

CHAPTER 14

INTENDED USES OF FINAL SEIS/EIR

INTRODUCTION

This chapter explains how this final SEIS/EIR will be used to present the array of alternatives and their impacts to the decisionmakers at the Federal, State, and local levels, regulatory agencies, concerned organizations, and members of the public.

BACKGROUND

In November 1991, the Corps of Engineers completed an Environmental Impact Statement/Environmental Impact Report pursuant to CEQ (Council on Environmental Quality) regulations for implementing NEPA procedural provisions [40 CFR 1502.4, 1508.18, and 1508.28]. The Department of Water Resources and The Reclamation Board, as the State lead agencies for the study, prepared an environmental impact report, pursuant to CEQA [Section 21200]. This document was prepared to satisfy both Federal and State environmental reporting requirements, pursuant to Section 40 CFR 1506.2(b) of NEPA implementation regulations and Section 21083.5 of CEQA.

CEQA EIR content requirements differ somewhat from those required for an EIS under NEPA by requiring analysis of growth-inducing impacts, a discussion of feasible mitigation measures, and additional public noticing requirements (Remy et al., 1991). Additionally, NEPA requires that all alternatives be analyzed equally and compared (Bass, undated). To fully comply with Federal and State requirements, all mandatory elements are included in this joint SEIS/EIR.

The Corps completed a reconnaissance study in January 1988. The study concluded that (1) serious flood problems confront the Sacramento area, (2) economically feasible solutions are available to resolve these problems, and (3) a feasibility-level investigation was warranted. Accordingly, feasibility studies were conducted for the main stem American River and Natomas. Natomas is just north of downtown Sacramento at the confluence of the lower American and Sacramento Rivers.

The purpose of the feasibility study and report was to describe the preauthorization planning studies to provide additional flood protection for the Sacramento area. The scope of studies was to define the flood risks to the Sacramento area and develop a flood protection plan for the area consistent with other study area water resource needs and opportunities.

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The basic authority for the Corps to study flood protection needs in the American River basin is in Section 209 of the Flood Control Act of 1962 (Public Law 87-874, dated October 23, 1962), which authorizes studies for flood control in northern California. The Corps' authorization for its reconnaissance study and subsequent feasibility investigation was included in the Fiscal Year 1987 Appropriations Act (Public Law 99-91, dated October 30, 1996), as specified in House of Representatives Report 99-670, dated July 15, 1986. Additional study authorization was included in committee language accompanying the Fiscal Year 1988 Continuing Appropriations Act (Public Law 100-202, dated December 22, 1987).

Based on this authority, a feasibility report was completed in December 1991 which recommended construction of a flood detention dam on the North Fork American River and levee improvements to the Natomas area sufficient to provide a 200-year level of protection to Sacramento.

The feasibility report presented six "action" alternatives. Three of these would have provided protection from a 100-year flood, while the other three would have controlled 150-year, 200-year, and 400-year floods. A no-action alternative served as the baseline for evaluating the action alternatives. The Reclamation Board and SAFCA (Sacramento Area Flood Control Agency) identified the 200-year protection plan as their preferred plan, which was thus recommended in the feasibility report. The Reclamation Board and SAFCA indicated that they would be the non-Federal sponsors for construction of this plan.

SUPPLEMENTAL AUTHORIZATION AND GUIDANCE

Subsequent to completion of the feasibility report, Congress provided further guidance on the conduct of the American River study in Section 9159 of the Department of Defense Appropriations Act for FY 93. In addition, Congress authorized the Natomas features described in the feasibility report for construction. In summary, Section 9159 directed the Secretary of the Army to reevaluate the flood control project described in the feasibility report and address the following items:

- Reanalyze the flood detention dam outlet design to reduce frequent flooding of the canyon, minimize soil sloughing, and assure the safety of the dam and downstream flood control system.
- Review the features of the flood detention dam to determine if the design would preclude its safe expansion for water, power, or other purposes and to identify extra costs associated with an expansion at a later time.
- Report on other features and operational procedures that should be implemented in a coordinated flood protection plan including:

- Increased objective flows in the lower American River above the design capacity of 115,000 cubic feet per second.
 - Permanent reoperation of Folsom Reservoir at different levels of increased flood storage.
 - Lowering the spillway at Folsom Dam.
 - Transferring flood control obligations from the Folsom Reservoir to a new flood control facility at Auburn.
 - Using existing and increased flood space in the upstream reservoirs.
 - Offstream storage in Deer Creek.
- Consult with, and solicit the views of, the National Academy of Engineering on the contingency assumptions, hydrological methodologies used in the preparation of the American River project, and other engineering assumptions and methodologies influencing the scope and formulation of the American River flood control alternatives.

This final SEIS/EIR is an informational document. Its purpose is to inform public agency decisionmakers and the general public of the significant effects of the project. It also identifies ways to minimize significant effects and describes reasonable alternatives to the project (CEQA Guidelines, Section 15121 (a) and NEPA Regulations, Section 1502.1).

The DSEIS/SDEIR was circulated for agency and public review and comment in August 1995. Comments, and responses to those comments, have been incorporated into appendix M of the final SEIS/EIR. The final SEIS/EIR will be circulated for agency and public review and comment in March 1996.

Upon completion of the review process, the final SEIS/EIR will be submitted first to the Secretary of the Army, who will issue a Record of Decision regarding the adequacy of the document and the desirability of going forward with the project. If the Secretary reaches a decision in favor of construction, the final SEIS/EIR will go to Congress, which will decide whether to authorize the project. The analyses of the EPA will be considered in the authorization process.

On the State and local levels, the document must be approved first by the Sacramento Area Flood Control Agency, which functions as a "responsible agency" (CEQA Guidelines, Section 15381) and which represents the interests of the affected city and county governments. The California Department of Water Resources and the State Reclamation Board, acting jointly as the project's "lead agency" (CEQA Guidelines, Section 15367) will then certify the environmental document and approve the project. If authorization is received on both the State and Federal levels, the project can go to construction.

Several other agencies may use the final SEIS/EIR as they consider permit applications associated with the project. A preliminary list of entities from whom approvals may be required is provided in table 14-1. If the project is authorized, further (or different)

TABLE 14-1

Regulatory Permits, Licenses, and Other Entitlements

AGENCY	REGULATORY REQUIREMENT	TIMING
Department of Conservation	Reclamation Plan and Permit	Prior to any surface mining activity such as aggregate or borrow material extraction
DWR, Division of Safety of Dams	Certificate of Approval	Following final design of the flood control dam, prior to construction
Department of Fish and Game	Streambed Alteration Agreement	(Not required for Federal project.)
Department of Fish and Game	Endangered Species Take Permit	Incorporated into Endangered Species Mitigation Program, prior to project construction
State Historic Preservation Officer	Programmatic Agreement	Prior to project construction in areas of historic/cultural sensitivity
Department of Parks and Recreation	Right-of-Way Permit	Prior to activity within parklands
Department of Transportation	Encroachment Permit	Prior to any activity within DOT's right-of-way
Department of Transportation	Route Adoption Study and Route Agreement	Post-authorization changes to Highway 49 relocation element of Detention Dam Plan
Air Pollution Control Districts <ul style="list-style-type: none"> • El Dorado County • Placer County • Yolo-Solano County • Sacramento Metropolitan AQMD 	Authority to Construct; Permit to Operate	Prior to construction and operation of any of the alternatives

approvals may also be necessary. The agency authority and permitting or approval requirements are discussed in greater detail in chapter 11 on Compliance with Applicable Laws, Policies, and Plans.

DISTRIBUTION LIST

This section provides a list of Federal, State, regional, and local public agencies and private agencies and organizations to whom a copy of the draft DSEIS/SDEIR was sent and who will receive a copy of this final SEIS/EIR for review and comment. In addition to the regulatory agencies are agencies with special expertise or interest in evaluating environmental issues related to the project. Private agencies and organizations that may be affected by the project or that have expressed an interest in the project through the public scoping process are also included.

ELECTED OFFICIALS AND REPRESENTATIVES

Governor of California
Honorable Pete Wilson
United States Senate
Honorable Dianne Feinstein
Honorable Barbara Boxer
House of Representatives
Honorable Vic Fazio
Honorable Robert Matsui
Honorable John Doolittle
California Senate
Honorable Patrick Johnston
Honorable Leroy Greene
Honorable Tim Leslie
California Assembly
Honorable Barbara Alby
Honorable Philip Isenberg
Honorable David Knowles

UNITED STATES GOVERNMENT DEPARTMENTS AND AGENCIES

Advisory Council on Historic Preservation
Council on Environmental Quality
Department of Agriculture
Agricultural Research Service
Agricultural Stabilization and Conservation Service
Forest Service

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Natural Resources Conservation Service
Department of Commerce
Environmental Science Services Administration
National Marine Fisheries Service
National Oceanic and Atmospheric Administration
National Weather Service
Department of Energy
Division of NEPA Affairs
Federal Energy Regulatory Commission
Department of Health and Human Services
Center for Environmental Health
Consumer Protection, Environmental Health Services
Public Health Service
Water Resources-Mosquito Control
Department of Housing and Urban Development
Federal Housing Administration
Housing Development Division
Housing Management Division
Urban Renewal Administration
Department of the Interior
Bureau of Indian Affairs
Bureau of Land Management
Bureau of Mines
Bureau of Reclamation
Columbia Fisheries Program Office
Fish and Wildlife Service, Division of Habitat Conservation - Washington, D.C.
Fish and Wildlife Service, Regional Office - Portland, Oregon
Fish and Wildlife Service, Division of Ecological Services
Fish and Wildlife Service, Endangered Species
Geological Survey
National Park Service
Office of Environmental Project Review
Department of Labor
Manpower Administration
Department of Transportation
Federal Aviation Agency
Federal Highway Administration
Maritime Administration
U.S. Coast Guard
Environmental Protection Agency
Federal Emergency Management Agency
Smithsonian Institution
Bureau of American Ethnology

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STATE OF CALIFORNIA GOVERNMENT AGENCIES

State of California

- Assembly Committee on Natural Resources
- Assembly Committee on Water, Parks and Wildlife
- Department of Justice
- Office of Attorney General
- Senate Committee on Natural Resources and Wildlife
- The Resources Agency
 - Department of Boating and Waterways
 - Department of Conservation
 - Division of Mines and Geology
 - Department of Fish and Game
 - Department of Forestry and Fire Protection
 - Department of Parks and Recreation
 - Department of Water Resources
 - The Reclamation Board
 - California Water Commission
- State Clearinghouse
- State Lands Commission
- State Water Resources Control Board
 - Regional Water Quality Control Board (Region 5)

LOCAL GOVERNMENT

County Boards of Supervisors

- El Dorado County
- Placer County
- Sacramento County
- Sutter County
- Yolo County

County Air Pollution Control Districts

- El Dorado County
- Placer County
- Sacramento County
- Sutter County
- Yolo County

Central California Irrigation District

- RD 1000 American River Flood Control District
- RD 1001
- RD 1500

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Use of final SEIS/EIR

COUNTY AGENCIES

Placer County Water Agency
Placer County Transportation Planning Agency
San Joaquin County Flood Control District

CITY GOVERNMENT

City of Auburn
City of Folsom - City Attorney
City of Folsom - Planning Department
City of Roseville - Environmental Utilities
Cool-Pilot Hill Advisory Committee
Town of Loomis

SPECIAL INTEREST GROUPS

American Fisheries Society
American River Authority
American River Coalition
Auburn Dam Task Force
Auburn Dam Council
California Trout
California Native Plant Society
California Waterfowl Association
Defenders of Wildlife
Environmental Defense Fund
Friends of the River
National Wildlife Federation
National Audubon Society
Preserve American River Canyon
Planning and Conservation League
Save the American River Association
Sierra Club
The Wildlife Society
The Nature Conservancy

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