

CHAPTER 2 Introduction

The Sonoma County Water Agency (Water Agency) has prepared this Draft Environmental Impact Report (Draft EIR) for the Fish Habitat Flows and Water Rights Project (Fish Flow Project). This Draft Environmental Impact Report will be referred to throughout this document as the Draft EIR. The Draft EIR has been prepared in accordance with the California Environmental Quality Act (CEQA) (Public Resources Code [PRC] Section 21000-21177), the State CEQA Guidelines (CCR, Title 24, Division 6, Chapter 3, Sections 15000-15387), and the Water Agency's Procedures for the Implementation of the California Environmental Quality Act. The Water Agency is the lead agency for consideration of this EIR and potential project approval. CCR Section 15367 defines the lead agency as the agency with principal responsibility for carrying out or approving a project.

2.1 Purpose and Intended Uses of the Draft EIR

CEQA requires preparation of an EIR when a proposed project may have a significant impact on the environment (CCR Section 15064). "An EIR is an informational document which will inform public agency decision makers and the public generally of the significant environmental impacts of the proposed project, identify possible ways to minimize the significant effects, and describe reasonable alternatives to the project" (CCR Section 15121). The basic informational requirements for an EIR include discussions of the purpose and need for the project, identification and analysis of project alternatives, environmental setting, environmental impacts, and proposed mitigation measures. This Draft EIR evaluates and discloses the environmental impacts of the proposed project and its alternatives. Where possible, mitigation measures are proposed to avoid or reduce project impacts.

This document is a project-level EIR. A project-level EIR is defined as "the most common type of EIR that examines the environmental impacts of a specific development project" (CCR Section 15161).

2.2 Agency Roles and Responsibilities

Public agencies are required to consider the information presented in an EIR when determining whether to approve a project. This EIR will be used by the lead agency and other responsible agencies to evaluate environmental impacts of the proposed project and make a decision of approval for the project.

Lead Agency

The Water Agency is the lead agency under CEQA. The Water Agency's Board of Directors has the principal responsibility for carrying out or approving the project. As the decision-making entity of the lead agency for the Fish Flow Project, the Water Agency's Board of Directors will be responsible for considering certification of the EIR and approval of the proposed project. Prior to project approval, the Water Agency's Board of Directors will consider certification of the EIR. Upon completion and certification of this EIR, the Water Agency will use this document to make

Introduction

written findings, adopt a Statement of Overriding Considerations, if necessary, and file a Notice of Determination (NOD).

Responsible and Trustee Agencies

CEQA defines a responsible agency as a public agency, other than the lead agency, which has responsibility for carrying out or approving a project (PRC Section 21069). A trustee agency is a state agency that has jurisdiction by law over natural resources affected by a project, that are held in trust for the people of the State of California (PRC Section 21070). Trustee agencies include the California Department of Fish and Game (CDFW), State Lands Commission (SLC), State Department of Parks and Recreation (State Parks), and the University of California (CCR Section 15386).

The Fish Flow Project should be consistent with, but not limited to, the following: Federal Endangered Species Act; California Endangered Species Act; State Water Resources Control Board's Policy for Maintaining Instream Flows in Northern California Coastal Streams; North Coast Regional Water Quality Control Board Basin Plan; Mendocino County General Plan; Sonoma County General Plan; the Water Agency's agreement with the U.S. Army Corps of Engineers (USACE) for storage of water at Lake Mendocino; the Water Agency's agreement with the USACE for storage of water at Lake Sonoma; and the U.S. Federal Energy Regulatory Commission (FERC) order issuing license (major) for Warm Springs Dam hydroelectric project-FERC Project No. 3351-002 (1984). The Water Agency would also need to comply with the terms of any new permits associated with the proposed Fish Flow Project. The following list of the agencies may have responsibility for or jurisdiction over, over portions of the Fish Flow Project. Included in the list are potential permit and other approvals that may be required before implementation of the Fish Flow Project.

Federal

Federal agencies are not responsible agencies under CEQA. However, federal agencies may use information provided in an EIR in preparation of their compliance with permitting requirements.

- The U.S. National Marine Fisheries Service (NMFS) administers the federal Endangered Species Act, Magnuson-Stevens Fishery Conservation and Management Act, and Marine Mammal Protection Act as they pertain to marine species. It also advises USACE on Section 10 of the Rivers and Harbors Act of 1899 (Section 10) and Section 404 of the Clean Water Act (Section 404) permits with regards to projects that may affect species and their critical habitat that may anadromous fish spawning or habitat. NMFS issued a biological opinion under Section 7 of the federal ESA to the USACE and the Water Agency. The Fish Flow Project was developed to comply with the biological opinion.
- The U.S. Fish and Wildlife Service (USFWS) administers the federal Endangered Species Act, and the Marine Mammal Protection Act. The Fish and Wildlife Service also advises the USACE on Section 10 or Section 404 permits for projects that affect fish and wildlife.

- The USACE regulates activities in waters of the United States under Section 10 of the Rivers and Harbors Act of 1899, and Section 404 of the Clean Water Act ("Section 10" and "Section 404" permits).
- The U.S. Federal Energy Regulatory Commission regulates permits for hydroelectric facilities. The FERC would be responsible for determining whether proposed minimum instream flow requirement changes that result in changed releases from Warm Springs Dam as a result of the Fish Flow Project would be in compliance with the Water Agency's existing license for the operation and maintenance of the Warm Springs Dam Hydroelectric Project.

State

- CDFW is responsible for protecting plant and wildlife populations, and is responsible for overseeing the California Endangered Species Act (CESA). CDFW issued a consistency determination under CESA for the biological opinion issued by NMFS. The Fish Flow Project was developed to comply with the biological opinion and the consistency determination. CDFW also prepares streambed alteration agreements for all projects that may alter any river, stream or lake.
- The State Water Resources Control Board (SWRCB) is responsible for approving any modification in water right permits or issuing new water right permits. The Fish Flow Project would require the SWRCB's approval of proposed changes to the Water Agency's water right permits. In addition, the Division of Drinking Water within the SWRCB issues permits for public water supply systems.
- The North Coast Regional Water Quality Control Board (NCRWQCB) is responsible for approving projects that may affect the water quality of waterways in the project area, through the issuance of waste discharge requirements (WDRs) and National Pollutant Discharge Elimination System (NPDES) permits.
- California State Office of Historic Preservation oversees compliance with Section 106 of the National Historic Preservation Act.

Local

- The Mendocino County Planning and Building Services reviews projects for consistency with the Mendocino County General Plan, pursuant to Section 65402 of the California Government Code.
- The Sonoma County Permit and Resources Management Department (PRMD) reviews projects for Sonoma County General Plan consistency, pursuant to Section 65402 of the California Government Code.

2.3 Environmental Review Process

Notice of Preparation

In accordance with PRC Section 21092 and CCR Section 15082, on September 29, 2010, the Water Agency released a Notice of Preparation (NOP) to notify agencies and the public that an EIR was being prepared and to request comments on the scope and content of the EIR. The

Introduction

NOP is included as Appendix A. The NOP was submitted to: the State Clearinghouse; to public agencies, including responsible and trustee agencies, interested parties and organizations, and individuals who had requested to be put on the Fish Flow Project mailing list. The NOP also was available at the Water Agency's administrative office at 404 Aviation Boulevard in Santa Rosa, at the public scoping meetings and on the Water Agency's website (www.sonomacountywater.org).

A 30-day public review period was established beginning September 29, 2010, and ending November 15, 2010. Three noticed public scoping meetings were held during the review period to inform the public about the proposed project and to receive input from the public. These meetings were held November 4, 2010, in Monte Rio, November 8, 2010, in Windsor, and November 10, 2010, in Ukiah. A report summarizing the scoping meetings, including the number of attendees, reference materials and comments received, is included as Appendix A.

Public Review of the Draft EIR

This Draft EIR contains a copy of the NOP and the Scoping Report, which provides a summary of all verbal and written comments received, and copies of the written comments are included in Appendix A. These comments were considered during the preparation of the Draft EIR. Preparation of the Draft EIR also included consultation with experts including hydrologists, engineers, fisheries and wildlife biologists, botanists, and cultural resource specialists.

This Draft EIR is being released for a 60-day public review period from August 19 to October 17, 2016. Workshops and public hearings will be advertised in local newspapers, by direct mail, and on the Water Agency's website (www.sonomacountywater.org). Two informational public workshops will be held on August 22, 2016, in Cloverdale and August 24 in Monte Rio. A public hearing will be held on September 13, 2016, at 3 pm at the Sonoma County Board of Supervisors Chambers in Santa Rosa to receive input from agencies and the public on the Draft EIR.

Copies of the EIR will be provided to responsible or trustee agencies. A Notice of Availability for the Draft EIR will be mailed to individuals who had requested to be put on the Fish Flow Project mailing list.

Written comments on the Draft EIR may be submitted at any time during the review period to the Water Agency. Oral comments may be made at the public hearing. Written comments shall be submitted no later than 5 pm on October 17, 2016. Public agencies should provide the name of a contact person, phone number, and email address. Comments provided electronically should include the name and physical address of the commenter. Please send all written comments to:

Sonoma County Water Agency
404 Aviation Blvd.
Santa Rosa, CA 95403
Jessica Martini-Lamb, Environmental Resources Manager
Email: fishflow-eir@scwa.ca.gov

The Draft EIR is available for review online at: www.sonomacountywater.org.

Copies of the Draft EIR will be available for public review during regular business hours at the following locations:

Sonoma County Water Agency
404 Aviation Blvd.
Santa Rosa, CA 95403

Windsor Regional Library
9291 Old Redwood Highway, Building 100
Windsor, CA 95492

Mendocino County Library
105 N. Main St.
Ukiah, CA 95482

Central Santa Rosa Library
211 E Street
Santa Rosa, CA 95404

Cloverdale Regional Library
401 N. Cloverdale Blvd.
Cloverdale, CA 95425

Guerneville Regional Library
14107 Armstrong Woods Rd.
Guerneville, CA 95446

Healdsburg Regional Library
139 Piper Street
Healdsburg, CA 95448

Final EIR

Before approving a project, the lead agency must prepare a Final Environmental Impact Report (Final EIR). Upon completion of the public review period for the Draft EIR, the Water Agency will review all comments received and prepare responses to each comment. The Response to Comments document and any revisions made to the Draft EIR will constitute the Final EIR for the project. Upon completion of the Final EIR, the Water Agency's Board of Directors will consider certification of the EIR and approval of the Fish Flow Project. Before considering project approval, the Water Agency's Board of Directors, as lead agency, is required to certify that the EIR has been completed in compliance with CEQA, that the decision-making body reviewed and considered the information in the EIR, and that the EIR reflects the independent judgment of the lead agency.

2.4 Organization of the Draft EIR

This Draft EIR includes the following principal sections: Summary; Introduction; Background and Project Description; Environmental Setting, Impacts and Mitigation Measures; Cumulative, Other Statutory Requirements; Alternatives; List of Preparers; and Bibliography. Footnotes are presented throughout several of the chapters. Footnotes, indicated as lower-case letters, are used to provide additional information where needed or to provide a reference, if necessary. Footnotes are presented at the bottom of the page. Citations are provided within the text and the associated reference is provided at the end of each chapter as appropriate.

Introduction

Chapter 1, **Summary**, presents a summary of the Fish Flow Project, significant environmental impacts and mitigation measures. A summary of alternatives to the Fish Flow Project is included. Areas of known controversy and issues to be resolved are described. This chapter also includes a table of significant environmental impacts and mitigation measures.

Chapter 2, **Introduction**, discusses the purpose and intended uses of the Draft EIR, agency roles and responsibilities, environmental review process, and organization of this Draft EIR.

Chapter 3, **Background and Project Description**, provides background information necessary for the reader to understand the Fish Flow Project. This chapter describes the project location, Water Agency's purpose as set forth by the state legislature, existing flood management and water supply operations in the project area, legal obligations, water contractors and other customers, water rights, water policy, Urban Water Management Plan, water conservation and education programs, and other water-supply related activities.

This chapter also discusses the project objective, purpose and need for the project, and describes the proposed project. This chapter also discusses the proposed schedule for the project and project approvals.

Chapter 4, **Environmental Setting, Impacts and Mitigation Measures**, is divided into resource sections, which discuss the following resource categories that are listed in order in which they appear in Chapter 4: Hydrology; Water Quality; Fisheries Resources; Vegetation and Wildlife; Recreation; Energy; Greenhouse Gas Emissions and Climate Change; Cultural Resources; Aesthetics, and Public Services and Utilities. The resource sections evaluate the potential environmental impacts resulting from the Fish Flow Project. Each section provides the existing environmental setting, regulatory framework, impact analysis methodology, significance criteria, and the analysis of potential impacts. Impacts are numbered sequentially; any required mitigation measures are described and numbered to correspond with the impact number. References are included at the end of each resource section.

Chapter 5, **Cumulative**, provides an analysis of the cumulative impacts that may result from the implementation of the proposed project together with other past, present, and future projects.

Chapter 6, **Other Statutory Requirements**, includes a discussion of direct and indirect growth-inducing impacts and significant irreversible environmental changes that could be caused from the implementation of the proposed project.

Chapter 7, **Alternatives**, identifies alternatives to the proposed project that may reduce one or more environmental impacts of the project, including the No Project alternatives, alternatives considered but not analyzed in detail, and the environmentally superior alternative. The chapter discusses how alternatives were evaluated, and provides sufficient detail to allow for a comparison of impacts between alternatives and the proposed project.

Chapter 8, **List of Preparers**, includes a list of lead agency contacts and the preparers of the Draft EIR.

Chapter 9, **Bibliography**, includes a list of documents used in the preparation of the Draft EIR.

Effects Determined Not to be Significant and Not Discussed Further

CEQA and the CEQA Guidelines allow a lead agency to dismiss environmental effects that are not significant or potentially significant from detailed discussion in an EIR (PRC Section 21100, CCR Sections 15126.2[a] and 15128). For effects dismissed as clearly less than significant and not discussed further, the CEQA Guidelines require a brief explanation of the reasons supporting that determination.

Based on a review of the project description and research and analysis of potential environmental effects during preparation of this Draft EIR, it has been determined that the following resource categories would not result in significant environmental impacts from the project. Accordingly, these resources are not addressed further in this Draft EIR. Further discussion is provided in Chapter 4, Environmental Setting, Impacts, and Mitigation Measures, regarding the reasons why significant impacts to each resource would not occur.

- ▲ Air Quality
- ▲ Agricultural Resources
- ▲ Geology, Soils, and Mineral Resources
- ▲ Hazards and Hazardous Materials
- ▲ Land Use and Planning
- ▲ Noise
- ▲ Population and Housing
- ▲ Traffic and Transportation