



980 NINTH STREET, SUITE 1500
SACRAMENTO, CALIFORNIA 95814
HTTP://DELTACOUNCIL.CA.GOV
(916) 445-5511

DELTA STEWARDSHIP COUNCIL

A California State Agency

June 21, 2019

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Renee De Vere-Oki
Sacramento Area Council of Governments
1415 L Street, Suite 300
Sacramento, CA 95814

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Via email: eircomments@sacog.org

RE: Comments on Notice of Preparation of an Environmental Impact Report and Scoping Meeting for the 2020 MTP/SCS, SCH #2019049139

Dear Ms. De Vere-Oki:

Thank you for the opportunity to review and comment on the Sacramento Area Council of Governments' (**SACOG**) Notice of Preparation (NOP) of an Environmental Impact Report (EIR) for the 2020 Metropolitan Transportation Plan and Sustainable Communities Strategy (**2020 MTP/SCS**). The Delta Stewardship Council (Council) recognizes **SACOG**'s objective to prepare a regional transportation plan that links land use, air quality, and transportation needs to meet federal and state air quality standards. This letter provides the requirements of the Sacramento-San Joaquin Delta Reform Act of 2009 (Delta Reform Act), the Council's enabling statute, pertaining to the 2020 MTP/SCS, as well as the Council's comments on the NOP regarding the scope and content of the EIR for the MTP/SCS.

The Council is an independent state agency established by the Delta Reform Act, which is codified in Division 35 of the California Water Code, Sections 85000-85350. The Reform Act charges the Council with furthering California's coequal goals of providing a more reliable water supply for California and protecting, restoring, and enhancing the Sacramento-San Joaquin River Delta (Delta) ecosystem, to be achieved in a manner that protects and enhances the unique cultural, recreational, natural resource, and agricultural values of the Delta as an evolving place. (Cal. Water Code § 85054.) Pursuant to the Delta Reform Act, the Council has adopted the Delta Plan, a legally enforceable management framework for the Delta and Suisun Marsh for achieving the coequal goals. (Cal. Water Code § 85001(c).)

"Coequal goals" means the two goals of providing a more reliable water supply for California and protecting, restoring, and enhancing the Delta ecosystem. The coequal goals shall be achieved in a manner that protects and enhances the unique cultural, recreational, natural resource, and agricultural values of the Delta as an evolving place."

– CA Water Code §85054

A. Delta Reform Act Requirements concerning Local and Regional Planning Agencies

1. Early Consultation

The Delta Reform Act grants the Council specific authority to review and advise local and regional planning agencies regarding the consistency of local and regional planning documents, including sustainable communities' strategies and alternative planning strategies, with the Delta Plan. The Delta Plan requires a metropolitan planning organization preparing a regional transportation plan that includes land within the Delta primary or secondary zones to consult with the Council early in the planning process regarding the issues and policy choices relating to the Council's advice. (Cal. Water Code § 85212 (Section 85212)).

Thank you for meeting with Council staff on January 15 and April 2, 2019 to describe the growth forecast and preferred scenario framework that will form the basis of the 2020 MTP/SCS. This early engagement will enable the Council to offer timely advice on the consistency of the 2020 MTP/SCS with the Delta Plan. The Council looks forward to continued consultations with SACOG as the preparation of the draft EIR and 2020 MTP/SCS process continues.

2. Council's Review of the Draft Sustainable Communities Strategy

SACOG's 2020 MTP/SCS is a regional transportation plan and sustainable community strategy that includes land within the Delta. In addition to early consultation (described above), Section 85212 requires SACOG to provide to the Council:

- a draft sustainable communities strategy and an alternative planning strategy, if any, **no later than 60 days prior to the adoption of the final 2020 MTP/SCS**; and
- **concurrent** notice of its submission of the strategy(ies) via electronic mail to coveredactions@deltacouncil.ca.gov.

If the Council concludes that the submitted draft sustainable communities strategy (or alternative planning strategy) is inconsistent with the Delta Plan, it will provide to SACOG a written notice of the claimed inconsistency **no later than 30 days prior to the adoption of the final MTP/SCS**. If SACOG receives a timely written notice of inconsistency from the Council, SACOG's adoption of the final MTP/SCS must include a detailed response to the Council's notice. (Cal. Water Code § 85212).

Please notify the Council via electronic mail when the adoption hearing for the final MTP/SCS is scheduled to Harriet Ross (harriet.ross@deltacouncil.ca.gov).

B. Comment on Scope and Content of EIR for 2020 MTP/SCS

1. Urban Expansion within the Delta

The Council exercises its authority through regulatory policies (set forth in Title 23 of the California Code of Regulations, Sections 5001 through 5016) and recommendations incorporated into the Delta Plan. One of these policies, Delta Plan Policy **DP P1** (23 *Cal. Code Regs.* § 5010) places certain limits on new urban development within the Delta. New residential, commercial, or industrial development must be limited to areas that city or county general plans designate for such development as of the date of the Delta Plan's adoption. This policy is intended to strengthen existing Delta communities while protecting farmland and open space, providing land for ecosystem restoration needs, and reducing flood risk.

State and local agencies are required to demonstrate consistency with this policy, as well as the other regulatory policies contained in the Delta Plan, when carrying out, approving, or funding a covered action. However, the Delta Reform Act exempts actions within the Secondary Zone of the Delta that a metropolitan planning organization determines are consistent with its sustainable community strategy (or alternative planning strategy) and that the State Air Resources Board has determined would achieve regional greenhouse gas emission reduction targets. Such proposed actions are not covered actions regulated by the Council (Cal Water Code § 85057.5(b)(4)). This statute provides SACOG with a significant role in shaping the State's Delta policy in urban areas.

Consequently, the EIR should analyze the 2020 MTP/SCS's impacts on new residential, commercial, and industrial development in the Delta, and particularly, whether it induces new residential, commercial, or industrial development in the Delta Secondary Zone that was not accounted for at the time of the Delta Plan's adoption (May 16, 2013).

The Council also has an interest in recommended transportation projects in the 2020 MTP/SCS that may have an impact on urban expansion, connections with rural areas, or that may otherwise impact the Delta. The EIR should describe what infrastructure beside the recommended transportation projects are necessary to support the strategy or the plans, programs, projects, or activities encompassed within it.

2. Consistency with Ecosystem Restoration Needs

The Delta Plan designates six priority habitat restoration areas that have the greatest potential for large-scale habitat restoration (Delta Plan, Chapter 4, p.136-138). Delta Plan Policy **ER P3** (23 *Cal. Code Regs.* § 5007) states that significant adverse impacts to the opportunity to restore habitat must be avoided or mitigated in these areas (depicted in Appendix 5: <http://deltacouncil.ca.gov/sites/default/files/2015/09/Appendix%205.pdf>). The EIR should analyze whether the proposed project induces growth in any of the areas that the Delta Plan has designated to meet the Delta's ecosystem restoration needs.

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Closing Comments

As SACOG proceeds with development and environmental impact analysis for the 2020 MTP/SCS, we invite you to continue to engage Council staff in early consultation to ensure consistency between the 2020 MTP/SCS and the Delta Plan, to ensure that the two plans are complementary in nature and serve to protect the Delta while promoting sustainable growth and economic vitality in the broader region. Please contact Harriet Ross at (916) 445-5825 or Harriet.Ross@deltacouncil.ca.gov with any questions.

Sincerely,

A handwritten signature in black ink, appearing to read "Jeff Henderson", with a long horizontal flourish extending to the right.

Jeff Henderson, AICP
Deputy Executive Officer
Delta Stewardship Council

CC: Clint Holtzen, Jennifer Hargrove, Lynnea Ormiston