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Web submittal link: <http://sacog.org/mtpscs/2016-mtpscs-comments/>

Dear Ms. Lizon:

Thank you for the opportunity to comment on the Sacramento Area Council of Governments' (SACOG) Draft 2016 Metropolitan Transportation Plan/Sustainable Communities Strategy (MTP/SCS) and draft environmental impact report (EIR). We welcome the opportunity to provide input regarding how to ensure the consistency of the MTP/SCS with the Delta Plan, as required by the Delta Reform Act (Water Code Section 85212).

The Delta Reform Act establishes specific criteria and categories for exempting actions from the Council's regulatory authority. One of these exclusions is for actions within the secondary zone of the Delta that a metropolitan planning organization determines are consistent with its SCS. Such proposed actions are not "covered actions" regulated by the Council (Water Code Section 85057.5(b)(4)). Therefore, as we have discussed, coordinating our plans' consistency is particularly important to achieving our common goals.

Council staff enjoyed a collaborative relationship with SACOG staff during the scoping and review periods for SACOG's first MTP/SCS and its environmental documents, which were approved in 2012, while the Delta Plan was still in draft form. The 2016 MTP/SCS Update provides an opportunity to further improve consistency now that the Delta Plan and its regulations are effective. We look forward to continued coordination between our agencies to further our related efforts.

MTP/SCS Consistency with the Delta Plan

Based on the Delta Plan, our review of the Draft MTP/SCS identified the following areas to consider in order to ensure consistency:

- **Locating new development wisely.** The areas identified for development in the MTP/SCS should be consistent with those of the Delta Plan. The areas are described in **Delta Plan Policy DP P1** (23 CCR Section 5010), with reference to maps in Appendix 7

"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

of Delta Plan regulations. 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. DP P1 is based on city general plan land use designations within cities and their spheres of influence effective as of May 16, 2013, the date of the Delta Plan's adoption.¹

We appreciate the work that SACOG has done to demonstrate consistency with Delta Plan Policy DP P1 by preparing a map showing the MTP/SCS growth areas and the Delta Plan urban boundaries (Draft EIR, Figure 12.3). The draft EIR states, "The proposed MTP/SCS assumes that new growth will occur within the defined Delta Legacy Communities and does not project development within areas planned for agriculture, open space and recreation, or natural preserve and marsh in the Delta Plan (see Figure 12.3 above). Therefore, SACOG has considered and supported the coequal goals of the Act in developing the proposed MTP/SCS related to land use, consistent with the Delta Plan."

The City of West Sacramento is currently updating its general plan and has proposed to change the land use designation of certain areas in the southwest portion of the city from agriculture to urban uses. The City may request an evaluation of the general plan update's consistency with SACOG's MTP/SCS, and, if SACOG determines that it is consistent, the general plan update would be exempt from the Council's covered action process (Water Code Section 85057.5(b)(4)). Therefore, Council staff is particularly interested in confirming that the MTP/SCS is consistent with the Delta Plan with respect to development within the City of West Sacramento.

The Delta Plan regulations include a map of the City of West Sacramento (Appendix 7, Figure 7-8) that designates the southwest portion of the city as agriculture. This area roughly corresponds to the area described as "the Southwest Village" in the West Sacramento section of the MTP/SCS Land Use Forecast (Appendix E-3, p. 149). The MTP/SCS Land Use Forecast states, "The two remaining villages known as the Southeast Village and a portion of the Southwest Village are not identified for development by 2036 in the MTP/SCS." Furthermore, these two areas are not listed among West Sacramento's "Developing Communities", which are identified in the Draft Preferred Scenario (Appendix E-3, p. 164). Therefore, we conclude that the MTP/SCS and the Delta Plan are consistent with respect to land use.

- **Habitat restoration areas.** The Delta Reform Act states that lands set aside for natural resource protection should be sufficient to meet the Delta's ecosystem needs (Water Code section 85212), including protection of priority habitat restoration areas. **Delta Plan Policy ER P3** (23 CCR Section 5007) calls for protecting opportunities to restore habitat in these areas, which are depicted in Appendix 5 of the Delta Plan regulations.

¹ Council staff has identified and City of Sacramento staff has confirmed an error in the Delta Plan map of land use designations in the City of Sacramento. The Delta Plan map is based on 2008 data, but it should have been based on the General Plan map that was adopted in 2009, the last update that occurred before the Delta Plan was adopted in 2013. Council staff intends to recommend correcting this error as part of the next amendment of the Delta Plan and its regulations. Once the correction is made, the map will show the Delta Shores development to be consistent with the Delta Plan.

Based on our review of the map showing the MTP/SCS growth areas (Draft EIR, Figure 12.3), we do not see any overlap between MTP/SCS growth areas and the Delta Plan's priority habitat restoration areas. Therefore, the MTP/SCS is consistent with the Delta Plan with respect to protecting opportunities to restore habitat.

- **Flood risk reduction.** Land use planning for the MTP/SCS should reduce flood risk. As mentioned above, flood risk reduction is one of the goals of **Policy DP P1** and should be included as a factor when evaluating various land use scenarios. We appreciate the extensive discussion of flood risk associated with each city provided in the Sacramento Region Floodplain Status Report included in Appendix E-3. The Floodplain Status Report describes the aggressive levee improvement program that the City of West Sacramento has undertaken, but notes that if FEMA were to remap this area, it would designate multiple flood zones within the city. Therefore, until flood protection goals are achieved as intended by 2020, Council staff concurs with SACOG's decision to exclude the southern part of West Sacramento, which is designated as agriculture in the Delta Plan, from the areas identified for development in the MTP/SCS.
- **General.** On a more general note, Council staff offers these additional comments regarding ways in which the MTP/SCS can help to achieve the Delta Plan's coequal goals of water supply reliability and ecosystem restoration, while protecting and enhancing the Delta as an evolving place.
 - **Water supply reliability.** The Delta Plan's legally binding policies and most of its recommendations related to water supply reliability are directed primarily at water suppliers and state and federal agencies. However, there is strong evidence that compact growth reduces per capita water demand, as well as water supply infrastructure costs.² We appreciate that SACOG has analyzed this issue. As stated in the plan, "the MTP/SCS land use forecast includes more compact growth with roughly 70 percent of the new homes being small-lot single-family or attached. During the Blueprint process, SACOG estimated that new growth in the Blueprint would consume 30 percent less water than the Base Case scenario. These results suggest that compact growth will reduce demand for water and impacts on water treatment systems."
 - **Protecting the Delta as Place.** Several recommendations in the Delta Plan provide guidance regarding protecting and enhancing the unique cultural, recreational, natural resource, and agricultural values of the Delta. **DP R5** recommends providing adequate infrastructure to meet development needs, consistent with sustainable communities strategies and other relevant plans. We are pleased to note the groundbreaking work that SACOG has done to analyze agricultural land use patterns and their implications. As the MTP/SCS states, "Agriculture has unique needs for goods movement to local markets and distribution hubs. SACOG is continuing to study the implications of local food

² U.S. Environmental Protection Agency. 2006. *Growing Toward More Efficient Water Use: Linking Development, Infrastructure, and Drinking Water Policies*. EPA 230-R-06-001. Downloaded on March 5, 2013 from http://www.epa.gov/smartgrowth/pdf/growing_water_use_efficiency.pdf.

production and distribution systems for land supply and transportation needs.” **DP R8** and **DP R9** call for promoting value-added crop processing and agritourism, respectively. **DP R17** calls for enhancing opportunities for visitor-serving businesses. SACOG has also been active in these areas. The MTP/SCS states, “Working with stakeholders throughout the region, SACOG has identified promising opportunities to expand agriculture in the region through strategies such as: creation of a branded marketing campaign for farm products produced in the region to foster greater local demand; expansion of retail stores and restaurants featuring local foods; increased capacity to handle local foods within the existing consolidation and distribution systems; development of more local distribution, consolidation, and value-added facilities for food that is currently produced in the region but shipped out and returned in a processed form; and increasing local production of foods that are currently brought in from outside the region. SACOG’s Sacramento Region Food Hub Feasibility analysis provides detailed economic data and business tools to support infrastructure investments in the local food system.”

Comments on the Draft EIR

In addition to ensuring consistency of the MTP/SCS with the Delta Plan, we recommend that SACOG staff discuss or include the following matters in the EIR:

- **Regulatory Setting.** We appreciate that the draft EIR acknowledges the Delta Plan regulations and recommendations in the regulatory setting sections of the land use and planning, biological resources, agricultural resources, and hydrology and water quality chapters.
- **Land Use and Planning.** As discussed above, Council staff has concluded that the two plans are consistent with respect to land use.
- **Agriculture and Forestry Resources:** The draft EIR concludes that “Together, land use changes and transportation projects have the potential to impact 2,466 acres of prime farmland, 746 acres of unique farmland, and 2,243 acres of farmland of statewide importance for a combined potential impact to 5,454 acres of [Farmland Mapping and Monitoring Program] designated farmland.” The impact is considered potentially significant. The draft EIR contains Mitigation Measure AG-1 through AG-5, which are equivalent to Agriculture and Forestry Resources Mitigation Measures 7-1 and 7-2 in the Delta Plan’s Mitigation and Monitoring Reporting Plan (MMRP) (http://deltacouncil.ca.gov/sites/default/files/documents/files/Agenda%20Item%206a_attach%202.pdf). We appreciate your inclusion of these mitigation measures.
- **Biological Resources:** The draft EIR states that “Combined, the land use and transportation changes in the proposed plan could convert 42,398 acres, or approximately 1.5 percent, of potential habitat for sensitive species and agricultural cover in the proposed MTP/SCS plan area.” Other potentially significant impacts to

biological resources include loss of oak woodland; impacts to wildland habitats that overlap Essential Connectivity Areas (ECAs) that could disrupt natural wildlife movement or dispersal corridors, or disturb native nursery areas; and conversion of habitats within ECAs that could have effects on migration corridors and genetic exchange between populations.

ER P3, mentioned above, calls for protecting opportunities to restore habitat in the priority habitat restoration areas. More specifically, the policy states that “significant adverse impacts to the opportunity to restore as described in section 5006 must be avoided or mitigated.” Potential mitigation measures could include elevating facilities so that water can flow underneath to allow for future restoration of habitats dependent on tides or periodic flooding, or locating facilities at the edge of the restoration area, rather than in the middle, to improve opportunities for restoring habitat connectivity. The mitigation shall be determined, in consultation with the California Department of Fish and Wildlife, considering the size of the project area and the type and value of habitat that could be restored in that area. Please add these mitigation measures to the final EIR.

The Delta Plan’s MMRP also contains several biological resources mitigation measures (4-1 through 4-5). Please ensure that MTP/SCS final EIR contains mitigation measures that are equally or more effective than those in the MMRP. For example, the draft EIR does not contain any mitigation measures equivalent to the sixth bullet point under Delta Plan Mitigation Measure 4-1, which calls for developing and implementing an invasive species management plan for projects that may introduce or facilitate establishment of invasive species, and the first bullet point under Delta Plan Mitigation Measure 4-4, which calls for protecting habitat for migratory waterfowl and shorebirds by expanding existing wildlife refuges and management areas.

- **Hazards and Hazardous Materials.** Flood risk is a major hazard identified in the Delta Plan. We appreciate your inclusion of Mitigation Measure HAZ-3, calling for implementation of state and local requirements for ongoing emergency evacuation planning. This is consistent with **Delta Plan Recommendation RR R-1**, Implement Emergency Preparedness and Response.
- **Hydrology and Water Quality.** The Delta Plan contains three policies that are most relevant to SACOG’s consideration of flood risk reduction: **Policy RR P2** (23 CCR Section 5013) requires flood protection for residential development in rural areas, **Policy RR P3** (23 CCR Section 5014) restricts encroachment in floodways, and **Policy RR P4** (23 CCR Section 5014) restricts encroachments in floodplains, including the Cosumnes River-Mokelumne River Confluence. In addition, the Delta Plan contains a recommendation (RR R7) encouraging the Central Valley Flood Protection Board to evaluate designating additional floodways. Mitigation Measure HYD-4, which requires conducting studies that identify project design features or measures that reduce impacts to either floodplains or flood flows to a less than significant level, supports the implementation of **RR P4**.

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Mitigation Measure HYD-6 states, "In areas of existing or potential future land subsidence due to groundwater pumping, establish cooperative regional relationships to define and manage sustainable yield." It is consistent with Delta Plan Recommendation **WR R11**, Recover and Manage Critically Over-drafted Groundwater Basins.

In conclusion, the only area of inconsistency we have identified is the biological resources mitigation measures. We look forward to continuing to work with you to ensure consistency between the MTP/SCS 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.

For the 2020 MTP/SCS, we understand that SACOG has initiated an inventory of the most environmentally significant areas within its jurisdiction. We encourage SACOG to use this process as a basis for identifying priority conservation areas that can provide benefits to both terrestrial and aquatic species, as well as ecosystem services such as flood protection, groundwater recharge, agricultural production, and carbon sequestration. Such a process could serve as a model for the creation of a more holistic "greenprint" to address a broader spectrum of the Delta's ecosystem needs.

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

Sincerely,



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Deputy Executive Officer, Delta Plan

cc: Erik Vink, Delta Protection Commission
Carl Wilcox, Department of Fish and Wildlife
Leslie Gallagher, Central Valley Flood Protection Board