water will be able to use all, or even most, of it.

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4. Reclamation Cannot Accurately Evaluate the Project's Impacts on Endangered Fish Populations Until It Has Lawful Biological Opinions

WINN-60

In 2008 and 2009, the United States Fish and Wildlife Service (USFWS) and NMFS, respectively, issued biological opinions (BOs) finding that the CVP and SWP would jeopardize the continued existence of the spring and winter run Sacramento River chinook salmon, Central Valley steelhead, green sturgeon, and other imperiled fishes. In 2010 the federal district court heard a suit challenging the 2008 USFWS BO, found it to be unlawful, and remanded it to USFWS. In 2011, the court issued a similar ruling rejecting the NMFS 2009 BO. USFWS is now required to prepare a final BO by November 1, 2013, and together with Reclamation, a final NEPA document by December 1, 2013. *See* DFR 2-43. NMFS must also prepare a draft revised BO by October 1, 2014, and Reclamation a DEIS by April 1, 2015. The Court ordered that Reclamation issue its FEIS, and NMFS complete ESA consultation and issue its final BO, by February 1, 2016, and that Reclamation issue a ROD by April 29, 2016. *See* DEIS 11-35. In both cases, the parties have requested extensions of the deadlines for preparation of BOs. DEIS 11-35.

Given the number and complexity of factors affecting the fish populations in the Shasta Reservoir and Sacramento River areas, Reclamation cannot accurately analyze the proposed Project's effects on sensitive fish species until USFWS and NMFS have conducted the in-depth analysis required by the ESA. In addition, the new BOs, like the previous remanded versions, must include "reasonable and prudent alternatives" that are necessary to mitigate the CVP and SWP's effects on sensitive fish species. These will change the future environmental conditions of the area and necessitate a new analysis of the dam-raising Project's potential effects. Therefore the DEIS is incomplete and premature.

**V. WILD AND SCENIC RIVER PROTECTIONS FOR
McCLOUD RIVER**

WINN-61

Both state and federal laws provide protections for rivers that are considered "wild and scenic." The California Wild and Scenic Rivers Act ("CWSRA") states that "the McCloud River possesses extraordinary resources in that it supports one of the finest wild trout fisheries in the state," and that "[t]he continued management of river resources in their existing natural condition represents the best way to protect the unique fishery of the McCloud River." Public Resources Code ("PRC") § 5093.542(c). For that reason, the CWSRA forbids any state agency other than the Department of Water Resources from assisting with or cooperating in the "planning or construction of any dam, reservoir, diversion, or other water impoundment facility that could have an adverse effect on the free-flowing condition of the McCloud River, or on its wild trout fishery." PRC § 5093.542(c).

WINN-62

In the federal arena, the United States Forest Service ("USFS") determined that the McCloud River is eligible for listing as a wild and scenic river because it is "free-flowing" and exhibits "outstandingly remarkable values" ("ORVs") including cultural, fisheries, and geologic values. DEIS 25-6. However, it was decided that the river would be managed under a

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Coordinated Resource Management Plan (“CRMP”) instead. DEIS 25-3. Under the CRMP, the Plan’s signatories agree to “protect the values that make [the McCloud River] eligible for Federal designation as wild and scenic.” DEIS 25-3. If the CRMP expires, or fails to protect the values that make McCloud River eligible for wild and scenic designation, the USFS has reserved the right to pursue such designation for the McCloud River. DEIS 25-7.

WINN-63
The DEIS admits that any raise of the dam would have a significant impact upon the ORVs that make the McCloud River eligible for designation as a wild and scenic river. DEIS 25-26. If Shasta Dam were raised, a section of the McCloud River would no longer be eligible for Federal designation as a wild and scenic river because it would lose its “free-flowing” character and its exceptional water quality. DEIS 25-26 through 25-27, 25-32 through 25-33, 25-36 through 25-37. In addition, a raise of Shasta Dam would have adverse effects on the McCloud River basin’s cultural resources, its fisheries,¹² and its scenic values. DEIS 25-27 through 25-29, 25-33, 25-36, 25-37. However, the DEIS casually dismisses these disastrous effects simply because they would be in an area outside the National Forest and therefore are not governed by the CRMP. DEIS 25-30, 25-33, 25-38. As discussed above, fish require interconnected ecosystems, and this piecemeal approach to analyzing their habitat ignores fundamental principles of biology. In addition, the Winnemem Wintu Tribe’s cultural resources are not more valuable when they happen to fall within the bounds of the CRMP. Rather, they *must* be protected no matter where some later-drawn political boundaries place them.

WINN-64
The DEIS also admits that raising the dam would have potentially significant and unmitigable impacts upon the McCloud River fishery and its free-flowing condition as protected under the California Wild and Scenic Rivers Act. DEIS 25-30, 25-34, 25-38 through 25-39.

WINN-65
Despite these significant adverse effects of *any* raise of Shasta Dam, Reclamation proposes *no* specific mitigation measures for the McCloud River. DEIS 25-39. The numerous protections afforded this important river under the CRMP and California Wild and Scenic Rivers Act will mean nothing if Reclamation can simply ignore the effects of its Project and inundate an even greater stretch of the McCloud, wreaking further havoc upon its fisheries, stunning scenery, and irreplaceable cultural resources.

VI. IDENTIFICATION OF A NON-FEDERAL SPONSOR

WINN-66
The DFR notes that “[i]f authorized for construction, the proposed plan would likely require a portion of its costs to be reimbursed by a non-Federal sponsor(s).” DFR ES-30. The DEIS lists “willingness of the non-Federal sponsor to fund its share of the project costs” as one

WINN-63
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¹² Raising Shasta Dam would inundate an estimated 1,400-3,500 lineal feet (depending on the size of the dam enlargement) of the protected section of the McCloud River, having a potentially devastating effect on its trout fishery. The CALFED Final Programmatic EIS/EIR Program Plan states that “[t]he most significant environmental impact [of enlarging Shasta Reservoir] appears to be inundation of a few hundred yards of the McCloud River.” DFR 1-20 through 1-21.

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factor affecting its “consider[ation] for inclusion in the President’s budget.” DEIS ES-36. The DEIS appendix on Plan Formation notes that Federal interest in any of the plans depends on (1) their economic feasibility and (2) the identification of a non-Federal sponsor that is “capable and willing” to share the costs of such a Project; and indicates that actions that have high environmental benefit but low cost would probably not have much support. Plan Formation App. 4-32. Westlands Water District has indicated its willingness to negotiate with Reclamation regarding sharing the costs of raising Shasta Dam. DFR 5-25. However, Westlands still has substantial outstanding reimbursement obligations for the CVP, and should not be allowed to reap further benefits for itself of new water infrastructure projects while incurring additional debts at *taxpayer* expense.

VII. THE DEIS IS INSUFFICIENT AS A CEQA DOCUMENT

WINN-67

Reclamation states that it has considered the requirements of the California Environmental Quality Act, Public Resources Code section 21000, et seq. (“CEQA”) while preparing the DEIS. DEIS ES-1, ES-5 (citing the law as “2010 Association of Environmental Professionals *CEQA Statute and Guidelines*”), *see also* DEIS 1-5. However, the DEIS is insufficient as a CEQA document, as it fails to properly describe the Project, study a reasonable range of alternatives, address the impacts of the proposed alternatives, or adequately mitigate significant impacts.

WINN-68

Under CEQA, the environmental impact report (“EIR”) for the Shasta Dam Raise Project must include a clearly written statement of the Project’s objectives. As the California Supreme Court has explained, “[a] clearly written statement of objectives will help the lead agency develop a reasonable range of alternatives to evaluate in the EIR and will aid the decision makers in preparing findings . . . The statement of objectives should include the *underlying purpose* of the project.” *In re Bay-Delta Environmental Impact Report Coordinated Proceedings*, 43 Cal.4th 1143, 1163 (2008) (emphasis as quoted, internal quotes omitted). Because the DEIS objectives set the focus of the Project *on raising the dam*, rather than protecting anadromous fish and increasing water supply reliability, they do not satisfy CEQA’s informational purpose.

WINN-69

CEQA requires that an EIR evaluate alternatives that would *reduce* the Project’s impacts on the environment. “An EIR for any project subject to CEQA review must consider a reasonable range of alternatives to the project, or to the location of the project, which: (1) *offer substantial environmental advantages over the project proposal* ([PRC] § 21002); and, (2) may be ‘feasibly accomplished in a successful manner’ considering the economic, environmental, social and technological factors involved.” *Habitat and Watershed Caretakers v. City of Santa Cruz* (2013) 213 Cal.App.4th 1277, 1302-1303 (“*Habitat*”) (emphasis in original) (quoting *Citizens of Goleta Valley v. Board of Supervisors* (1990) 52 Cal.3d 553, 566. “The EIR “is required to make an in-depth discussion of those alternatives identified as at least potentially feasible.” *Habitat*, 213 Cal.App.4th at 1303 (quoting *Sierra Club v. County of Napa* (2004) 121 Cal.App.4th 1490, 1505 fn. 5. As discussed above, the DEIS fails to seriously consider a non-raise alternative, and fails to adequately establish the infeasibility of such an alternative. Therefore it does not satisfy these CEQA requirements.

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WINN-70 As shown, raising Shasta Dam would irretrievably destroy the Winnemem Wintu Tribe's cultural resources, historic properties, vital environmental resources and processes, and interdependent customs and traditions. Yet the DEIS ignores this irreversible impact (*see* DEIS Chapter 26-4)–let alone assess its scope and magnitude–and fails to address whether there is any potential mitigation for these impacts. These omissions violate CEQA. *See* Guidelines §§ 15126, 15126.2.

Under CEQA, the approving agency must mitigate or avoid the project's significant effects on the environment whenever it is feasible to do so. PRC § 21002.1(b). If an agency finds such mitigation infeasible, it must make specific findings to explain its reasons for moving forward with a project despite its significant impacts. PRC § 21081. As discussed above, the DEIS rejects measures to mitigate the Project's potentially significant impacts for reasons such as "a general lack of interest from the public" without an adequate discussion. *See, e.g.*, DEIS Plan Formulation Appendix 2-3. This contravenes CEQA's informational purposes.

WINN-71 In addition, although the DEIS admits that increasing the capacity of Shasta Dam has the potential to induce growth, it impermissibly assumes that local agencies in the counties receiving the water will later implement some as-yet-undetermined form of mitigation. DEIS 26-5 through 26-10. CEQA does not allow the deferral of mitigation. In the rare instances "where practical considerations prohibit devising [feasible mitigation] measures early in the planning process," the lead agency should commit itself to meeting "specific performance criteria" in devising mitigation measures after project approval. *Gentry v. City of Murrieta* (1995) 36 Cal.App.4th 1359, 1394. Here, Reclamation has not only impermissibly deferred and delegated mitigation, it has failed to assume any role in mitigation for itself or any future identified state lead-agency. For example, Reclamation may be able to mitigate the growth-inducing impacts of additional CVP water by contract terms, but does not discuss whether this is possible.

VIII. CONCLUSION

WINN-72 For each of the foregoing reasons, the DEIS violates applicable law and must be corrected and recirculated for comment.

Respectfully submitted,

/s/ Stephan C. Volker
Stephan C. Volker
Attorney for the Winnemem Wintu Tribe

Response to Comments from Stephan C. Volker on Behalf of Winnemem Wintu Tribe

WINN-1: Chapter 1, "Introduction," Section 1.6, "Areas of Controversy," of the DEIS acknowledges that Native American concerns and cultural resources remain an area of controversy. The U.S. Congress will use this Final EIS, the related Final Feasibility Report, and supporting information, as well as any additional information they believe appropriate, to determine the public interest in the project, and the form scope of project authorization (if any). As this Final EIS

chapter includes public and agency comments received on the DEIS, and responses to each of these comments, these decision makers will have a full characterization of the public interests. Reclamation has fully considered the cultural and environmental cost of raising Shasta Dam. No significant new information bearing on the decision being contemplated has been brought forward by this comment. That analysis is included in Chapter 14, “Cultural Resources,” which identifies impacts from inundation of Traditional Cultural Properties, which include Winnemem Wintu places of traditional, ceremonial, and sacred uses. See “Impact Culture-2” in Chapter 14, “Cultural Resources,” Section 14.3.4, “Mitigation Measures,” for “CP1,” “CP2,” “CP3,” “CP4,” and “CP5.” These impacts are identified as significant and unavoidable, with no feasible mitigation identified that can reduce these impacts to less-than-significant.

Please refer to Master Comment Response CR-1, “Potential Effects to Cultural Resources.”

WINN-2: The purpose of the EIS is to disclose the environmental effects, both beneficial and adverse, of a proposed action and a reasonable range of alternatives that can meet the project purpose and needs.

Please refer to Master Comment Response EI-1, “Intent of NEPA Process to Provide Fair and Full Discussion of Significant Environmental Impacts,” and Master Comment Response COST/BEN-1, “Intent of EIS and Process to Determine Federal Interest.”

WINN-3: The alternatives considered in the EIS represent a reasonable range of alternatives that will permit a reasoned choice by Reclamation.

Please refer to Master Comment Response ALTR-1, “Range of Alternatives – General,” Master Comment Response ALTD-1, “Alternative Development – Water Supply Reliability,” Master Comment Response ALTD-2, “Alternative Development – Anadromous Fish Survival,” and Master Comment Response FISHPASS-1, “Fish Passage Above Shasta Dam.”

WINN-4: Reclamation will continue to engage the Winnemem Wintu in its decision making process. Although not required by the NHPA, this will include continued consultation under the Section 106 process.

Please refer to Master Comment Response CR-15, “National Historic Preservation Act Section 106 Consultations,” and Master Comment Response CR-1, “Potential Effects to Cultural Resources.”

WINN-5: Comment noted.

WINN-6: Chapter 1, “Introduction,” Section 1.6, “Areas of Controversy,” of the DEIS acknowledges that Native American concerns and cultural resources remain an area of controversy. The U.S. Congress will use this Final EIS, the related Final Feasibility Report, and supporting information, as well as any additional information they believe appropriate, to determine the public interest in the project, and the form scope of project authorization (if any). As this Final EIS chapter includes public and agency comments received on the DEIS, and responses to each of these comments, these decision makers will have a full characterization of the public interests.

As stated in Chapter 24, “Environmental Justice,” Section 24.2, “Regulatory Framework,” Reclamation will comply with E.O. 12898, “*Federal Actions to Address Environmental Justice in Minority and Low Income Populations* (1994),” which includes identifying communities and groups that meet environmental justice criteria, and suggest strategies to reduce potential adverse impacts of projects on affected groups. The analysis used for the EIS is described in the Socioeconomics, Population, and Housing Technical Report of the Socioeconomics Appendix.

Chapter 32, “Final EIS,” Section 32.4, “Preferred Alternative and Rationale for Selection,” states that “a plan recommending Federal action should be the plan that best addresses the targeted water resources problems considering public benefits relative to costs. It is recognized that most of the activities pursued by the Federal Government will require assessing trade-offs by decision makers and that in many cases, the final decision will require judgment regarding the appropriate extent of monetized and nonmonetized effects.”

Please refer to Master Comment Response, EI-1, “Intent of NEPA Process to Provide Fair and Full Discussion of Significant Environmental Impacts,” Master Comment Response EJ-1, “Potential Effects to Disadvantaged Communities,” Master Comment Response CR-1, “Potential Effects to Cultural Resources,” and Master Comment Response CR-5, “Environmental Justice.”

WINN-7: Please refer to Master Comment Response CR-1, “Potential Effects to Cultural Resources,” Master Comment Response CR-8, “Native American Connection to Salmon,” Master Comment Response CR-2, “Federal Recognition,” Master Comment Response CR-15, “National Historic Preservation Act Section 106 Consultations,” Master Comment Response CR-11, “Cultural Resources and NEPA,” and Master Comment Response CR-3, “Current Effects to Cultural Resources.”

WINN-8: Please refer to Master Comment Response ALTD-2, “Alternative Development – Anadromous Fish Survival,” Master Comment Response GEN-4, “Best Available Information,” and Master Comment Response FISHPASS-1, “Fish Passage Above Shasta Dam.”

WINN-9: Please refer to Master Comment Response FISHPASS-1. “Fish Passage Above Shasta Dam.”

WINN-10: Please refer to Master Comment Response RE-1, “Reservoir Evaporation.”

WINN-11: Please refer to Master Comment Response EI-1, “Intent of NEPA Process to Provide Fair and Full Discussion of Significant Environmental Impacts,” Master Comment Response NEPA-1, “Sufficiency of the EIS,” Master Comment Response CR-1, “Potential Effects to Cultural Resources,” Master Comment Response CR-3, “Current Effects to Cultural Resources,” Master Comment Response CR-8, “Native American Connection to Salmon,” Master Comment Response ALTD-2, “Alternative Development – Anadromous Fish Survival,” and Master Comment Response FISHPASS-1, “Fish Passage Above Shasta Dam.”

WINN-12: Please refer to Master Comment Response CR-2, “Federal Recognition,” and Master Comment Response CR-3, “Current Effects to Cultural Resources.”

WINN-13: Please refer to Master Comment Response CR-1, “Potential Effects to Cultural Resources,” Master Comment Response CR-15, “National Historic Preservation Act Section 106 Consultations.”

WINN-14: Please refer to Master Comment Response CR-2, “Federal Recognition.”

WINN-15: Chapter 14, “Cultural Resources,” identifies impacts from inundation of Traditional Cultural Properties, which include Winnemem Wintu places of traditional, ceremonial, and sacred uses. See “Impact Culture-2,” in Chapter 14, “Cultural Resources,” Section 14.3.4, “Mitigation Measures,” for “CP1,” “CP2,” “CP3,” “CP4,” and “CP5,” are identified as significant and unavoidable, with no feasible mitigation identified.

Please refer to Master Comment Response CR-1, “Potential Effects to Cultural Resources,” and Master Comment Response CR-3, “Current Effects to Cultural Resources.”

WINN-16: As described in detail in the Plan Formulation Appendix, primary and secondary objectives were identified with water resources problems and needs, and are consistent with authorizations to conduct

the SLWRI feasibility studies, including Public Law 96-375 (1980) and the CALFED Bay-Delta Authorization Act, Public Law 108-361 (2004).

Public Law 96-375 provides feasibility study authority for the SLWRI and allows the Secretary of the Interior to "...engage in feasibility studies relating to enlarging Shasta Dam and Reservoir, Central Valley Project, California or to the construction of a larger dam on the Sacramento River, California, to replace the present structure." Further, the objectives are consistent with CALFED direction, which calls for the Secretary of the Interior to conduct feasibility studies of expanding CVP storage in Shasta Lake by up to 300,000 acre-feet to increase the pool of cold water available to maintain lower Sacramento River temperatures needed by certain fish and provide other water management benefits, such as water supply reliability.

As stated in the Plan Formulation Appendix, Chapter 1, "Introduction," objectives were formulated on the basis of the problems, needs, and opportunities, in consideration of and consistent with the CALFED PEIS/R and Programmatic ROD. The CALFED Programmatic ROD identified the following objectives: provide good water quality for all beneficial uses; improve and increase aquatic and terrestrial habitats and improve ecological functions in the Bay-Delta to support sustainable populations of diverse and valuable plant and animal species; reduce the mismatch between Bay-Delta water supplies and current and projected beneficial uses dependent on the Bay-Delta system; reduce the risk to land use and associated economic activities; water supply, infrastructure and the ecosystem from catastrophic breaching of Delta levees. Existing authorized purposes of Shasta Dam were also considered, including: management of floodwater; irrigation water supply; municipal and industrial (M&I) water supply; hydropower generation; maintenance of navigation flows, and fish and wildlife mitigation, protection, and restoration.

Primary planning objectives are those which specific alternatives are formulated to address. The primary objectives are considered to have equal priority, with each pursued to the maximum practicable extent without adversely affecting the other. Secondary planning objectives are considered to the extent possible through pursuit of the primary planning objectives. The plan formulation process also includes planning constraints specific to this investigation. Current applicable laws, regulations, and policies, such as the NHPA, are planning constraints used in the development and evaluation of alternatives for this EIS. The Plan Formulation Appendix also provides planning considerations, including striving to avoid potential adverse effects to present or historical cultural resources. This planning consideration used in the SLWRI for formulating, evaluating, and comparing the alternatives.

Please also refer to Master Comment Response P&N-1, “Purpose and Need and Objectives,” Master Comment Response CR-1, “Potential Effects to Cultural Resources,” and Master Comment Response CR-5, “Environmental Justice.”

Please refer to Master Comment Response P&N-1, “Purpose and Need and Objectives,” Master Comment Response CR-1, “Potential Effects to Cultural Resources,” and Master Comment Response CR-5, “Environmental Justice.”

WINN-17: Reclamation has considered a reasonable range of alternatives including the “No Action” alternative as well as all feasible mitigation measures including those provided by stakeholders as part of the SLWRI process. For additional information refer to Master Comment Response ALTR-1, “Range of Alternatives-General,” and Master Comment Response CMS-1, “EIS Mitigation Plan.” Any mitigation measures or alternatives that could prevent loss of Winnemem Wintu cultural sites have been and will be considered. However currently “Impact Culture-2” in Chapter 14, “Cultural Resources,” Section 14.3.4, “Mitigation Measures,” for “CP1,” “CP2,” “CP3,” “CP4,” and “CP5,” are identified as significant and unavoidable, with no feasible mitigation identified. Please refer to Master Comment Response CR-1, “Potential Effects to Cultural Resources,” Master Comment Response CR-11, “Cultural Resources and NEPA,” and Master Comment Response CR-3, “Current Effects to Cultural Resources.”

WINN-18: Comment noted.

WINN-19: Native American consultations under Section 106 are not concluded and will be a continuous process to seek to resolve adverse effects on cultural properties. Additionally, the October 8, 2012 meeting referenced in the comment letter was a site visit to the McCloud River between Reclamation and the Winnemem Wintu. The key issue discussed was the frequency of inundation of confidential identified sites under the action alternatives. In response to the meeting, Reclamation developed a tool to make information already provided in the Modeling Appendix of the EIS more usable to understand the frequency of inundation by elevation under the action alternatives. This tool can be found on the project website (<http://www.usbr.gov/mp/slwri/elevation/index.html>). Reclamation has incorporated information provided at the meeting into the EIS.

Please refer to Master Comment Response CR-1, “Potential Effects to Cultural Resources,” and Master Comment Response CR-15, “National Historic Preservation Act Section 106 Consultations.”

WINN-20: The NHPA Section 106 consultations are a continuing process and would be carried through with the selection of an affirmative action. Native American consultations for seeking the resolutions to adverse effects on historic properties will continue through the NHPA Section 106 process.

Please refer to Master Comment Response CR-1, “Potential Effects to Cultural Resources,” Master Comment Response CR-11, “Cultural Resources and NEPA,” Master Comment Response CR-15, “National Historic Preservation Act Section 106 Consultations.”

WINN-21: Native American consultations under Section 106 are not concluded and will be a continuous process to seek to resolve adverse effects on cultural properties. Additionally, Reclamation will not be “choosing” an alternative to implement; rather, Reclamation will be recommending an alternative to Congress for its consideration. It will be up to Congress to decide whether to authorize any alternative that will raise Shasta Dam.

Please refer to Master Comment Response CR-1, “Potential Effects to Cultural Resources,” Master Comment Response CR-15, “National Historic Preservation Act Section 106 Consultations,” and Master Comment Response CR-11, “Cultural Resources and NEPA.”

WINN-22: Native American consultations under Section 106 are not concluded and will be a continuous process to seek to resolve adverse effects on cultural properties.

Please refer to Master Comment Response CR-1, “Potential Effects to Cultural Resources,” Master Comment Response CR-11, “Cultural Resources and NEPA,” Master Comment Response CR-15, “National Historic Preservation Act Section 106 Consultations,” and Master Comment Response ALTR-1, “Range of Alternatives – General.”

WINN-23: Please refer to Master Comment Response CR-2, “Federal Recognition,” CR-3 “Current Effects to Cultural Resources,” and Master Comment Response CR-5, “Environmental Justice,” and Master Comment Response CR-15, “National Historic Preservation Act Section 106 Consultations.”

WINN-24: Please refer to Master Comment Response CR-2, “Federal Recognition,” and Master Comment Response CR-3, “Current Effects to Cultural Resources.”

WINN-25: Chapter 14, “Cultural Resources,” Section 14.2, “Regulatory Framework,” describes the federal and state laws that protect Native American burials. Please see Master Comment Response CR-13, “Native American Graves Protection and Repatriation Act Process” and

Master Comment Response CR-15, “National Historic Preservation Act Section 106 Consultations,” which describes the timing and content of the National Historic Preservation Act process, and the Native American Graves Protection and Repatriation Act. Please refer to Master Comment Response CR-2, “Federal Recognition,” and Master Comment Response CR-3, “Current Effects to Cultural Resources.”

WINN-26: Please refer to Master Comment Response CR-2, “Federal Recognition,” and Master Comment Response CR-3, “Current Effects on Cultural Resources.”

WINN-27: Please refer to Master Comment Response EJ-1, “Potential Effects to Disadvantaged Communities,” Master Comment Response CR-5 “Environmental Justice,” and Master Comment Response CR-15, “National Historic Preservation Act Section 106 Consultations.”

WINN-28: Please refer to Master Comment Response CR-1, “Potential Effects to Cultural Resources,” and Master Comment Response CR-5, “Environmental Justice.”

WINN-29: As stated in the Final EIS Engineering Summary Appendix Chapter 4, “Design Considerations for Reservoir Area Infrastructure Modifications and/or Relocations,” Table 4-15, Dekkas Rock campground will be relocated to the existing day use area, and the day use area capacity will be moved elsewhere around Shasta Lake. Reclamation realizes that culturally significant sites exist around the lake and will be working to make sure that recreation relocations will not interfere with the integrity of these sites. To ensure that the recreation capacity around Shasta Lake can still be maintained additional relocation area has been identified than will ultimately be needed.

Please refer to Master Comment Response REC-4, “Relocation of Recreation Facilities.”

WINN-30: Please refer to Master Comment Response CR-1, “Potential Effects to Cultural Resources,” Master Comment Response CR-5, “Environmental Justice,” and Master Comment Response CR-15, “National Historic Preservation Act Section 106 Consultations.”

WINN-31: Should Congress authorize one of the Action Alternatives, Archaeological Resources Protection Act of 1979 (ARPA) requirements will be applied to cultural resources investigations and mitigation as required. ARPA would also be incorporated into cultural resources management and agreement documents.

Please refer to Master Comment Response CR-13, “Native American Graves Protection and Repatriation Act Process.”

WINN-32: Please refer to Master Comment Response CR-8, “Native American Connection to Salmon,” Master Comment Response CR-5, “Environmental Justice,” and Master Comment Response CR-3, “Current Effects to Cultural Resources.”

WINN-33: Please refer to Master Comment Response ALTD-2, “Alternative Development – Anadromous Fish Survival,” Master Comment Response ALTR-1, “Range of Alternatives – General,” and Master Comment Response FISHPASS-1, “Fish Passage Above Shasta Dam.”

WINN-34: Please refer to Master Comment Response CR-6, “United Nations Declaration on ‘The Rights of Indigenous Peoples.’”

WINN-35: National Parks & Conservation Ass'n v. Babbitt, 241 F.3d 722, 733 (9th Cir. 2001) states “In reviewing agency's decision not to prepare environmental impact statement (EIS) under National Environmental Policy Act (NEPA), court must employ arbitrary and capricious standard, to determine whether agency has taken “hard look” at consequences of its actions, based its decision on consideration of relevant factors, and provided convincing statement of reasons to explain why project's impacts are insignificant.” This court case involved the United States Park Service which prepared an Environmental Assessment and FONSI for a project where the court determined that the Parks Service’s “repeated generic statement that the effects are unknown does not constitute a ‘hard look’ mandated by the statute if preparation of an EIS is to be avoided.” See *id.* Reclamation made the decision to complete an EIS for SLWRI as significant impacts have the potential to occur. Preparing an EA for the SLWRI was not considered. As stated in Master Comment Response NEPA-1, “Sufficiency of the EIS,” the SLWRI Final EIS satisfies NEPA, to the fullest extent possible, by providing a meaningful analysis of all issues relevant to the human environment. This included a “hard look” at the consequence of implementing SLWRI and provided a full and fair discussion of insignificant and significant impacts.

Please refer to Master Comment Response NEPA-1, “Sufficiency of the EIS,” Master Comment Response EI-1, “Intent of NEPA Process to Provide Fair and Full Discussion of Significant Environmental Impacts,” Master Comment Response P&N-1, “Purpose and Need and Objectives,” and Master Comment Response ALTR-1, “Range of Alternatives – General.”

WINN-36: Please refer to Master Comment Response ALTR-1, “Range of Alternatives – General,” and Master Comment Response P&N-1 “Purpose and Need and Objectives.”

WINN-37: Please refer to Master Comment Response ALTR-1, “Range of Alternatives – General,” Master Comment Response ALTD-2, “Alternative Development – Anadromous Fish Survival,” and Master Comment Response ALTD-1, “Alternative Development – Water Supply Reliability.”

WINN-38: Please refer to Master Comment Response ALTR-1, “Range of Alternatives – General.”

WINN-39: In the Final EIS, Plan Formulation Appendix, Chapter 2, “Management Measures,” “Measures to Address Primary Planning Objectives,” there are six management measures to increase surface water storage that do not involve raising Shasta Dam. These measures were fully evaluated during the plan formulation process, and were eliminated as described in Chapter 2 of the Plan Formulation Appendix of the Final EIS.

Please refer to Master Comment Response ALTR-1, “Range of Alternatives – General.”

WINN-40: The SLWRI plan formulation process identified, evaluated, and screened more than 60 potential management measures; this is described in detail in Chapter 2 of the Plan Formulation Appendix, “Management Measures.”

Please refer to Master Comment Response ALTR-1, “Range of Alternatives – General.”

WINN-41: Reclamation selected the riparian, floodplain and side channel restoration sites based on where, according to their best judgment based on best available science, the greatest benefit to Sacramento River Chinook salmon populations, as well as tributary populations and other native and anadromous fishes (e.g., green sturgeon) would occur. Increased habitat available where improved water temperatures were present would provide substantially improved spawning and rearing habitat to salmonids and sturgeon, improving overall production. Rearing habitat is improved for upper Sacramento watershed tributary-spawned Chinook and steelhead, as well as Sacramento River spawned Chinook and steelhead and sturgeon. Reclamation analysis showed that this provided the maximum overall benefit to the populations, thus reducing fragmentation instead of increasing fragmentation of ecosystems.

Please refer to Master Comment Response ALTD-2, “Alternative Development – Anadromous Fish Survival,” and Master Comment Response ALTR-1, “Range of Alternatives – General.”

WINN-42: Please refer to Master Comment Response ALTD-2, “Alternative Development – Anadromous Fish Survival,” and Master Comment Response FISHPASS-1, “Fish Passage Above Shasta Dam.”

WINN-43: As stated in FISHPASS-1, “Fish Passage Above Shasta Dam,” utilizing the potential fishway that currently exists in Cow Creek, Little Cow Creek and Dry Creek is not included in SLWRI. The Shasta Dam Fish Passage Evaluation will assess this option. However, to what extent it is too early to determine.

Please refer to Master Comment Response ALTD-2, “Alternative Development – Anadromous Fish Survival,” Master Comment Response ALTR-1, “Range of Alternatives – General,” and Master Comment Response FISHPASS-1, “Fish Passage Above Shasta Dam.”

WINN-44: Please refer to Master Comment Response ALTD-1, “Alternative Development – Water Supply Reliability.”

WINN-45: Effects to Chinook salmon, including beneficial effects, are discussed in EIS Chapter 11, “Fisheries and Aquatic Ecosystems,” Section 11.3.3, “Direct and Indirect Effects.” As described in the EIS, all action alternatives would generally result in improved flow and water temperature conditions for Chinook salmon in the upper Sacramento River downstream from Shasta Dam. This would benefit anadromous fish survival in the upper Sacramento River. Potential benefits of SLWRI action alternatives are described in EIS Chapter 2, “Alternatives,” Section 2.3, “Action Alternatives,” and Section 2.5, “Summary of Potential Benefits of Action Alternatives.”

Please refer to Master Comment Response DSFISH-5, “Fish and Wildlife Coordination Act Report,” and Master Comment Response ALTD-2, “Alternative Development – Anadromous Fish Survival.”

WINN-46: Please refer to Master Comment Response DSFISH-3, “Fish Habitat Restoration,” Master Comment Response DSFISH-8, “National Marine Fisheries Service Recovery Plan, Anadromous Fish Restoration Program, Doubling Goals and Biological Opinions,” and Master Comment Response ALTD-2, “Alternative Development – Anadromous Fish Survival.”

WINN-47: Please refer to Master Comment Response ALTD-2, “Alternative Development – Anadromous Fish Survival,” Master Comment Response ALTR-1, “Range of Alternatives – General,” and Master Comment Response FISHPASS-1, “Fish Passage Above Shasta Dam.”

WINN-48: Please refer to Master Comment Response ALTD-2, “Alternative Development – Anadromous Fish Survival,” Master

Comment Response ALTR-1, “Range of Alternatives – General,” Master Comment Response DSFISH-6, “Historic Dam Effects on Fisheries,” and Master Comment Response FISHPASS-1, “Fish Passage Above Shasta Dam.”

WINN-49: Reclamation operates the CVP, including Shasta Dam and Reservoir, in accordance with the CVPIA and other applicable laws. The SLWRI has been developed consistent with its obligations to operate the CVP under CVPIA. Chapter 14, “Cultural Resources,” identifies impacts from inundation of Traditional Cultural Properties, which include Winnemem Wintu places of traditional, ceremonial, and sacred uses. See “Impact Culture-2” in Chapter 14, “Cultural Resources,” Section 14.3.4, “Mitigation Measures,” for “CP1,” “CP2,” “CP3,” “CP4,” and “CP5,” are identified as significant and unavoidable, with no feasible mitigation identified.

Please also refer to Master Comment Response CR-8, “Native American Connection to Salmon.”

WINN-50: Reclamation does not presume that Shasta Dam will be raised. Rather, Reclamation has studied the feasibility of raising Shasta Dam and will be making a recommendation to Congress based on the Final Feasibility Report and Final EIS. The purpose of the SLWRI EIS is to inform the public and decision-makers on the proposed actions potential environmental effects. To evaluate these effects requires an agency to propose a project and evaluate the effects of implementing this project. This does not assume that a project will be authorized for implementation and should not be so assumed by the public.

Please refer to Master Comment Response ALTR-1, “Range of Alternatives – General.”

WINN-51: Please refer to Master Comment Response ESA-1, “Compliance with the Endangered Species Act,” and Master Comment Response DSFISH-8, “National Marine Fisheries Service Recovery Plan, Anadromous Fish Restoration Program, Doubling Goals and Biological Opinions.”

WINN-52: Please see the Water Quality Technical Report, “Regulatory Framework,” “Federal” and “State,” for a discussion of beneficial uses of the Sacramento, Pit, and McCloud Rivers. The SLWRI has been planned in full consideration of the Sacramento and San Joaquin River Basin Plan’s objectives and beneficial uses prepared by the CVRWQCB. Please refer to Master Comment Response FISHPASS-1, “Fish Passage Above Shasta Dam,” for a discussion of how increasing cold water pool will improve conditions for the downstream populations of listed Chinook Salmon. Also refer to Master Comment Response DSFISH-4,

“Maintaining Sacramento River Flows to Meet Fish Needs and Regulatory Requirements.”

WINN-53: Information on this topic can be found in the DEIS Plan Formulation Appendix, Chapter 1, “Introduction,” Section “Planning Constraints and Other Considerations,” and Chapter 2, “Management Measures,” Section “Measures to Address Secondary Planning Objectives.” As described in Master Comment Response ALTR-1, “Range of Alternatives – General,” the plan formulation process for the SLWRI is compliant with the Economic and Environmental Principles and Guidelines for Water and Related Land Resources Implementation Studies (P&G) (1983), which integrates NEPA principles into the planning process. The SLWRI plan formulation process focused on addressing the primary project objectives, which include increasing anadromous fish survival in the upper Sacramento River and increasing water supply reliability. Secondary project objectives, including developing additional hydropower generation, were considered to the extent possible through pursuit of the primary project objectives. Accordingly, the SLWRI plan formulation process placed a primary focus on increasing anadromous fish survival and a secondary focus on hydropower generation.

As described in the Plan Formulation Appendix, planning constraints and other considerations specific to the SLWRI were identified and developed to help guide the SLWRI plan formulation process. Among these planning considerations is the following:

- Alternatives should not result in significant adverse effects to existing and future water supplies, hydropower generation, or related water resources conditions.
- Alternatives are to consider the purposes, operations, and limitations of existing projects and programs and be formulated to not adversely impact those projects and programs.

Measures to increase instream flows on the McCloud River and the Pit River would considerably impact hydropower generation at PG&E’s existing McCloud-Pit Project facilities on the McCloud and Pit rivers. Those facilities are not part of the CVP and are not subject to the provisions of the CVPIA. Rather, that project is managed for hydropower purposes under license by the Federal Energy Regulatory Commission under the Federal Power Act. Accordingly, these measures were eliminated from further consideration because they violated the above planning considerations.

Please refer to Master Comment Response ALTD-2, “Alternative Development – Anadromous Fish Survival.”

WINN-54: Please refer to Master Comment Response CR-8, “Native American Connection to Salmon,” and FISHPASS-1, “Fish Passage Above Shasta Dam.”

WINN-55: Please refer to Master Comment Response FISHPASS-1, “Fish Passage Above Shasta Dam.”

WINN-56: Water temperatures in Shasta Lake were simulated using the Sacramento River Water Quality model, the best available tool at this time. The Modeling Appendix, Chapter 4, “Sacramento River Water Quality Model,” Sections, “Model Description,” “Model Representation of the Physical System,” and “Model Representation of Reservoirs,” describes details of how the model works, with specific information on potential model limitations on localized area of shallow water temperature simulation, including justification of use of the model as formulated. Please refer to Chapter 11, “Fisheries and Aquatic Ecosystems,” Section 11.3.3, “Affected Environment,” for assessment of effects on Nearshore, Warm-Water Habitat in Shasta Lake from Project Operations.

Please refer to Master Comment Response RE-1, “Reservoir Evaporation.”

WINN-57: Please refer to Master Comment Response RAH-1, “Available Water to Fill an Enlarged Reservoir,” and Master Comment Response RAH-3, “Dry Year Effects to Reservoir Storage.”

WINN-58: Significant uncertainty exists about future precipitation changes but the central tendency of climate projections in the watershed above Shasta is for increased not decreased precipitation during the 20th century. An enlarged Shasta results in more water in storage and not less for both drier and wetter climates than occurred in the historic period.

Please refer to Master Comment Response CC-1, “Climate Change Uncertainty and Related Evaluations,” and Master Comment Response RAH-3, “Dry Year Effects to Reservoir Storage.”

WINN-59: Please refer to Master Comment Response WR-1, “Water Rights.”

WINN-60: Please refer to Master Comment Response ESA-1, “Compliance with the Endangered Species Act,” and Master Comment Response DSFISH-4, “Maintaining Sacramento River Flows to Meet Fish Needs and Regulatory Requirements.”

WINN-61: Please refer to Master Comment Response WASR-1, “Eligibility of the McCloud River as a Federal Wild and Scenic River,”

and Master Comment Response WASR-6, “Protections of the Lower McCloud River as Identified in the California Public Resources Code, Section 5093.542.”

WINN-62: Please refer to Master Comment Response WASR-4, “CRMP’s Responsibilities to Maintain the Outstandingly Remarkable Values of the McCloud River,” and Master Comment Response WASR-1, “Eligibility of the McCloud River as a Federal Wild and Scenic River.”

WINN-63: The EIS establishes the context of the effects of inundation on Segment 4 of the McCloud River determined eligible for designation under the federal WSRA. As described in Chapter 25, “Wild and Scenic River Considerations for McCloud River,” Section 25.4.3, “Direct and Indirect Effects,” of the DEIS, the corridor considered eligible under the federal WSRA extends ¼ mile on either side of the McCloud River, a very small proportion of the McCloud River basin. Impact WASR-1 in the EIS provide the specific information on the length and width of the river corridor subject to inundation and the resultant impacts to identified the Outstandingly Remarkable Values, including fisheries, cultural resources and scenic values.

Please refer to Master Comment Response WASR-4, “CRMP’s Responsibilities to Maintain the Outstandingly Remarkable Values of the McCloud River,” Master Comment Response WASR-1, “Eligibility of the McCloud River as a Federal Wild and Scenic River,” and Master Comment Response CR-15, “National Historic Preservation Act Section 106 Consultations.”

WINN-64: Please refer to Master Comment Response WASR-1, “Eligibility of the McCloud River as a Federal Wild and Scenic River.”

WINN-65: Please refer to Master Comment Response WASR-4, “CRMP’s Responsibilities to Maintain the Outstandingly Remarkable Values of the McCloud River,” and Master Comment Response GEN-1, “Comment Included as Part of the Record.”

WINN-66: Thank you for your comment and opinion related to potential beneficiaries' payment capacities. Please see Master Comment Response COST/BEN-5, “Potential Project Financing.”

WINN-67: Please refer to Master Comment Response CEQA-1, “CEQA Compliance.”

WINN-68: Please refer to Master Comment Response CEQA-1, “CEQA Compliance.”

WINN-69: Please refer to Master Comment Response CEQA-1, “CEQA Compliance.”

WINN-70: Please refer to Master Comment Response CR-12, “Cultural Resources and CEQA,” Master Comment Response CR-1, “Potential Effects to Cultural Resources,” and Master Comment Response CR-11, “Cultural Resources and NEPA.”

WINN-71: Please refer to Master Comment Response CEQA-1, “CEQA Compliance.”

WINN-72: Please refer to Master Comment Response NEPA-1 “Sufficiency of EIS,” and Master Comment Response GEN-1, “Comment Included as Part of the Record.”