



January 14, 2019

Shasta Dam Raise Project

c/o: Stantec

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Sacramento, CA 95816

Via Email: [shastadameir@stantec.com](mailto:shastadameir@stantec.com)

Re: **Notice of Preparation of the Shasta Dam Raise DEIR**

Dear Westlands Water District:

These comments are submitted in response to the Westlands Water District's (WWD) Notice of Preparation (NOP) of a Draft Environmental Impact Report (DEIR) for the proposed raise of Shasta Dam and expansion of Shasta Reservoir.

WWD's self-designation as project sponsor and lead agency under CEQA and initiation of the DEIR process for raising Shasta Dam and enlarging its reservoir violates state law. WWD is a special district organized under the laws of the State of California. It is a political subdivision of the state and subject to state law. California Public Resources Code (PRC) 5093.542(b) prohibits dams, reservoirs, diversions, or other water impoundment facilities on the McCloud River from ¼ mile downstream of the McCloud Dam to the McCloud River bridge. PRC 5903.542(c) prohibits state agencies or departments from assisting the federal or other governmental entities from participating in the planning or construction of projects contrary to this provision. The proposed Shasta Dam raise and enlargement of its reservoir will flood a segment of the river upstream of the McCloud River bridge and therefore violates state law. WWD's initiation of the DEIR process clearly is contrary to state law. WWD must halt this illegal proceeding. This clear conflict with state law is ignored in the NOP Land Use and Planning section (pg. 2-32).

If WWD should choose to continue this violation of state law by proceeding with its project sponsorship and development of the DEIR, the following issues must be fully addressed in the environmental review:

Dependence on SLWRI FEIR – WWD appears to rely on the U.S. Bureau of Reclamation's Shasta Lake Water Resources Investigation (SLWRI) Final Environmental Impact Statement (FEIS) as the basis of its CEQA checklist in the NOP. The SLWRI FEIS is legally deficient and entirely inadequate in many important subject areas. The FEIS should not be used as the basis of the CEQA analysis.

Upper/Middle Sacramento River Impacts – The project will modify downstream flows in the Sacramento River, with potentially significant impacts on the Sacramento River ecosystem, its aquatic and riparian habitats, and the many sensitive, threatened, and endangered fish and wildlife species dependent on these habitats. In its comments in response to the SLWRI DEIR, the U.S. Fish and Wildlife Service (USFWS) stated that the project will alter and reduce flows in the Sacramento River and exacerbate conditions already inimical to salmon survival. The USFWS further stated that the project, by further

restricting seasonally high flows, will result in additional losses of salmonid rearing and riparian habitat, and adversely affect the recruitment and natural succession of the river's riparian forest. Further, the USFWS determined that the project will not provide substantial benefit to anadromous fish downstream of Red Bluff in the extended study area and only minimal benefit to anadromous fish upstream of Red Bluff in the primary study area. And yet, multiple impacts in the NOP (Aqua-12-16, Bot 7-9, Bot 14-15, Bot 17-18, Wild 17-18, Wild 23-27, Geo-2, Geo-11-12) are listed as less than significant impacts. The NOP should be revised to list these impacts as potentially significant and the issues fully analyzed and mitigated in the DEIR.

Delta Impacts – The project will modify fresh water flows into the Sacramento-San Joaquin Delta, which suffers from poor water quality and is on the verge of ecological collapse. And yet, the NOP claims no significant impacts (Aqua 17-24). There is no mention of the State Water Resources Control Board's science report that unimpaired Sacramento and other tributary flows of up to and beyond 75 percent are most protective of the Delta ecosystem. The Water Board is considering establishing standards providing for 35-75 percent of unimpaired flows from the Sacramento River (and its tributaries) into the Delta. There is no indication in the NOP whether the proposed project will contribute to meeting or violating this standard. The impacts should be listed as potentially significant and the issue fully analyzed and mitigated.

Tribal Cultural Resources – The NOP is egregiously deficient in its attempt to characterize impacts on tribal cultural resources as TBD (to be determined). The Winnemen Wintu Tribe has clearly defined sites that have historically and are currently used for cultural purposes along the McCloud River within and adjacent to the expanded reservoir footprint. Impacts should be considered potentially significant and should be fully analyzed and mitigated in the DEIR.

Land Use and Planning – State Protection of the McCloud River – We are perplexed that the NOP completely disregards the clear state prohibition against any dam, diversion, or reservoir on the river upstream of the McCloud River bridge. This issue must be added to the NOP, if only to underscore the criminality of this proceeding, and the issue fully analyzed and mitigated.

Land Use and Planning – Federal Protection of the McCloud River – The impact associated with the conflict with the Shasta-Trinity National Forest Plan (pg. 2-32) should be revised from less than significant to potentially significant. The plan commits the Forest Service to revisit its original wild and scenic river recommendation for the McCloud River if the current collaborative process (the McCloud River CRMP) fails to protect the river. The Forest Service has no choice but to revisit the issue of McCloud River wild and scenic suitability with the Shasta Reservoir enlargement threat and the failure of the collaboration to stop this threat. WASR-1 should be revised to cover the McCloud River's wild and scenic eligibility and suitability.

Land Use and Planning – Wild & Scenic River Studies – Section 5(d)(1) of the National Wild and Scenic Rivers Act requires that “In all planning for the use and development of water and related land resources, consideration shall be given by all Federal agencies involved to potential national wild, scenic, and recreational river areas...” This section further directs the Agriculture Secretary to evaluate potential wild and scenic rivers “as potential alternative uses of the water and related land resources involved.” This is an essential federal mandate to consider potential wild and scenic protection as an alternative to water resources development. We believe that section 5(d)(1) requires the Forest Service to not only reconsider the wild and scenic suitability of the McCloud, but also for the Sacramento River upstream of the reservoir (which was determined eligible but not suitable in the Shasta-Trinity Plan), as well as the

Pit River and smaller streams on National Forest lands impacted by the reservoir expansion that were not considered for wild and scenic eligibility/suitability. The need to evaluate, or in the case of the McCloud and Sacramento Rivers, re-evaluate the suitability of these rivers must be accommodated in the environmental review timeline and considered as a viable alternative in the environmental review process. This issue must be added to the NOP check list.

Land Use and Planning – Upper & Middle Sacramento Rivers – The Bureau of Land Management (BLM) found a 20-mile segment of the upper Sacramento River from Balls Ferry to a point upstream of Red Bluff to be eligible for wild and scenic protection. The BLM did not complete a suitability study. This should be done in conjunction with the Shasta Dam Raise DEIR process and the potential impacts on this free-flowing segment of the Sacramento River and its outstandingly remarkable values must be analyzed and fully mitigated in the DEIR. In 1975, the U.S. Army Corps of Engineers published a report about the potential wild and scenic characteristics of the Sacramento River from Keswick Dam to Sacramento. This is the only assessment of its kind for the Sacramento River downstream of Red Bluff. Perhaps because it was developed prior to the 1982 adoption of federal wild and scenic river guidelines, the Corps document is opaque regarding the river's potential eligibility and suitability (terms that were established in the 1982 federal guidelines). Since then, the BLM completed its eligibility study of the Balls Ferry-Red Bluff segment and the USFWS has acquired thousands of acres of land along the river downstream of Red Bluff for the Sacramento River National Wildlife Refuge. An eligibility/suitability study of Middle Sacramento River where it flows through the National Wildlife Refuge should also be completed by the USFWS in conjunction with the DEIR to meet the requirement of section 5(d) of the Act. This issue should be appropriately noted in this section of the NOP and fully analyzed and mitigated in the DEIR.

Land Use and Planning – Other Forest Service Management Issues – The NOP fails to recognize that the lands directly impacted by the enlarged reservoir footprint are managed under federal law as the Whiskeytown-Shasta-Trinity National Recreation Area. Established by Congress in 1965, federal law requires the area to be managed in coordination with the purposes of the Central Valley Project (CVP) for the enjoyment of present and future generations and the conservation of scenic, scientific, historic, and other values. This should be included in the NOP with potentially significant impacts on non-CVP uses of the area. In addition, the enlarged reservoir footprint appears to include portions of two inventoried roadless areas – Devils Rock and Backbone. These areas are protected under the Forest Service's Roadless Area Conservation Rule. Partial inundation of these areas is contrary to this protective management. This impact should be included in the NOP as potentially significant and the issue fully analyzed and mitigated.

Water Quality – The NOP check lists as less than significant the long-term effects of metals pollution on water quality and beneficial uses in Shasta Lake and its tributaries (WQ-6) and downstream in the Sacramento River and the extended study area (WQ-12, WQ-18). Shasta Lake, the Sacramento River, and the Sacramento-San Joaquin Delta are already mercury impaired. The USFWS noted that abandoned mines and tailings within the enlarged reservoir footprint could increase pollution from acid mine drainage and mercury. These impacts should be revised to potentially significant and the issue fully analyzed and mitigated in the DEIR. The NOP also claims no significant impact from sediment downstream in the Sacramento River and the extended study area (WQ-10). And yet, the enlarged reservoir will significantly increase the barren surface area of the reservoir "bathtub ring" that is subject to erosion and sedimentation from fluctuating lake levels. This issue should be revised as potentially significant and fully analyzed and mitigated in the DEIR.

Special Status Wildlife Species – We appreciate that the NOP recognizes potential significant impacts to several sensitive, threatened, and endangered wildlife species, including the Shasta salamander, purple martin, foothill yellow-legged frog, Pacific fisher, and several special status mollusks. However, we are perplexed about the less than significant impact assessment to bank swallow, the nesting habitat of which is created by flows in the Middle Sacramento River that could be modified by the project. We’re also perplexed that other riparian dependent species such as yellow-billed cuckoo are not specifically listed. They should be and the NOP should consider these impacts as potentially significant and the issue should be fully analyzed and the mitigated in the DEIR.

Special Status Plant Species – The Shasta snow wreath should be specifically listed in the NOP Botanical Resources section with a potentially significant impact. Several populations of this species are located in the expanded reservoir footprint.

Greenhouse Gas Emissions/Climate Change – Enlargement of Shasta Reservoir could increase the reservoir’s output of carbon dioxide, a greenhouse gas contributing to climate change. A 2004 study in the journal Global Biogeochemical Cycles identified Shasta Reservoir as significant source of CO<sub>2</sub>, estimating that the current reservoir releases 224 tons per day of this greenhouse gas. This is an amount equal to about 14,500 average automobiles driven 40 miles per day. Enlarging the reservoir could increase this CO<sub>2</sub> output and further exacerbate climate change. The NOP claims less than significant impacts on greenhouse gas emissions (AQ-2 and AQ 6. The NOP should be revised to note potentially significant impacts and this issue fully analyzed and mitigated in the DEIR.

Again, we reiterate our call to end this illegal DEIR process as a violation of state law.

Sincerely,



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