



January 14, 2019

Shasta Dam Raise Project
c/o: Stantec
3301 C Street, Suite 1900
Sacramento, CA 95816
Submitted via email to ShastaDamEIR@stantec.com

Greenaction for Health and Environmental Justice Scoping Comments on EIR for Shasta Dam Raise Project

Greenaction for Health and Environmental Justice submits the following scoping comments for issues that must be addressed in the Environmental Impact Report for the proposed Shasta Dam Raise Project. We submit these comments at the request of the Winnemem Wintu Tribe whose environment as well as culturally significant and sacred sites will be negatively and irreversibly impacted if this project is approved.

Greenaction for Health and Environmental Justice is a multiracial grassroots organization that works with low-income and working class urban, rural and indigenous communities to protect health and promote environmental, social and economic justice. Greenaction works closely with the Winnemem Wintu Tribe to support their efforts for the restoration of California's endangered winter-run Chinook Salmon, the protection of the environment and of Winnemem Wintu sacred and culturally significant sites.

In addition to the issues already identified in the scoping document, the following issues and potential impacts must be thoroughly evaluated.

I. The EIR should evaluate the compliance or non-compliance of the proposed project with Public Resources Code 5093.542 and whether the Westlands Water District is the appropriate lead agency for the proposed Shasta Dam Raise Project.

California Code, **Public Resources Code 5093.542** clearly states that “[e]xcept for participation by the Department of Water Resources in studies involving the technical and economic feasibility of enlargement of Shasta Dam, no department or agency of the state shall assist or cooperate with, whether by loan, grant, license, or otherwise, any agency of the federal, state, or local government in the planning or construction of any dam, reservoir, diversion, or other water impoundment facility that could have an adverse effect on the free-flowing condition of the McCloud River, or on its wild trout fishery.”

II. The EIR must comply with Section 106 of the National Historic Preservation Act, consult in a comprehensive and meaningful manner with the Winnemem Wintu Tribe, and identify and evaluate alternatives in order to minimize or eliminate negative project impacts on properties of religious and cultural significance to the Winnemem Wintu Tribe.

The EIR must evaluate any and all potential impacts of the proposed project on the Winnemem Wintu including their culturally significant and sacred sites, burials, culture, archaeological and ceremonial sites. The raising of the Shasta Dam is likely to threaten or endanger species including the survival of the culturally significant salmon runs of the Sacramento River; specifically the winter-run and spring-run Chinook Salmon.

III. The EIR must evaluate whether the proposed project would comply with the 1941 Indian Lands Acquisition Act

In the *Comments of Winnemem Wintu Tribe on Shasta Lake Water Resources Investigation Draft Environmental Impact Statement*, a document submitted on behalf of the Winnemem Wintu Tribe to the Bureau of Reclamation September 26, 2013, we find that “ninety percent of the Winnemem Wintu’s traditional territory, and the majority of the habitable allotments that they were given after the Treaty at Cottonwood Creek, are now submerged beneath the Shasta and McCloud Reservoirs.” The Winnemem Wintu, who remain the rightful owners of their traditional territory, were never properly compensated for their land allotments that were taken by the government and also submerged as a result of the building of the Shasta Dam. The EIR must address and evaluate the continued violation of the 1941 Act and the ongoing negative impact the proposed project would have on the Winnemem Wintu’s remaining territory, culture and ecosystems of the McCloud River watershed.

IV. The EIR must study and include alternatives for reaching the SDRP primary objectives, and include alternatives that do not involve raising Shasta Dam

Comments the of Winnemem Wintu Tribe on Shasta Lake Water Resources Investigation Draft Environmental Impact Statement submitted on behalf of the Winnemem Wintu Tribe to the Bureau of Reclamation September 26, 2013, critique the faulty analysis and alleged justification promoted in the DEIS that claimed that the dam enlargement would increase the survival of anadromous fish populations in the Sacramento River and increase water supply and water supply reliability (DEIS ES-6, 1-5, 2-5).

Rather than investigate other ways to successfully restore anadromous fish populations and secure water supply, the BOR decided to raise the dam and proceeded to approach the investigation not from an *if* they should raise the dam but by *how much* they should raise it. The EIR must no longer ignore the concerns raised by the Winnemem Wintu in 2013 and therefore, needs to identify, include and evaluate viable alternatives that can successfully meet the primary objective which does not involve the raising of the Shasta Dam.

V. The EIR should study, consider and include the *Winnemem Wintu Salmon Restoration Plan McCloud River* as a viable alternative option for meeting the primary objectives of the SDRP.

The *Winnemem Wintu Salmon Restoration Plan McCloud River* project demonstrates great potential to not only meet the primary objectives of SDRP but to restore genetically pristine wild winter-run Chinook Salmon which is one of California's top three endangered salmon species. Therefore the *Winnemem Wintu Salmon Restoration Plan McCloud River* project should be fully evaluated as part of the EIR as an extremely viable alternative to ensuring the survival of anadromous fish populations and securing water supply reliability.

VI. The EIR should evaluate and map how an 18.5 foot dam raise will flood the free-flowing McCloud River above McCloud River Bridge, and the negative environmental and cultural impacts of that proposed action. The study and maps should include and evaluate the impact on all documented and known Winnemem archaeological, culturally significant and sacred sites that would be affected by increasing the level of the reservoir.

VII. The EIR must evaluate the potential impacts of the proposed project on existing hazardous waste contamination in and around Shasta Lake, as well as on specific contamination sites that might be disturbed, to ensure there is no exacerbation or disturbance of this contamination that would further harm the environment.

VIII. The EIR must evaluate the types and quantities of hazardous and solid wastes that might be created or generated by the proposed project; alternatives of how these wastes might be handled and disposed of; and the potential impacts the disposal of this waste may have on the communities in or near the disposal sites.

As part of this analysis, the EIR must consider the vulnerability and cumulative impacts of the waste disposal on communities already confirmed to be at-risk communities by the State of California's CalEnviroScreen 3.0 screening tool. The EIR must also evaluate the financial costs of transportation and disposal of wastes generated by this proposed project.

IX. EIR must analyze whether the proposed project will have a significant, negative and disproportionate impact on communities of color - including the Winnemem Wintu - or other protected classes of persons in violation of applicable civil rights laws.

As the proposed project clearly would have negative and disproportionate impacts on the Winnemem Wintu and potentially on people of color living in and/or near landfills or incinerators where waste from the project could be disposed of, civil rights compliance must be ensured. The EIR must thus include a thorough civil rights analysis.

X. The EIR must evaluate the potential short and long term impacts of climate change in the next 50 years.

XI. The EIR should identify the potential threats and impacts that seismic activity from earthquakes and volcanoes on the proposed project.

The EIR must evaluate the potential impacts of raising the Shasta Dam given its locality and proximity to Mt. Shasta, which is an active volcano, and the potential impacts of earthquakes known to take place between Mt. Shasta and Lassen Peak.

XII. The EIR must include a study on the construction impact of the SDRP in relation to water quality and the health of current and future fish populations in Shasta Lake.

In February 2017, the Office of Environmental Health Hazard Assessment (OEHHA) issued a fish advisory due to the high levels of mercury and PCBs found in fish in Shasta Lake. The

EIR must evaluate how the impact of construction from the proposed dam raise will further affect water quality and an already at-risk fish population.

XIII. Request for Notification of any and all opportunities for public comment on this proposed project.

Please notify Greenaction for Health and Environmental Justice of any and all opportunities for public comment on this proposed project, including but not limited to when the draft EIR is available for public review.

Notice should be sent via email at greenaction@greenaction.org and by mail to Greenaction for Health and Environmental Justice, 315 Sutter Street, 2nd Floor, San Francisco, CA 94108.

Please acknowledge receipt of these comments.

For health and environmental justice,

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