CHAPTER 6 Other Statutory Requirements

This chapter contains other sections required by the California Environmental Quality Act (CEQA) and Guidelines that evaluate the potential growth-inducing impacts, significant irreversible and irretrievable impacts, and the significant and unavoidable impacts of the Fish Habitat Flows and Water Rights Project (Proposed Project).

6.1 Growth-Inducing Impacts and Secondary Effects of Growth

6.1.1 CEQA Requirements

CEQA requires that an Environmental Impact Report (EIR) address growth-inducing impacts of a project [PRC Section 21100(b)(5)]. Specifically, the CEQA Guidelines [CCR Section 15126.2(d)] direct an EIR to:

> "*Discuss the ways in which a proposed project could foster economic or population growth, or the construction of additional housing, either directly or indirectly, in the surrounding environment. Included in this are projects which would remove obstacles to population growth (a major expansion of a wastewater treatment plant might, for example, allow for more construction in service areas). Increases in the population may tax existing community service facilities, requiring construction of new facilities that could cause significant environmental effects. Also discuss the characteristic of some projects which may encourage and facilitate other activities that could significantly affect the environment, either individually or cumulatively. It must not be assumed that growth in any area is necessarily beneficial, detrimental, or of little significance to the environment*."

6.1.2 Approach to Direct and Indirect Growth-Inducement Analysis

A project can have direct and/or indirect growth-inducement potential. Direct growth would result if a project involved construction of new housing, which would facilitate increased population in an area. Indirect growth inducement would occur, for instance, if implementing a project resulted in any of the following:

- substantial new permanent employment opportunities (e.g., commercial and industrial enterprises, or government operations);
- substantial short-term employment opportunities (e.g., construction employment) that indirectly stimulates the need for additional housing and services to support the new temporary employment demand; and/or

- removal of an obstacle to additional growth and development, such as eliminating a constraint on a required public utility or service (e.g., construction of a major sewer line with excess capacity through an undeveloped area).

Local land use plans (e.g., General Plans) provide land use development patterns and growth policies that allow the planned and orderly expansion of urban development supported by adequate urban public services, such as water supply, roadway infrastructure, sewer service, and solid waste service. A project that would induce unplanned growth (i.e., conflict with the local land use plans) could indirectly cause additional adverse environmental impacts and other public services impacts not previously envisioned. Thus, to assess whether a project with the potential to induce growth would result in adverse secondary effects beyond what is anticipated by local jurisdictions, it is important to assess the degree to which the growth associated with a project would or would not be consistent with applicable land use plans.

If the analysis conducted for the environmental impact report (EIR) results in a determination that a project is growth-inducing, the next question is whether that growth may cause adverse effects on the environment. Environmental effects resulting from induced growth fit the CEQA definition of "indirect" effects in Section 15358(a)(2) of the State CEQA Guidelines. These indirect or secondary effects of growth may result in significant environmental impacts. CEQA does not require that the EIR speculate about the precise location and site-specific characteristics of potential significant, indirect effects caused by induced growth, but a good-faith effort is required to disclose what is feasible to assess. As examples, potential secondary effects of growth could include conversion of open space to developed uses, increased demand on community and public services and infrastructure, increased traffic and noise, degradation of air and water quality, or degradation or loss of native vegetation and wildlife habitat.

The decision to approve a project that may result from induced growth is the subject of a separate review process by the lead agency with approval authority. Because the decision to allow growth is subject to separate discretionary decision making, and such decision making is subject to CEQA, the analysis of growth-inducing effects is not intended to determine site-specific environmental impacts and specific mitigation for the potentially induced growth. Rather, the discussion is intended to disclose the potential for environmental effects to occur more generally, such that decision makers are aware that indirect environmental effects are a possibility, if growth-inducing projects are approved. The determinations of whether impacts do occur, their significance, and the ability to mitigate them are appropriately left to consideration by the agency responsible for approving the projects.

6.1.3 Growth-Inducing Impacts of the Proposed Project

The Proposed Project would involve modification of minimum instream flow requirements in the Russian River watershed in Mendocino County and Sonoma County, California. The Proposed Project would occur at Lake Mendocino and Lake Sonoma, in and along the Russian River downstream of Coyote Valley Dam to the Pacific Ocean, in and along Dry Creek downstream of Warm Springs Dam, and in the Water Agency's and its contractors' service areas in Sonoma and Marin counties. As described in Chapters 2, "Introduction," and 3, "Background and Project Description," the Water Agency is following the mandates in the Russian River Biological

Opinion to implement a series of actions to modify existing water supply activities to mitigate or eliminate the effects of ongoing Water Agency operations on endangered Central California Coast Coho salmon and threatened Central California Coast steelhead in the region.

The Fish Flow Project is one of these actions, with the objective to manage Lake Mendocino and Lake Sonoma water supply releases to provide minimum instream flows that will improve habitat for threatened and endangered fish species, and to update the Water Agency's existing water rights to reflect current conditions. The new minimum instream flow requirements proposed by the Proposed Project were developed to meet the requirements of the Russian River Biological Opinion to improve habitat for threatened and endangered salmonid species. The proposed changes modify the minimum instream flow requirements, but do not increase water supply availability.

Direct Growth-Inducing Effects

The Proposed Project involves modification of water release schedules from existing dams for the benefit of threatened and endangered salmon speices and would not include the construction of housing units. Thus, there would be no direct growth-inducing effects associated with the Proposed Project.

Indirect Growth-Inducing Effects

As discussed above, indirect growth-inducing effects of a project could result from substantial new permanent employment, substantial short-term employment opportunities, and/or removal of an obstacle to additional growth and development. The Proposed Project would not result in substantial new permanent or temporary employment opportunities. The Proposed Project would affect minimum instream flows in the Russian River Watershed, which is used as a water supply system in Sonoma, Mendocino, and Marin counties. Thus, this discussion below considers if the Proposed Project would remove any existing water supply constraints that limit development such that new, unplanned growth could occur.

Water Supply Operations

Implementation of the Proposed Project would change the hydrologic index and minimum instream flow requirements included in the Water Agency's water right permits for releases from Lake Mendocino and Lake Sonoma. In Lake Mendocino, this would increase storage primarily from July to October during the juvenile salmon rearing season and in Lake Sonoma, it would maintain similar monthly water storage levels (see Tables 4.1-42 and 4.1-42 and Figures 4.8-9 and 4.8-10). An increase in storage at Lake Mendocino would allow for improved water supply reliability during dry years, because more water would be available to manage; and, if the deadline for completing beneficial use of the water right provided in permits is approved, continue the availability of this existing water supply into the future (see Section 3.6.4, "Water Right Permit Updates" for more information). While water storage quantities and released flows during the course of a water year would be different under the Proposed Project compared to the Baseline Conditions, the amount of water stored for diversion and re-diversion under the Water Agency's water right permits would not change because they are limited by the terms of the permits, and also, because storage and releases are controlled by other factors in the watershed, such as in-watershed rainfall and reservoir inflow, as well as flood management

operations at Lake Mendocino by the U.S. Army Corps of Engineers (USACE) That is, there would not be an increase in water availability at diversion points associated with the Russian River or Dry Creek, because of the modified hydrologic index and minimum instream flow schedules of the Proposed Project operations and no unplanned growth-inducing effects would occur.

Water Rights and Operation of Existing Points of Diversion

Within the Water Agency's existing service area, places of use, and points of diversion, customers and land use agencies develop and adopt long-term planning documents, such as Urban Water Management Plans (UWMP) and general plans within their jurisdiction. The Water Agency's 2015 UWMP concludes that additional water supply projects could be needed to meet projected future demands (see Section 3.6.4, Other Requested Changes to Water Right Permits). An additional 117 acre-feet could be needed by 2035 and 988 acre-feet could be needed by 2040. Additional approaches to increase water supply could include applying for additional water right permits or petitioning to modify terms of existing water right permits, new water supply diversion facilities, and new transmission system projects to convey additional volumes of water. The current limit for diversion and re-diversion of water specified by the Water Agency's existing water rights permits is 75,000 AFY. The potential need to increase this 75,000 AFY limit and the potential need for future infrastructure projects will be reevaluated in the Water Agency's 2020 UWMP and in each subsequent UWMP as necessary.

The water supply limit in the Water Agency's permits has been recognized in the planning for the Water Agency's water contractors and customers in its service area. The Proposed Project would not change the water supply limit in the water rights permits for existing diversions, provide infrastructure for delivering water, nor create a new source or additional volume of water supply available to the Water Agency's contractors and customers in its service area. The Proposed Project would improve the reliability of its current supply.

The Water Agency's 2015 UWMP considers instream flow constraints and obligations associated with the Proposed Project (i.e., the National Marine Fisheries Service Biological Opinion on the Russian River minimum instream flow requirements). Implementation of the Proposed Project would not change the total amount of water available for municipal purposes, because it would only modify the existing hydrologic index and minimum instream flow schedules and does not alter the water supply limit in the Water Agency's water right permits. The Proposed Project would continue to support planned growth in the communities served by the Water Agency in accordance with the approved local land use plans of the cities and counties. Impacts of planned growth have been disclosed in the EIRs for the applicable general plans, community plans, and specific plans.

Because the Proposed Project would not increase the 75,000 AFY limit specified in the Water Agency's existing water right permits, the Proposed Project would not support growth beyond planned levels or in areas not planned for development by the appropriate land use agencies. Therefore, the Proposed Project would not have an indirect growth-inducing impact due to removal of a constraint on development for existing diversions.

Added Points of Diversion

As described in Chapter 3, "Background and Project Description", the Proposed Project would add the existing Occidental Community Services District (CSD) well and Town of Windsor wells as points of diversion and re-diversion to the authorized points of diversion in the Water Agency's water right permits. These are existing points of diversion and re-diversion, not new points of diversion and re-diversion.

The existing water supply agreements with Occidental CSD and Town of Windsor require the Water Agency to file petitions with the State Water Resources Control Board (SWRCB) for changes to the Water Agency's water right permits that would allow these Russian River customers to divert water from the Russian River at specific points of diversion under the Water Agency's permits. The Water Agency petitioned the SWRCB to authorize the addition of the Occidental CSD and Town of Windsor points of diversion in October 2002 and May 2004, respectively. Both petitions are still pending before the SWRCB.

The potential impacts of land-use changes that would use water from the added diversions have been addressed in local planning and CEQA documents prepared by the Town of Windsor and Occidental CSD for the original construction of these wells. The Occidental CSD prepared an Initial Study and Mitigated Negative Declaration for its point of diversion and associated construction on April 12, 2002 (Pacific Municipal Consultants 2002). The Town of Windsor prepared two CEQA documents: Mitigated Negative Declaration, Russian River Water Supply Facility Improvements: Well 10 and Emergency Generator (approved April 11, 2011) (Brelje and Race Engineers 2001); and Mitigated Negative Declaration, Russian River Water Supply Facility Improvements: Well 11 (approved March 17, 2004) (Brelje and Race Engineers 2004).

Implementation of the Proposed Project would allow the Water Agency to continue to provide water to support planned growth in the communities served by the Water Agency in accordance with the approved local land use plans of the cities and counties, including the provisions of the Proposed Project for the added points of diversion serving the Town of Windsor and Occidental CSD. The Proposed Project would not increase total water supply in the Russian River watershed and would not support growth beyond what has been planned by local communities. The Town of Windsor's existing points of diversion have already been constructed. The Proposed Project would allow the Town of Windsor to report diversions made at these locations under the Water Agency's permits in times when water is unavailable under its own water rights. Therefore, the Proposed Project would not remove a water supply constraint for the community serviced by the Town of Windsor and would not be growth-inducing. According to the Sonoma County General Plan 2020, "there is not an adequate supply for fire flow and very little capacity for new hook-ups. The major problem appears to be infrastructure, not available water supply" (PRMD 2006). The Occidental CSD relies on an agreement with Camp Meeker Parks and Recreation Department for water supply. The Proposed Project would improve reliability of existing water supply but does not add additional supply for Occidental CSD. Implementation of the Proposed Project would not remove a water supply constraint for the community served by the Occidental CSD and, therefore, would not be growth-inducing. The Proposed Project would not increase water supply, such that it could induce unplanned growth.

6.2 Irreversible Environmental Changes and Irretrievable Commitments

6.2.1 CEQA Requirements

Section 15126.2 of the CEQA Guidelines states that an EIR should discuss significant irreversible environmental changes which would be caused from the implementation of a Proposed Project or any irreversible damage from any environmental accidents associated with the Proposed Project. The EIR should also evaluate any irretrievable commitments of resources, which are those that cause either direct or indirect use of natural resources such that the resources cannot be restored or returned to their original condition. For example, the extirpation of a species from an area is an irreversible commitment.

6.2.2 Overview of Potential for Irreversible Environmental Changes and Irretrievable Resource Commitments

Types of impacts generally considered to be an irretrievable or irreversible commitment of resources or change in the environment include consumption of non-renewable fuels and natural materials, such as like fossil fuels, natural gas, minerals, or the permanent commitment of important land resources (such as conversion of open space or agricultural land). As described in Chapter 3.0, “Background and Project Description,” the Proposed Project would not involve any construction activities or the consumption of natural resources. No conversion of land uses would occur. Therefore, the Proposed Project would not result in an irreversible environmental change nor the irretrievable commitment of natural resources to manage water supply releases to provide minimum instream flows that improve habitat for threatened and endangered fish, while updating the Water Agency’s existing water rights to reflect current conditions. In addition, the Proposed Project Project would not affect the availability of these resources for other needs within the region.

The Proposed Project is directly intended to improve habitat for threatened and endangered fish. Without habitat improvement efforts, as well as other ongoing efforts in the region to support these species, the region could see a continued decline or extirpation of these species from the region. The loss or extirpation of a species from an area would be an irreversible commitment of a resource.

Energy Conservation

Appendix F of the CEQA Guidelines addresses energy conservation. Conserving energy involves the wise and efficient use of energy, and may be generally summarized by the following goals:

1. decreasing overall per capita energy consumption;
2. decreasing reliance on fossil fuels, such as coal, natural gas and oil; and
3. increasing reliance on renewable energy sources.

The Proposed Project involves modifying minimum instream flows in the Russian River and Dry Creek to improve aquatic habitat conditions for anadromous fish. The Proposed Project would not include any construction activities, result in a change to groundwater pumping requirements (which, if it were needed, would consume energy), or influence the level of recreational activity on the affected surface waters. Thus, the Proposed Project would not affect the rate at which fuels are consumed to maintain minumim instream flows in the Russian River watershed, tourist and recreation visitation to the region, or per capita energy consumption.

As dicussed under Impact 4.8-2, power production at Coyote Valley Dam would be reduced from April through September under the Proposed Project, but would be increased during October through February. Average annual power production would be reduced by approximately 11 percent (or 8,705 MWh). This reduction represents approximately 1 percent of the City of Ukiah's annual electricity demands. The City of Ukiah is subject to helping achieve the State's Renewable Portfolio Standard (RPS) for electrical energy generation, and currently exceeds its requirements. In addition, the City of Ukiah is a member of the Northern California Power Agency, a California Joint Action Agency of locally-owned electric utilities that provides a mix of geothermal, hydroelectric, and natural gas-fueled electricity generation that help its members achieve California's RPS standard. Thus, the decrease in electricity generation at Coyote Valley Dam would not be sufficient to inhibit the City of Ukiah's ability to continue to meet its RPS requirements, nor would it require the City to substantially increase reliance on fossil fuels. Because existing energy conservation strategies and reliance on renewable energy sources would not be substantially altered by the project, impacts on energy conservation would be less than significant and wasteful use of energy would not occur.

6.3 References

Brelje and Race Engineers. 2001. "Russian River Water Supply Facility Improvements Well 10 and Emergency Generators." Prepared for Town of Windsor.

Brelje and Race Engineers. 2004. "Russian River Water Supply Facility Improvements Well 11 Initial Study and Mitigated Negative Declaration." Prepared for Town of Windsor.

National Marine Fisheries Service. 2008. *Endangered Species Act Section 7 Consultation Biological Opinion for Water Supply, Flood Control Operations, and Channel Maintenance Engineers conducted by USACE. Sonoma County Water Agency & The Mendocino County RRFCWCID in the Russian River Watershed.* National Marine Fisheries Service, Southwest Region, Santa Rosa: National Marine Fisheries Service, Southwest Region, 243.

Pacific Municipal Consultants. 2002. "Occidental CSD Water Project Connection to Camp Meeker System Initial Study and Mitigation Negative Declaration. SCH# 20001032053."

PRMD. 2006. *Sonoma County General Plan 2020.* Draft Environmental Impact Report, Permit Resource Management Department, 4.9-25.