DELTA STEWARDSHIP COUNCIL
A California State Agency

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DELTA STEWARDSHIP COUNCIL

NOTICE OF PREPARATION
DRAFT ENVIRONMENTAL IMPACT REPORT FOR THE DELTA LEVEE INVESTMENT STRATEGY

DATE: May 28, 2015

TO: State Clearinghouse
State Responsible Agencies
State Trustee Agencies
Other Public Agencies
Interested Organizations and Public

FROM: Delta Stewardship Council
Ms. Cindy Messer
980 9th Street, Suite 1500
Sacramento, CA 95814
Email address:
DLIS_NOP_comments@deltacouncil.ca.gov

SUBJECT: Notice of Preparation (NOP) of the Draft Environmental Impact Report (EIR) for the Delta Levee Investment Strategy Policy

LEAD AGENCY: Delta Stewardship Council

PROJECT TITLE: Delta Level Investment Strategy Policy

Notice is hereby given that the Delta Stewardship Council (Council) will prepare an EIR for the update to the Delta Levee Investment Strategy Policy (DLIS Policy) (Proposed Project) and will hold two public scoping meetings to receive comments on the scope of the EIR, as detailed below. Consistent with CEQA Guidelines Section 15206, the Proposed Project is considered a project of statewide, regional, or areawide significance. The Council, acting as the Lead Agency, determined that the Propose Project could result in potentially significant environmental impacts and that an EIR is required.

This NOP has been prepared for the EIR for the Proposed Project in compliance with Section 15082 of the CEQA Guidelines. The Council is soliciting comments on the scope and content of the EIR. The Council will prepare an EIR to address the potential environmental impacts associated with the Proposed Project at a programmatic level consistent with CEQA Guidelines Section 15168.

The Proposed Project, its location, and potential environmental effects are described below. The updated DLIS Policy may specify actions that other state or local agencies may take to implement aspects of the proposed

levee investment strategy. In addition, other agencies may implement actions that will need to be consistent with the new policy.

Members of the public and public agencies are invited to provide comments in writing as to the scope and content of the EIR. The Council needs to know the views of your agency as to the scope and content of the environmental information that is germane to your agency's statutory responsibilities in connection with the Proposed Project.

Due to the time limits mandated by State law, your response must be sent at the earliest possible date, but no later than the close of the 30-day NOP review period at 4:00 p.m. on Wednesday July 1, 2015. If you submit comments on the scope of the EIR, you will automatically be added to the distribution list for future notices and information about the environmental review process for the Proposed Project. If you do not wish to submit comments on the scope of the EIR, but would like to be added to the mailing list, you can submit your contact information, including email address, with a request to be added to the mailing list.

Please send your comments or your request to be added to the mailing list to:

Cindy Messer, Deputy Executive Officer – Planning
Delta Stewardship Council
980 9th Street, Suite 1500
Sacramento, CA 95814
Email address hyperlink: DLIS_NOP_comments@deltacouncil.ca.gov

Please label "Delta Levee Investment Strategy Policy EIR" as the subject. Please include the name of a contact person for your agency. All comments received, including names and addresses, will become part of the official administrative record and may be made available to the public.

Scoping Meetings

Two public Scoping Meetings are scheduled:

1) Tuesday, June 30 at 10:00 am
City Center Galleria
1110 West Capitol Avenue,
West Sacramento, CA 95691

2) Tuesday, June 30 at 6:30 pm
Robert J. Cabral Agricultural Center
2101 E. Earhart Avenue, Suite 100
Stockton, CA 95206

A copy of this Notice of Preparation and Notices of Public Scoping Meeting is also available online at http://deltacouncil.ca.gov.

Name: Cindy Messer Signature: Cindy Messer
Deputy Executive Officer – Planning
Delta Stewardship Council

Project Location

The proposed DLIS Policy would apply to the legally defined Sacramento-San Joaquin Delta as well as the Suisun Marsh area, which is the full geographic area addressed by the Delta Plan adopted in 2013 (California Water Code Section 85058). The project area is shown on Figure 1. The figure also identifies the "Project" levees, which are included in the State Plan of Flood Control, and "Non-project" levees, which are locally owned and maintained by local agencies or private entities.

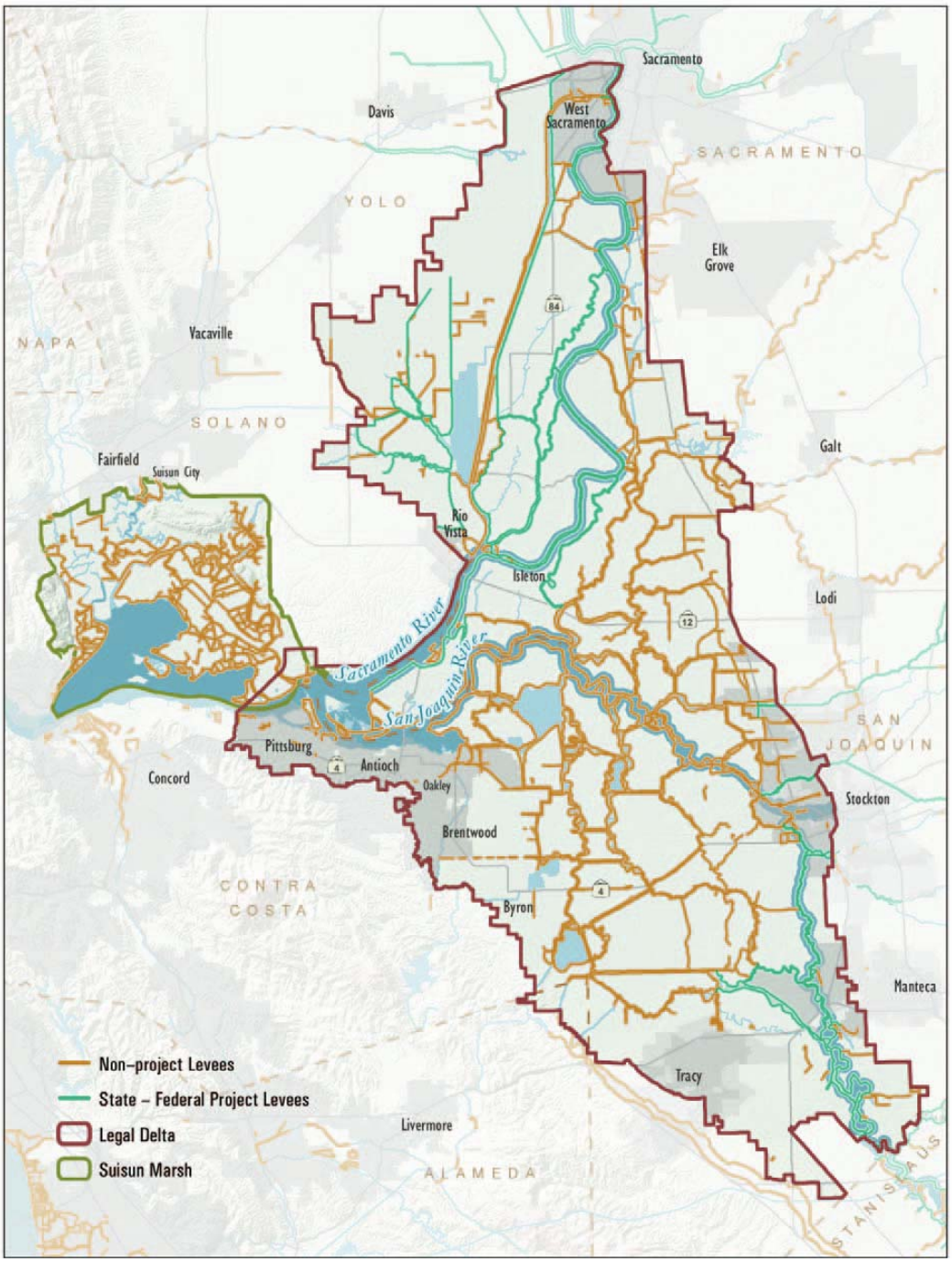
Project Description

The Council is updating the "Risk Reduction" section of its 2013 Delta Plan, which includes an interim regulatory policy for prioritizing State investments in Delta levees. The Council proposes to adopt a new policy that will replace the interim policy, Policy RR P1 (23. C.C.R § 5012). The proposed DLIS Policy will provide a more comprehensive method to prioritize State investments in Delta levees and more specificity with regard to State interests, priority locations, and the type of levee improvements appropriate to protect State interests than the interim policy.

The Delta Reform Act (SBX7 1), California Water Code Section 85000 et seq., created the Delta Stewardship Council, and required preparation of the Delta Plan. The Council is an independent agency of the State charged with furthering the achievement of the coequal goals for the Delta. Section 85054 of the California Water Code defines the coequal goals as "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." The Delta Reform Act established several requirements for the Delta Plan including that it shall attempt to reduce risks to people, property, and State interests in the Delta by promoting effective emergency preparedness, appropriate land uses, and strategic levee investments (California Water Code § 85305 [a]). The 2013 Delta Plan includes an interim policy (Delta Plan policy RR P1 *Prioritization of State Investments in Delta Levees and Risk Reduction*) to "guide discretionary investments in Delta flood risk management" until updated priorities are adopted pursuant to California Water Code Section 85306.

The 2013 Delta Plan also includes Recommendation RR R4, which directs the Council, in consultation with the Department of Water Resources (DWR), the Central Valley Flood Protection Board (CVFPB), the Delta Protection Commission, local agencies, and the California Water Commission to develop updated funding priorities for State investments in Delta levees (Delta Plan recommendation RR R4 *Actions for the Prioritization of State Investments in Delta Levees*). This recommendation provides guidance on the actions, analysis, and methodologies to be conducted to develop priorities and a list of required deliverables to be prepared.

The Council is now implementing Recommendation RR R4 and working with the agencies listed above to develop the updated policy to establish "priorities for State investments in levee operation, maintenance, and improvements in the Delta, including levees that are part of the State Plan of Flood Control and non-project levees."



SOURCE: Delta Stewardship Council, 2013

Delta Levee Investment Strategy Policy . 140190

Figure 1
DLIS Policy Project Area

The interim policy currently included in the 2013 Delta Plan (contained in Section 5012 of the Delta Plan Regulations (23. C.C.R § 5012)) establishes the following:

> "the interim priorities listed below shall, where applicable and to the extent permitted by law, guide discretionary State investments in Delta flood risk management. Key priorities for interim funding include: emergency preparedness, response, and recovery as described in paragraph (1), as well as Delta levees funding as described in paragraph (2).
>
> (1) Delta Emergency Preparedness, Response and Recovery: Develop and implement appropriate emergency preparedness, response and recovery strategies, including those developed by the Delta Multi-Hazard Task Force pursuant to Water Code Section 12994.5.
>
> (2) Delta Levees Funding: The priorities shown in the following table are meant to guide budget and funding allocation strategies for levee improvements. The goals for funding priorities are all important, and it is expected that, over time, the California Department of Water Resources must balance achievement of those goals. Except on islands planned for ecosystem restoration, improvement of non-project Delta levees to Hazard Mitigation Plan (HMP) standard may be funded without justification of the benefits. Improvements to a standard above HMP, such as that set by the U.S. Army Corps of Engineers under Public Law 84-99, may be funded as befits the benefits to be provided, consistent with the California Department of Water Resources' current practices and any future adopted investment strategy."

Goals	Localized Flood Protection	Levee Network	Ecosystem Conservation
1	Protect existing urban and adjacent urbanizing areas by providing 200-year flood protection.	Protect water quality and water supply conveyance in the Delta, especially levees that protect freshwater aqueducts and the primary channels that carry fresh water through the Delta.	Protect existing and provide for net increase in channel-margin habitat.
2	Protect small communities and critical infrastructure of statewide importance (located outside of urban areas).	Protect flood water conveyance in and through the Delta to a level consistent with the State Plan of Flood Control for project levees.	Protect existing and provide for net environmental enhancement of floodplain habitat.
3	Protect agriculture and local working landscapes.	Protect cultural, historic, aesthetic, and recreational resources (Delta as Place).	Protect existing and provide for net enhancement of wetlands.

The Proposed Project, the updated DLIS Policy, will be more specific than the existing interim policy presented above in terms of primarily ***where*** in the Delta the State should prioritize its levee investment and, to some degree, ***what*** types of levee improvements reflect the State's priorities in those areas. The Council may also recommend other actions to reduce flood risk in the Delta, such as investments in non-structural flood risk reduction measures that complement investments in levees. If adopted, the Delta Plan would be amended to add the new policy and Delta Plan Regulations Section 5012 (23 C.C.R. § 5012) would be amended as well.

The updated DLIS Policy, in combination with the Council's authority to require that State agencies act consistently with the Delta Plan, would ensure that levee spending by DWR and the CVFPB reflects these priorities. The investment priorities established by the proposed policy update would affect State spending under both the Delta levee subvention program (non-project levees) and the special projects program (levees with a State interest).

Potential Environmental Effects to Be Addressed in the EIR

The Council has determined that an EIR is required for the Proposed Project. The EIR will identify the significant environmental effects of the Proposed Project and alternatives in accordance with CEQA and the CEQA Guidelines. The Council will identify a "preferred" DLIS Policy that will be analyzed as the Proposed Project in the EIR. A reasonable range of alternatives that would lessen or avoid any potentially significant environmental impact of the Proposed Project will be identified and evaluated during the EIR preparation process. Feasible mitigation measures, which may include approaches to future mitigation programs, will be identified to lessen or avoid significant adverse impacts of the Proposed Project.

This EIR will be a Program EIR that examines the potential significant environmental effects of the proposed DLIS Policy guiding State investment in levee projects. The Council is not proposing, nor would the Proposed Project require, specific levee improvement projects at specific locations. While the Program EIR will review the potential physical environmental effects of potential types and locations of levee improvement and maintenance actions supported by the proposed levee investment policy, it will not provide project-level environmental review for any specific levee projects.

The DLIS Program EIR will consider all resource areas identified in CEQA Guidelines Appendix G – CEQA Environmental Checklist in the evaluation of the environmental effects. Council adoption of the proposed policy to guide State investment in levee projects would not result in or require construction of specific levee improvements or specific levee-related ecosystem restoration projects and, therefore, would not result in direct physical environmental impacts. However, the proposed policy could make certain types of levee improvement actions more or less likely to occur in certain areas of the Delta region (see Figure 1 – Project Area), depending on the State's investment priorities. Accordingly, the Proposed Project could result in indirect environmental effects associated with the types and locations of levee improvement actions and ecosystem restoration areas supported by the new policy and/or with the potential consequences to levees that are not in the top priority areas as identified by the policy.

The potential for significant indirect environmental effects will be reviewed in the resource areas summarized below. The Program EIR will provide a program-level evaluation of potential impacts, addressing potential

adverse effects at both the local (general project location) and regional (Delta region) levels. The EIR will describe thresholds of impact significance or methods to define significance under various conditions, and will identify program-level mitigation measures, including performance-based approaches or policies, that could be considered in the development of future levee maintenance and improvement projects to reduce adverse impacts to a level of less than significant.

- **Aesthetics:** The EIR will evaluate at a program-level the potential effects on visual resources that could occur through implementation of levee maintenance actions, construction of various types of levee improvements, implementation of levee-related ecosystem restoration, or as a consequence of levee degradation and damage.

- **Agricultural:** The EIR will evaluate at a program-level the potential effects on agricultural resources that could occur through implementation of levee maintenance actions, construction of various types of levee improvements, implementation of levee-related ecosystem restoration, or as a consequence of levee degradation and damage. The Program EIR will review potential temporary and permanent loss of agricultural activities and land as a result of levee improvement projects, levee-related ecosystem restoration efforts, and/or levee damage on individual Delta islands as well as within the overall Delta region.

- **Air Quality and Greenhouse Gas Emissions:** The EIR will evaluate at a program-level the potential effects on air quality that could occur through implementation of levee maintenance actions, construction of various types of levee improvements, implementation of levee-related ecosystem restoration, or as a consequence of levee degradation and damage. Potential air quality and greenhouse gas emission impacts would be associated primarily with construction activities for levee maintenance or improvement projects and to a much lesser extent with potential increased energy use and facility operations (e.g., additional pumps). The potential for changes in GHG emissions associated with land use changes that may occur as indirect impact of implementation of the Proposed Project will also be addressed in the EIR; specifically potential changes in agricultural land uses within the project area could affect GHG emissions.

- **Biological Resources:** The EIR will evaluate at a program-level the potential effects on aquatic and terrestrial biological resources that could occur through implementation of levee maintenance actions, construction of various types of levee improvements, implementation of levee-related ecosystem restoration, or as a consequence of levee degradation and damage. The environmental evaluation will address potential site-specific effects of the types of potential levee improvement supported by the proposed policy as well as potential effects with the overall Delta ecosystem and associated downstream Bay-Delta system.

- **Cultural Resources:** The EIR will evaluate at a program-level the potential effects on archaeological and historic resources within the Delta region quality that could occur through implementation of levee maintenance actions, construction of various types of levee improvements, implementation of levee-

related ecosystem restoration, or as a consequence of levee degradation and damage. The Program EIR will describe significant cultural resources within the Delta region that could be affected.

- **Geology, Soils, and Seismicity:** The EIR will evaluate at a program-level the potential effects on geology, soils and seismicity that could occur through implementation of levee maintenance actions, construction of various types of levee improvements, implementation of levee-related ecosystem restoration, or as a consequence of levee degradation and damage. The Program EIR will describe known geological and seismic hazards and soil conditions. The analysis will address potential indirect effects on Delta geomorphology, sediment transport and erosion patterns and processes.

- **Hydrology and Water Quality:** The EIR will evaluate at a program-level the potential effects on hydrology and water quality that could occur through implementation of levee maintenance actions, construction of various types of levee improvements, implementation of levee-related ecosystem restoration, or as a consequence of levee degradation and damage. The analysis will address potential effects on potential flow patterns in the Delta and associated effects related to flood risk or geomorphic and erosion pattern changes. The analysis will address potential effects on water quality and regulatory compliance related to aquatic resources and drinking water supplies. Future sea-level rise will be addressed in the analysis.

- **Land Use and Planning:** The EIR will evaluate at a program-level the potential effects on existing land uses and the potential for conflicts with adopted land use and resource management plans and policies that could occur through implementation of levee maintenance actions, construction of various types of levee improvements, implementation of levee-related ecosystem restoration, or as a consequence of levee degradation and damage.

- **Mineral Resources:** The EIR will evaluate at a program-level the potential effects on mineral resources that could occur through implementation of levee maintenance actions, construction of various types of levee improvements, implementation of levee-related ecosystem restoration, or as a consequence of levee degradation and damage.

- **Noise**: The EIR will evaluate at a program-level the potential noise effects that could occur through implementation of levee maintenance actions, construction of various types of levee improvements, implementation of levee-related ecosystem restoration, or as a consequence of levee degradation and damage. Potential noise impacts to local communities and/or sensitive wildlife would be associated primarily with construction activities for levee maintenance or improvement projects and to a much lesser extent with potential increased energy use and facility operations (e.g., additional pumps).

- **Paleontological Resources:** The EIR will evaluate at a program-level the potential effects on paleontological resources that could occur through implementation of levee maintenance actions,

construction of various types of levee improvements, implementation of levee-related ecosystem restoration, or as a consequence of levee degradation and damage.

- **Population, Employment and Housing – Growth Inducement Potential**: The EIR will evaluate at a program-level the potential for the proposed levee investment policy to result in changes in population and employment or associated housing availability. The analysis will describe existing population and employment centers with the Delta and review applicable land use plans including County and local community plans as well as the Delta Plan and others as appropriate with respect to policies regarding planned areas for employment and housing within the Delta. If any growth inducement potential is identified as a result of the proposed levee investment policy, then the Program EIR analysis will address the potential secondary effects of such growth potential.

- **Recreation:** The EIR will evaluate at a program-level the potential effects on existing and planned recreation facilities and activities that could occur through implementation of levee maintenance actions, construction of various types of levee improvements, implementation of levee-related ecosystem restoration, or as a consequence of levee degradation and damage.

- **Transportation and Traffic:** The EIR will evaluate at a program-level the potential effects on transportation facilities and traffic circulation that could occur through implementation of levee maintenance actions, construction of various types of levee improvements, implementation of levee-related ecosystem restoration, or as a consequence of levee degradation and damage. The analysis will address potential effects on emergency ingress and evacuation routes.

- **Utilities and Public Services:** The EIR will evaluate at a program-level the potential effects on the local and regional utility infrastructure in the Delta as well as the public services for those residing in the Delta that could occur through implementation of levee maintenance actions, construction of various types of levee improvements, implementation of levee-related ecosystem restoration, or as a consequence of levee degradation and damage. The analysis will address existing utilities infrastructure including the major gas, electrical, communications, drainage, and flood management facilities in the Delta.