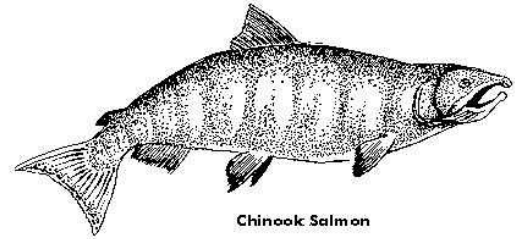


# Chapter 1

## Introduction, Organization, and Process



The U.S. Department of the Interior, Bureau of Reclamation (Reclamation) and the California State Water Resources Control Board (SWRCB) are proposing the Battle Creek Salmon and Steelhead Restoration Project (Restoration Project). The proposed Restoration Project presents an opportunity to reestablish approximately 42 miles of prime salmon and steelhead habitat on Battle Creek, plus an additional 6 miles of habitat on its tributaries (Figure 1-1). Restoration would be accomplished primarily through the modification of the Battle Creek Hydroelectric Project (Federal Energy Regulatory Commission [FERC] Project No. 1121) (Hydroelectric Project) facilities and operations, including instream flow releases. Any proposed changes to the Hydroelectric Project trigger the need for the Pacific Gas and Electric Company (PG&E)<sup>1</sup> to seek a license amendment from FERC.

Because of the federal and state actions associated with the Restoration Project, compliance with both the National Environmental Policy Act (NEPA) (42 USC 4321-4347) and the California Environmental Quality Act (CEQA) (Public Resources Code 21000 *et seq.*) is required. This joint Environmental Impact Statement/Environmental Impact Report (EIS/EIR) has been prepared to fulfill the requirements of both NEPA and CEQA. Because the Restoration Project is an action directed within the CALFED Bay-Delta Program Final Programmatic EIS/EIR (CALFED 2000a) environmental review of this EIS/EIR will tier from that document.

The purpose of this EIS/EIR is to disclose the impacts associated with the Restoration Project Proposed Action alternative and other project alternatives in order to reach a decision on the alternative to be implemented.

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<sup>1</sup> Pacific Gas & Electric Company (PG&E) is the owner and licensee of the Battle Creek Hydroelectric Project (FERC Project No. 1121) at the time of publication of this document.

Reclamation, the lead federal agency, is responsible for ensuring overall NEPA compliance, while FERC, a cooperating federal agency, is responsible for ensuring that proposed changes to the Hydroelectric Project comply with NEPA prior to issuing a license amendment for the Hydroelectric Project. Because this FERC license requires Clean Water Act (CWA) (33 USC 1251 *et seq.*) Section 401 water quality certification from the SWRCB, the SWRCB is the state lead agency responsible for ensuring CEQA compliance.

This document was developed through the contributions and efforts from the public, interested parties, the Battle Creek Working Group (BCWG), the Battle Creek Watershed Conservancy (BCWC), the CALFED Bay-Delta Program (CALFED), Reclamation, the U.S. Fish and Wildlife Service (USFWS), Pacific Gas & Electric Company (PG&E), the California Department of Fish and Game (DFG), SWRCB, FERC, and the National Oceanic and Atmospheric Administration National Marine Fisheries Service (NOAA Fisheries). Chapter 5, “Consultation and Coordination,” contains details on public, agency, and PG&E involvement associated with the Restoration Project.

## Organization of This EIS/EIR

This EIS/EIR is organized into the following seven chapters:

1. Introduction, Organization, and Process
2. Purpose and Need, Project Description, and Project Background
3. Project Alternatives
4. Affected Environment and Environmental Consequences
5. Consultation and Coordination
6. Related Projects
7. Summary
8. List of Contributors
9. References

## Environmental Impact Statement/ Environmental Impact Report Process

The NEPA/CEQA process for this EIS/EIR is summarized as follows:

- issuance of a Notice of Preparation/Notice of Intent (NOP/NOI) for the EIS/EIR;
- public scoping of the EIS/EIR and receipt of public and agency comments;

- preparation of a draft EIS/EIR;
- issuance of a Notice of Availability of the draft EIS/EIR, filing of the Notice of Completion of the draft EIS/EIR with the State Clearinghouse, and circulation of the draft EIS/EIR for a 60-day public and agency review and comment period;
- preparation of a final EIS/EIR (includes responses to comments received) and identification of the recommended project alternative;
- filing of the final EIS/EIR with the U.S. Environmental Protection Agency (EPA) and publication of the Notice of Availability of final EIS/EIR in the Federal Register;
- final EIS/EIR 30-day no action period; and
- filing of a Federal Record of Decision (ROD) and State of California Notice of Determination (NOD) regarding the project alternative to be implemented.

Because the Restoration Project would involve modifications to the Hydroelectric Project facilities and operations, including instream flow releases, PG&E is required to obtain a license amendment from FERC for the Hydroelectric Project. PG&E proposes to use a hybrid of the consultation requirements specified in 18 CFR 4.38 for its license amendment application. In addition to the requirements in 18 CFR 4.38, PG&E will be using elements of the alternative licensing and amendment procedures described in FERC Order 596, which permits other approaches to licensing and amendments, including the use of collaborative teams, settlements, and mediation. This EIS/EIR serves as part of PG&E's application for a license amendment; it is a substitute for Exhibit E.

Before FERC can make a decision on whether to grant or deny a license amendment for the Restoration Project, PG&E must request and receive a CWA Section 401 water quality certification for the Restoration Project from the SWRCB. Accordingly, PG&E will be pursuing a water quality certification for the Restoration Project. Any water quality certification issued by the SWRCB will be based on information in the final EIS/EIR and the administrative record. Implementation of the Restoration Project can begin only after the SWRCB has issued the water quality certification and FERC has granted a final order for a license amendment for the Hydroelectric Project.

NEPA and CEQA are very similar in that both laws require the preparation of a detailed environmental study to evaluate the environmental effects of proposed governmental activities. However, there are several differences between the two regarding terminology, procedures, environmental document content, and substantive mandates to protect the environment. For the environmental evaluation of the proposed Restoration Project, the more rigorous of the two laws was applied in cases in which NEPA and CEQA differ. For example, CEQA does not require the analysis of socioeconomic impacts in an EIR, whereas NEPA does require an analysis of socioeconomic impacts in an EIS. Consequently, this document contains a socioeconomic impact analysis (Section 4.16). Other analyses required by NEPA but not CEQA can be found in

Section 4.16, and analyses required by CEQA but not NEPA can be found in Section 4.17.

Many concepts are common between NEPA and CEQA; however, the laws sometimes have differing terminology for these common concepts. Because Reclamation (the NEPA lead agency) is the project proponent for the proposed Restoration Project, this document will use NEPA standard language where terminology differs between NEPA and CEQA.

<b>NEPA Terminology</b>	<b>CEQA Terminology</b>
Cooperating Agency	Responsible Agency
Environmental Impact Statement	Environmental Impact Report
Notice of Intent	Notice of Preparation
Record of Decision	Findings
Proposed Action	Proposed Project
Project Purpose and Need	Project Objectives
No Action Alternative	No-Project Alternative
Affected Environment	Environmental Setting
Environmental Consequences	Impact Assessment

## **Relationship of This Document to the CALFED Bay-Delta Program Final Programmatic Environmental Impact Statement/Environmental Impact Report**

The CALFED ROD (CALFED 2000c) states,

For actions contained within the Preferred Program Alternative that are undertaken by a CALFED Agency or funded with money designated for meeting CALFED purposes, environmental review will tier from the Programmatic EIS/EIR. These actions will be carried out in a manner consistent with the ROD and incorporate mitigation strategies contained in Appendix A to this ROD.

This EIS/EIR is tiered from the CALFED Final Programmatic EIS/EIR and the ROD issued August 28, 2000 (including CEQA Certification). Tiering is provided for in NEPA (U.S. Council on Environmental Quality [CEQ]) Regulations Section 1502.20 and CEQA Guidelines Section 15152. The actions composing the Restoration Project were included in these documents, and funding for this project has been provided in part by CALFED. This EIS/EIR includes information on and has considered the conclusions regarding the environmental consequences and mitigation strategies from the CALFED Final Programmatic EIS/EIR and the ROD. The project-specific analyses contained in

this EIS/EIR, however, have been conducted independently by the lead agencies, and the conclusions reached are their own.

The Programmatic EIS/EIR can be reviewed at CALFED, 650 Capitol Mall, Sacramento, California, or on the CALFED web page ([http://calfed.water.ca.gov/CALFEDDocuments/Final\\_EIS\\_EIR.shtml](http://calfed.water.ca.gov/CALFEDDocuments/Final_EIS_EIR.shtml)).

## Relationship of the Restoration Project to the CALFED Bay-Delta Program

Projects and activities implementing the Preferred CALFED Alternative require separate, project-level environmental analyses tiering from the Final Programmatic EIS/EIR. This Restoration Project EIS/EIR tiers from the CALFED Final Programmatic EIS/EIR. The Restoration Project is directed by several actions needed to implement the CALFED Ecosystem Restoration Program (ERP), which is part of the Preferred Alternative for the CALFED Final Programmatic EIS/EIR.

The goals of the ERP are to improve and increase aquatic and terrestrial habitats and to improve the Bay-Delta system, which includes the Sacramento River Basin, to support sustainable populations of diverse and valuable plant and animal species. In addition, the ERP, along with the water management strategy, is designed to achieve or contribute to the recovery of listed species found in the Bay-Delta and thus achieve the goals of the Multi-Species Conservation Strategy (MSCS) dated July 2000. The MSCS was developed for CALFED in accordance with the federal Endangered Species Act (ESA), California Endangered Species Act (CESA), and California's Natural Community Conservation Planning Act (NCCPA). Implementation of the MSCS is intended to ensure that entities implementing CALFED actions will satisfy the requirements of these three acts.

The Restoration Project tiers from key elements of the CALFED ROD associated with ERP implementation. These elements are expressed as Stage 1 actions evaluated in the CALFED Final Programmatic EIS/EIR and Science Program actions expressed as ERP–MSCS milestones. Actions specifically referenced in the CALFED ROD (CALFED 2000c) and included in the CALFED Final Programmatic EIS/EIR call for the ERP to:

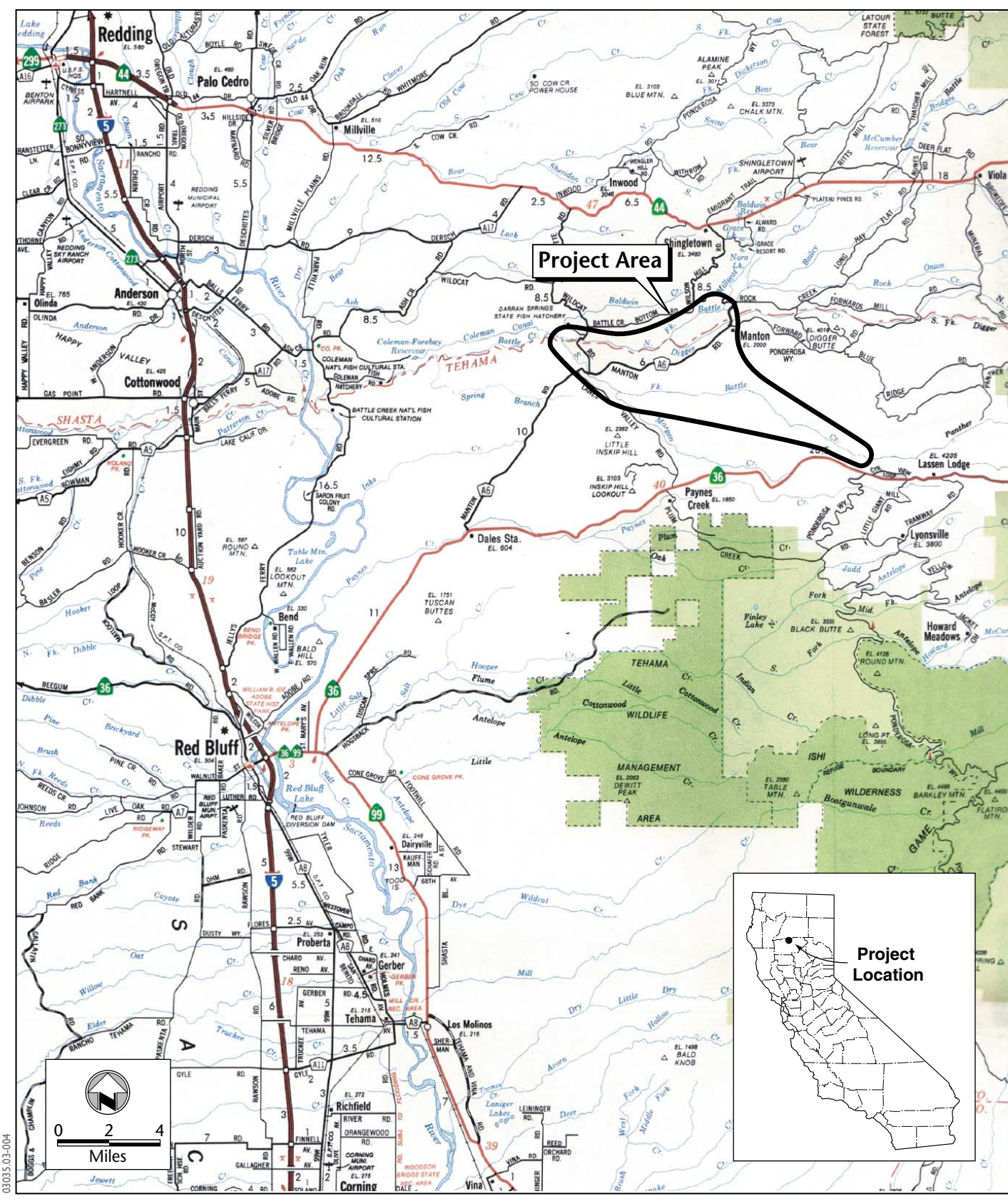
- improve fish passage through modifications or removal of eight PG&E diversion dams on Battle Creek, and
- improve salmon spawning and juvenile survival in upstream tributaries as defined by the ERP and Strategic Plan by purchasing up to 100,000 acre-feet (af) per year by the end of Stage 1 of the CALFED Program implementation.

More specifically, the ERP Strategic Plan for Ecosystem Restoration (CALFED 1999) identifies three Battle Creek Stage 1 Actions from which the Restoration Project tiers, including:

- Action 1: Improve fish migration by removing diversion dams, upgrading fish passage facilities, and screening diversions.
- Action 2: Improve instream flows in lower Battle Creek to provide adequate passage flows.
- Action 3: Develop and implement a watershed management plan to reduce the amount of fine sediments introduced to the creek channel, to protect and restore riparian habitat, to improve base flows, and to reduce water temperatures.

The Natural Community Conservation Plan Determination (Attachment 7 to the CALFED ROD) reiterates, “To ensure that the ERP is implemented in a manner and to an extent sufficient to sustain programmatic ESA, CESA, and NCCPA compliance for all CALFED Program elements, the USFWS, NOAA Fisheries, and DFG have developed milestones for ERP implementation.” (CALFED 2000c). The MSCS–ERP milestones include Science Program actions that are relevant for ERP implementation and that are intended to improve ecological processes and habitat in the Sacramento River Basin. The Restoration Project, therefore, also tiers from the following MSCS–ERP milestones:

- Design and begin implementation of an ecologically based stream flow regulation plan for Yuba River, Butte Creek, Big Chico Creek, Deer Creek, Mill Creek, Antelope Creek, Battle Creek, Cottonwood Creek, and Clear Creek.
- Develop and implement a solution to improve passage of upstream migrant adult fish and downstream migrant juvenile fish in Battle Creek.



**Figure I-1**  
**Location of the Battle Creek Salmon and Steelhead Restoration Project**

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