

5. CONSULTATION AND COORDINATION

This chapter reviews agency consultation and coordination that occurred prior to and during preparation of this EIS/EIR. It also includes the list of agencies and individuals who received the Draft document. The consultation process began in December 1998 with a Notice of Preparation of an EIS/EIR (CEQA) and the comparable Notice of Intent under NEPA. Three public meetings were held in January 1998 to obtain input on issues and concerns to be evaluated in the EIS/EIR. A report on the public scoping process is included as Appendix E.

5.1 FISH AND WILDLIFE COORDINATION

5.1.1 Fish and Wildlife Coordination Act

The action proposed in this document is a joint activity of the U.S. Bureau of Reclamation (Reclamation) and the U.S. Fish and Wildlife Service (Service). In addition, Reclamation has coordinated closely with the Service and with the National Marine Fisheries Service (NMFS) on the preparation of this EIS/EIR. These activities have met any consultation/coordination requirements that may exist pursuant to the Fish and Wildlife Coordination Act.

5.1.2 Endangered Species Act

Reclamation and the Service are continuing close coordination for Endangered Species Act (ESA) compliance of all aspects of the Central Valley Project Improvement Act (CVPIA).

The Service and NMFS have been consulted regarding the effects of the proposed action on species listed pursuant to the ESA. For this proposed action, endangered species protections include compliance with existing ESA requirements, including the Service's 1995 and 1996 Biological Opinions for the Delta Smelt and the 1995 Biological Opinion for the Winter-run Chinook Salmon.

In April 1998, Reclamation requested assistance from the Service in identifying threatened, endangered, proposed, and candidate plant and animal species that may be located in the San Joaquin River project area. The Service responded in June 1998 with lists of species that may be present in or may be affected by projects in the subject project area. Using this information, Reclamation prepared this EIS/EIR for the proposed action; this document was used to initiate informal consultation. Appendix D presents a comprehensive list of sensitive species that may be present in the project area and whether they could be affected by the proposed and alternative actions. The results of this consultation have been incorporated into this EIS/EIR.

NMFS identified the fall/late fall-run chinook salmon as proposed-as-threatened and the steelhead as threatened species to be addressed. Critical habitat for chinook salmon has been proposed in the San Joaquin River Agreement (SJRA) project area of the San Joaquin River and its tributaries.

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The provision of water for instream flow will improve conditions for fishery resources, including the proposed-as-threatened fall-run chinook salmon. Indirectly, this action will also improve conditions for other native species including the splittail. As a result of compliance with the existing Biological Opinions and further consultation with the NMFS, there are no anticipated adverse significant impacts to listed species including the threatened steelhead due to water supply activities. Reclamation believes that all possible adverse impacts to listed aquatic species from the 1999-2010 period of implementation of the proposed action have been addressed in existing biological opinions (or will be addressed in biological opinions that will be completed prior to taking a federal action). Consultation is continuing with the Service and NMFS to complete ESA compliance activities. Reclamation will complete Section 7 consultation pursuant to the Endangered Species Act for threatened Central Valley steelhead and all other required federal Endangered Species Act compliance activities before any final federal action is taken.

5.1.3 State Agency Coordination

CEQA requires that the Lead Agency must formally consult with responsible and trustee agencies in determining whether to prepare an EIR. The primary tool for this coordination is the preparation of a Draft EIS/EIR for review by state agencies. Section 5.4 is a list of all agencies receiving this document directly from Reclamation and the San Joaquin River Group Authority (SJRGA); however, additional State agencies may receive a copy directly from the State Clearinghouse.

Prior to release of the Draft EIS/EIR, an Administrative Draft EIS/EIR was sent to the Department of Fish and Game (DFG), the Regional Water Quality Control Board, and the Department of Water Resources (DWR). DFG biologists were consulted pursuant to the Fish and Wildlife Coordination Act and the California Endangered Species Act. In May 1998, the SJRGA requested assistance in developing species lists for the EIS/EIR. DFG started their participation on the steering committee in July 1998. This and other consultations will occur both prior to and during the public review of the Draft EIS/EIR and include agencies who comment on the Draft EIS/EIR.

5.2 COOPERATING AGENCY INVOLVEMENT

Federal, State, and local agencies involved with Reclamation and the SJRGA in the development of this EIS/EIR participated on a steering committee for development and review of NEPA/CEQA documentation for projects involving water supplies for flows on the San Joaquin River and its tributaries. These agency representatives are:

U.S. Fish and Wildlife Service

Richard Jewell, Central Valley Fish and Wildlife Restoration Program

National Marine Fisheries Service

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Laura Hamilton, Protected Resources Division
Dennis E. Smith, Protected Resources Division

California Department of Fish and Game

Jeff Single, Environmental Services Division

California Department of Water Resources

Mike Ford, State Water Project
Jim Spence, State Water Project

San Joaquin River Group Authority

Tim O'Laughlin, Oakdale Irrigation District
Marc Van Camp, Merced Irrigation District
Richard Martin, South San Joaquin Irrigation District
Richard Moss, Friant Water Users Authority
Dan Fults, Friant Water Users Authority
Allen Short, Modesto Irrigation District
William Johnston, Modesto Irrigation District
Walter Ward, Modesto Irrigation District
Art Godwin, Turlock Irrigation District
Steve Chedester, San Joaquin River Exchange Contractors Water Authority

All members of the SJRA steering committee have reviewed one or more drafts of this EIS/EIR.

The City and County of San Francisco, Public Utilities Commission, is cooperating with the SJRGA in developing solutions to Bay/Delta issues. Westlands Water District and the Metropolitan Water District have also participated on the committee and in review of preliminary CEQA/NEPA documentation.

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5.3 LIST OF ENVIRONMENTAL COMMITMENTS

U. S. Bureau of Reclamation

As a member of the San Joaquin River Technical Committee, Reclamation will develop a flow regime for releases of purchased water in coordination with the SJRGA and DWR. By February 15 of each year, the operations plan will be developed and describe how the Vernalis Adaptive Management Plan (VAMP) and the other flows in the Agreement will be implemented in that year.

State Water Resources Control Board

The Parties' obligations under the San Joaquin River Agreement are conditioned upon the entry and enforcement by the California State Water Resource Control Board (SWRCB) of an order pursuant to Water Code Section 1707 or similar protection that prohibits (1) unauthorized diversions of any portion of the flows provided by the SJRGA's members pursuant to this Agreement until they pass Vernalis; and, (2) unauthorized diversions of any existing flow between SJRGA members' last point of control and Vernalis. Section 1707 petitions were filed on December 10, 1998.

There is no construction proposed nor would alterations of stream channels occur under the proposed action. No permit is required from the U.S. Army Corps of Engineers. There are no local or State permits required for the water purchases for release to the rivers.

5.4 DISTRIBUTION LIST

Recirculation of the Draft EIS/EIR is not necessary, because all of the comments received resulted in minor modifications to the Draft EIS/EIR. This Final EIS/EIR is being circulated to the commenters and interested parties for review and final comment during a 30-day no action period from February 5, 1999 through March 8, 1999 under NEPA (and a 10-day review from January 29, 1999 to February 9, 1999 under CEQA). The distribution list is provided on the following pages.

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