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DELTA STEWARDSHIP COUNCIL

A California State Agency

September 14, 2015

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Randy Fiorini

Brad Beck
Contra Costa Transportation Authority
2999 Oak Road, Suite 100
Walnut Creek, CA 94597
Via email: bbeck@ccta.net

Members
Aja Brown
Frank C. Damrell, Jr.
Phil Isenberg
Patrick Johnston
Mary Piepho
Susan Tatayon

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Dear Mr. Beck:

Thank you for the opportunity to comment on the Contra Costa Transportation Authority's (CCTA's) Notice of Preparation (NOP) of a Recirculated Draft Subsequent Environmental Impact Report (SEIR) for the 2014 Countywide Comprehensive Transportation Plan (CTP). We welcome the opportunity to provide input regarding how to ensure consistency of the CTP with the Delta Plan.

CTP Consistency with the Delta Plan

The Delta Stewardship Council (Council) has a legally enforceable management framework for the Delta and Suisun Marsh called the Delta Plan (<http://deltacouncil.ca.gov/delta-plan-0>). The Delta Plan coordinates state and local actions to achieve the coequal goals of protecting and enhancing the Delta ecosystem and providing for a more reliable water supply for California, in a manner that protects and enhances the Delta as an evolving place. State and local agencies are required to comply with the Council's regulations if their proposed activity is determined to be a "covered action" under the Delta Plan (<http://deltacouncil.ca.gov/covered-actions>).

Although the CTP does not appear to meet the definition of a covered action, state law specifically directs the Council to provide "advice to local and regional planning agencies regarding the consistency of local and regional planning documents with the Delta Plan" (Water Code sec 85212). Our review of the NOP for the CTP identified the following areas to consider in order to ensure consistency:

- **Provide Adequate Infrastructure.** Delta Plan Recommendation **DP R5** recommends that Caltrans and local agencies plan infrastructure, such as roads and highways, to meet the needs of development consistent with sustainable communities strategies (SCSs), local plans, the Delta Protection Commission's Land Use and Resource Management Plan, and the Delta Plan. Furthermore, this recommendation recognizes that local roads, railroads, and the state highway system are important to economic sustainability and place-making factors of the Delta.
- **Plan for State Highways to Adapt to Climate Change.** The Delta Reform Act (Water Code Section 85307(c)) states that the Council, "in consultation with the Department of

"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

Transportation, may address in the Delta Plan the effects of climate change and sea level rise on the three state highways that cross the Delta.” In response to this authorization, the Council adopted Delta Plan Recommendation **DP R6**, which recommends that the Council, as part of the prioritization of state levee investments, should consult with Caltrans to consider the effects of flood hazards and sea level rise on state highways in the Delta. We advise CCTA to consult with Caltrans regarding these risks, as well, particularly with respect to State Route 4.

Comments on the NOP

In addition to ensuring consistency of the CTP with the Delta Plan, we recommend that CCTA staff discuss or include the following matters in the SEIR:

- **Regulatory Setting.** The SEIR should acknowledge the Delta Plan regulations and recommendations in the regulatory setting of all appropriate sections, such as land use and planning, biological resources, and agricultural resources sections.
- **Inconsistencies with the Delta Plan.** The SEIR should discuss any inconsistencies between the proposed project and the Delta Plan, as required by Section 15125(d) of the CEQA Guidelines. Note, too, that the CEQA Guidelines’ Appendix G states that a project that is inconsistent with any applicable land use plan, policy, or regulation may result in a finding of significant impact on biological resources.
- **Mitigation Measures.** The Delta Plan’s Program EIR provides a list of mitigation measures to consider, including those designed to address impacts to biological resources and agricultural resources. (Mitigation measures can be found in the Delta Plan Mitigation and Monitoring Reporting Program document, http://deltacouncil.ca.gov/sites/default/files/documents/files/Agenda%20Item%206a_attach%202.pdf.)
- **Biological Resources.** The 2014 Draft SEIR noted that implementation of the 2014 CTP combined with regional growth and development could contribute to cumulative impacts on special-status plant and animal species or wetlands, riparian habitat, and related resources. The Delta Plan’s EIR Biological Resources Mitigation Measure 4-3 calls for proponents to design projects that avoid impacts that would lead to substantial loss of fish and wildlife habitat. If there will be a loss of habitat for fish and wildlife species from a project, Mitigation Measure 4-3 calls for proponents to replace, restore, or enhance habitats for those species and preserve in-kind habitat.
- **Agricultural Resources.** The NOP states that the Recirculated Draft SEIR will address conversion of agricultural land caused by the CTP. The SEIR should include an analysis of the potential loss of agricultural land in the Delta caused by urban development induced by the CTP, as well as direct impacts CTP projects. In particular, Council staff is concerned about the potential for the construction State Route 239/TriLink from State Route 4 southeast into San Joaquin County to induce development in the unincorporated portions of Contra Costa County and San Joaquin County within the Delta. Delta Plan Policy **DP P1** (23 CCR Section 5010) states that new residential, commercial, or industrial development is permitted outside the urban boundaries only if

it is consistent with the land use designated in the relevant county general plan. It is intended to strengthen existing Delta communities while protecting farmland and open space, providing land for ecosystem restoration needs, and reducing flood risk. Please discuss any potential impacts to agricultural resources related to this project.

In addition, please consider Delta Plan Mitigation Measures 7-1 and 7-2 to ensure that farmlands are protected to the greatest extent possible. These measures include:

- “Design proposed projects to minimize, to the greatest extent feasible, the loss of the highest valued agricultural land.
- Redesign project features to minimize fragmenting or isolating farmland. Where a project involves acquiring land or easements, ensure that the remaining non-project area is of a size sufficient to allow viable farming operations. The project proponents shall be responsible for acquiring easements, making lot line adjustments, and merging affected land parcels into units suitable for continued commercial agricultural management.
- Reconnect utilities or infrastructure that serve agricultural uses if these are disturbed by project construction. If a project temporarily or permanently cuts off roadway access or removes utility lines, irrigation features, or other infrastructure, the project proponents shall be responsible for restoring access as necessary to ensure that economically viable farming operations are not interrupted.
- Manage project operations to minimize the introduction of invasive species or weeds that may affect agricultural production on adjacent agricultural land.
- Design proposed projects to minimize, to the greatest extent feasible, conflicts and inconsistencies with land protected by agricultural zoning or a Williamson Act contract and the terms of the applicable zoning/contract.”

We look forward to working with you and your staff to ensure consistency between the CTP and the Delta Plan, so that the two plans are complementary and serve to protect the Delta while promoting sustainable growth and economic vitality in the broader region.

If you have any questions, please contact Jessica Davenport at jdavenport@deltacouncil.ca.gov or (916) 445-2168.

Sincerely,



Cindy Messer
Deputy Executive Officer, Delta Plan

cc: Erik Vink, Delta Protection Commission