

CHAPTER 5

CONSULTATION AND COORDINATION

5.1 ENVIRONMENTAL REVIEW AND CONSULTATION REQUIREMENTS

The status of compliance with specific environmental review and consultation requirements is described below.

ENDANGERED SPECIES ACT

Section 7 of the federal Endangered Species Act (FESA) of 1973 as amended requires federal agencies, in consultation with U.S. Fish and Wildlife Service (USFWS) and National Oceanic and Atmospheric Administration (NOAA) Fisheries, to ensure that their actions do not jeopardize the continued existence of endangered or threatened species or result in destruction or adverse modification of the critical habitat of these species. Because the Revised Management Plan (BMP) projects may affect listed species or their habitats, Reclamation is required to meet the Section 7 consultation requirements.

In accordance with NEPA requirements for FESA compliance, Reclamation has initiated formal consultation with USFWS and NOAA Fisheries on the project. First, a written request was submitted to USFWS for a listing of special status species known or with potential to occur within and adjacent to the project area. USFWS responded with a written list. As part of this process, a Biological Assessment has been prepared to satisfy these consultation requirements and USFWS and NOAA Fisheries regulations. The Biological Assessment was submitted to each agency, along with a request to initiate formal consultation, in 2003. The consultation and Biological Assessment includes the results of surveys conducted for this project. Section 4.5 of this EIS describes the potential for listed, proposed, and other sensitive species to occur in areas affected by the Revised BMP project alternatives and is consistent with the Biological Assessment.

FISH AND WILDLIFE COORDINATION ACT

The Fish and Wildlife Coordination Act (16 USC 661 et seq.) requires federal agencies to consult with USFWS and state fish and game agencies before undertaking or permitting projects that control or modify surface water. This consultation is intended to promote the conservation of wildlife resources by preventing loss of or damage to wildlife resources where possible and to provide for the development and improvement of wildlife resources in connection with water projects. Federal agencies undertaking water projects are required to include recommendations

made by USFWS and state fish and game agencies in project reports, to give full consideration to these recommendations, and to include in project plans justifiable means and measures for protecting wildlife resources.

Reclamation is consulting with USFWS as described above. This EIS is intended to fulfill compliance with the Fish and Wildlife Coordination Act.

CLEAN AIR ACT

Reclamation is required by the Clean Air Act to assure that its actions conform to an approved air quality implementation plan. If the proposed project area is in a nonattainment area, Reclamation needs to demonstrate compliance with conformity requirements of the Clean Air Act (Section 176[c]). As discussed in Section 4.8, Air Quality, no conformity determination for the project is required.

NATIONAL HISTORIC PRESERVATION ACT

Section 106 of the National Historic Preservation Act requires federal agencies to take into consideration the effects of their undertakings on historical, archeological, and cultural resources. Federal agencies are required to identify historical and archeological properties near proposed projects, including properties listed on the National Register of Historic Places (NRHP) and those that are eligible for listing in the NRHP. If the project may have an effect on NRHP-listed properties or those eligible for listing in the NRHP, the agency is required to consult with the State Historic Preservation Officer and the Advisory Council on Historic Preservation to develop alternatives or mitigation measures to reduce, avoid, or mitigate effects on historic properties. As stated in Section 3.6, Cultural Resources, two sites within the project area are eligible for NRHP-listing. Analysis of the materials and reporting has been completed. Three sites within the project area have not yet been formally evaluated for listing. As discussed in Section 4.6, implementation of the project could result in the alteration or destruction of identified and unknown cultural resources. Investigations are being completed and Reclamation will consult with the State Historic Preservation Officer and the Advisory Council on Historic Preservation if necessary to develop a mitigation plan.

INDIAN TRUST ASSETS

The United States has a trust responsibility to protect and maintain rights reserved by or granted to American Indian (Indian) tribes or Indian individuals by treaties, statutes, and executive orders. This trust responsibility requires that all Federal agencies, including Reclamation, take all actions reasonably necessary to protect Indian Trust Assets (ITAs). ITAs are legal interests in property held in trust by the United States for Indian tribes or individuals, or property that the United States is otherwise charged by law to protect. Examples of resources that could be ITAs are lands, minerals, hunting and fishing rights, water rights, and instream flows.

Reclamation is responsible for ensuring that its actions do not adversely affect ITAs. Reclamation's Indian Trust Asset Policy was signed by the Commissioner on July 2, 1993. The Policy states that Reclamation will carry out its activities in a manner that protects ITAs and avoids adverse impacts when possible. When adverse impacts cannot be avoided, appropriate mitigation must be provided. As stated in Section 3.7, Indian Trust Assets, no ITAs have been identified within the project area; therefore, no impacts are anticipated with any of the project alternatives.

FARMLANDS PROTECTION POLICY

Memoranda from the U.S. Council on Environmental Quality to the heads of agencies dated August 30, 1976, and August 11, 1980, and the Farmlands Protection Policy Act of 1981 require federal agencies to include in an EIS an assessment of effects on farmlands. That assessment is required to focus on minimizing adverse impacts on prime and unique farmlands. As described in Section 4.2, Alternative A (No Action) would result in the fallowing of thousands of acres of prime farmland and potential conversion to municipal and industrial uses, Alternative B (Water Recycling Project and Import Water Project) would result in permanent losses of less than 10 acres of prime farmland, and Alternative C (Import Water Project only) would result in permanent losses of less than one acre.

EXECUTIVE ORDER 11988 – FLOODPLAIN MANAGEMENT

Executive Order 11988 requires federal agencies to prepare floodplain assessments for proposals located in or affecting floodplains. An agency proposing to conduct an action within a floodplain must consider alternatives to avoid adverse effects and incompatible development in the floodplain. If the only practicable alternative involves siting in a floodplain, the agency must minimize potential harm to or development within the floodplain and explain why the action is proposed within the floodplain.

Although some of the project components that would be implemented under Alternative B or Alternative C would be constructed in floodplains (i.e., pipelines crossing drainages), they are designed (a) to avoid effects on flooding or damage from flooding and (b) not to alter flood flows. Construction of pipelines within the floodplain of the Pajaro River as well as various creeks and stream channels would be temporary, and the channels would be restored to their original condition immediately following construction. The pipes would be protected from scour in a manner that does not alter flood flows. The Water Recycling Facility is, by necessity, adjacent to the wastewater treatment facility, which is within the floodplain of the Pajaro River but protected by flood protection levees. No long-term effects from the construction or operation of these facilities are anticipated.

EXECUTIVE ORDER 11990 – PROTECTION OF WETLANDS

Executive Order 11990 requires federal agencies to prepare wetlands assessments for proposals located in or affecting wetlands. Agencies must avoid undertaking new construction in wetlands unless no practicable alternative is available and the proposed action includes all practicable measures to minimize harm to wetlands.

While the proposed pipeline alignment alternatives are located primarily in upland areas, the cross or are near three wetland habitat types (fresh emergent wetland, vernal pool and valley foothill riparian habitat) that could potentially be affected. All project alternatives were evaluated for their impacts on wetlands and other resources. Potential indirect impacts to wetlands include possible erosion and sedimentation from adjacent construction areas. Trenchless construction methods will be used in some locations where the alignment crosses wetlands to avoid direct impacts to these resources. In other locations, wetlands may be directly affected by pipeline construction. The mitigation measures specific for project alternatives require avoidance, replacement, and enhancement measures that would replace or restore all wetland acreage and habitat values (see Section 4.5, Vegetation, Fish and Wildlife).

5.2 AGENCIES AND INDIVIDUALS RECEIVING NOTIFICATION OF THE DRAFT EIS/DISTRIBUTION LIST

During preparation of the EIS, resource agencies and interest groups were notified of the proposed project. The following entities will receive a copy of the draft EIS or notice that it is available. These entities include federal, state, and local agencies, organizations, and individuals.

U.S. SENATORS

Barbara Boxer
Dianne Feinstein

U.S. HOUSE OF REPRESENTATIVES

Anna G. Eshoo (14th District)
Cal Dooley (20th District)
George P. Radanovich (19th District)
Michael Honda (15th District)
Sam Farr (17th District)

CALIFORNIA STATE GOVERNOR

Gray Davis

CALIFORNIA STATE SENATE

Bruce McPherson (15th District)
Charles Poochigian (14th District)

Dean Florez (16th District)
Jeff Denham (12th District)
John Vasconcellos (13th District)

CALIFORNIA STATE ASSEMBLY

Dave Cogdill (25th District)
John Laird (27th District)
Nicole M. Parra (30th District)
Sarah Reyes (31st District)
Simon Salinas (28th District)
Steven N. Samuelian (29th District)

FEDERAL AGENCIES

Advisory Council on Historic Preservation
CALFED
Council on Environmental Quality
National Oceanic and Atmospheric Administration Fisheries
Natural Resources Conservation Service
U.S. Army Corps of Engineers, Regulatory Branch
U.S. Army Corps of Engineers, Sacramento District
U.S. Bureau of Reclamation
U.S. Department of Agriculture Rural Development – Fresno County
U.S. Department of Agriculture Rural Development – Kern County
U.S. Department of Agriculture Rural Development – Kings County
U.S. Department of Agriculture Rural Development – Tulare County
U.S. Department of the Interior
U.S. Environmental Protection Agency, Region IX
U.S. Federal Highway Administration, Sacramento
U.S. Fish and Wildlife Services
U.S. Geological Survey
U.S. National Park Service

STATE AGENCIES

California Coastal Commission
Department of Toxic Substances Control
Department of Water Resources
Native American Heritage Commission
State Air Resources Board
State Clearinghouse
State Department of Fish and Game
State Department of Transportation, Planning and Environmental Department
State Lands Commission
State Office of Historic Preservation
State Regional Water Quality Control Board, Central Valley Region
State Regional Water Quality Control Board, San Francisco Region
State Water Resources Control Board

PUBLIC LIBRARIES

Watsonville Main Library

REGIONAL AGENCIES

Association of Monterey Bay Area Governments
Bay Area Air Quality Management District
Central Valley Regional Water Quality Control Board
Monterey Bay National Marine Sanctuary
Monterey Bay Unified Air Pollution Control District
Monterey Coast Resource Conservation District
Monterey Peninsula Water Management District
Monterey Regional WPCA
North Salinas Valley Mosquito Abatement District

CITIES/COUNTIES/OTHER PUBLIC AGENCIES

Aromas Water District
Broadview Water District
Castroville County Water District
Central California Irrigation District
Central Water District
City of Watsonville
City of Watsonville Planning
Firebaugh Canal Water District
Fresno County Local Agency Formation Commission
Friant Water Users Authority
Kings County Local Agency Formation Commission
Marina Coast Water District
Monterey County Environmental Health
Monterey County Local Agency Formation Commission
Monterey County Planning
Monterey County Public Works
Monterey County Water Resources Agency
Pajaro Valley Public Cemetery District
San Benito County Environmental Health
San Benito County Planning
San Benito County Public Works
San Benito County Water District
San Lorenzo Water District
San Luis and Delta-Mendota Water Authority
Santa Barbara County Local Agency Formation Commission
Santa Clara County Planning
Santa Clara Valley Water District
Santa Cruz City Water Department
Santa Cruz County Environmental Health
Santa Cruz County Local Agency Formation Commission
Santa Cruz County Planning
Santa Cruz County Public Works

Scotts Valley Water District
Soquel Creek Water District
Tulare County Local Agency Formation Commission

INTERESTED GROUPS/INDIVIDUALS

Action Pajaro Valley
Agriculture Industries, Inc.
Ameron
Association of California Water Agencies
Cal-Am Water Company
California Farm Bureau Federation
California Farm Water Coalition
California Water Service Company
Center for Urban Affairs and Political Research
Central Coast Agricultural Task Force
Community Alliance with Family Farmers
Crevolin Family
CVPWUA
Dave Moeller
David Aladjem
David Laredo
David Riggs
Ed Angstadt
Elkhorn Slough Foundation
Environmental Defense Fund
Eric Lacy
Eric Lauritzen
Fresno Chamber of Commerce
Fresno County Farm Bureau
Gary W. Sawyers
Granite Rock Company
Jan E. Painter
Jeanette Crosetti
Jerry Busch
Joe Hayes
John and Denise Murray
Jon D. Rubin
Joseph Scalmanini
Kronick Moskovitz
Larry Seaman
Leslie Ann Shropshire
Lisa Bradley
Michael Willetts
Minasiam LLP
Monterey Bay Conservancy
Monterey County Farm Bureau
Nancy Isakson
Natural Resource Defense Council
Northern California Coastal Cleanup Operations

Pajaro Sunny Mesa Community Service
Paul Binding
Redfern Ranches
Rex A. Haught, Esq.
Robert Hultquist
Santa Cruz County Farm Bureau
Sierra Club – Santa Cruz Chapter
Sierra Club – Ventana Chapter
Stephen C. Chuck, Esq.
Steve Chedester
Surfriders
Susanne, John, James and Carol Armstrong
U.C. Agricultural Extension
U.C. Berkeley Water Resources Center Archives
UFW
Walter Yep
Water Education Foundation
Water Strategist Journal
Watsonville Chamber of Commerce
Watsonville Wetlands Watch
William Phillips