



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

DELTA STEWARDSHIP COUNCIL

A California State Agency

March 2, 2017

Chair
Randy Fiorini

Members

Frank C. Damrell, Jr.
Patrick Johnston
Susan Tatayon
Skip Thomson
Ken Weinberg
Michael Gatto

Scoping Comments Sites
Project Authority
P.O. Box 517
Maxwell, CA 95955

Executive Officer
Jessica R. Pearson

RE: Supplemental Notice of Preparation of a Draft Environmental Impact Report – Sites Reservoir Project, SCH #2001112009

Dear Mr. Jim Watson:

Thank you for the opportunity to comment on the Supplemental Notice of Preparation (NOP) of the Draft Environmental Impact Report (DEIR) for the Sites Reservoir Project (Project). The Delta Stewardship Council (Council) welcomes the opportunity to provide an initial comment on the NOP as the scope of the DEIR is developed.

Established by the Sacramento-San Joaquin Delta Reform Act of 2009 (SBX7 1), the Council is an independent state agency charged with furthering California's coequal goals for the Delta through the adoption and implementation of the Delta Plan and its regulatory portions of which became effective on September 1, 2013. As stated in the Delta Reform Act of 2009 (Delta Reform Act), the State has "Coequal goals" (which) means 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" (Water Code § 85054).

Through the Delta Reform Act, the Council was granted specific regulatory and appellate authority over certain activities that take place in whole or in part in the Delta and Suisun Marsh, which are referred to as "covered actions". The Council exercises that authority through development and implementation of the Delta Plan. State and local agencies are required to be consistent with the 14 regulatory policies of the Delta Plan when carrying out, approving, or funding a "covered action". The Delta Reform Act established a certification process for such covered actions to demonstrate their compliance with the Delta Plan (Water Code § 85022). Because the EIR would likely provide much of the factual basis for a certification of the project's consistency with the Delta Plan, the Project Authority's responsibility under Water Code § 85225 should be considered in the list of agencies that expect to use the EIR and the approvals for which the EIR will be used.

"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

The NOP project description provided in the State Clearinghouse data base stated the following Project description. The proposed Project would consist of a new offstream storage reservoir with a capacity of up to 1.9 MAF. The Sites Reservoir would be approximately 12,000-14,000 acres in size and would be created by inundating the area around the unincorporated community of Sites, California, which is referred to locally as Antelope Valley. To create the proposed Sites Reservoir, up to eleven dams would need to be built and include two main dams; the Golden Gate Dam on Funks Creek and the Sites Dam on Stone Corral Creek. Both dams would have a height in the general range of 300 feet above the base while the Golden Gate Dam would have a crest length in the general range of 2,250 feet and the Sites Dam would have a crest length in the general range of 850 feet. There also would be up to nine saddle dams on the northern end of reservoir, between the Funks Creek and Hunters Creek watersheds. These dams would range from approximately 40 to 130 feet in height above the base, with crest lengths ranging from approximately 270 to 4,000 feet. Other proposed facilities include a pumping plant, electrical switchyard, overhead power lines, and an approximately 4,030-foot-long tunnel from the pumping plant to the reservoir. Proposed principle features of the Sites Project besides the main reservoir and associated facilities are the use of two existing points of diversions and a new point of diversion, use and expansion of the existing Tehama-Colusa Canal to create a smaller Holthouse Reservoir to regulate conveyance to the proposed Sites Reservoir, use and expansion of the existing Glenn-Colusa Irrigation District (GCID) Canal to create a smaller Terminal Regulating Reservoir and underground pipelines to regulate flows from the GCID Canal. The new diversion will be established at Sacramento River Mile 158.5 across from the Moulton Weir and include a pumping plant, electrical switchyard and overhead power line, maintenance and electrical facilities, a forebay, an afterbay, and a 13.5-mile-long (Delevan) pipeline. Other facilities would be for recreation use, field office and a maintenance yard, and electrical switchyards.

The NOP proposes the operation of the Project would incorporate three primary components; (1) operating criteria for the diversion of water (rate, duration, season, and water year type) from the Sacramento River; (2) operating criteria for timing and rate of releases from the Sites Reservoir based on water year types and other hydrological conditions; and (3) coordinating the operations of the proposed Project with operations of SWP and CVP reservoirs, including Trinity Lake, Shasta Lake, Lake Oroville, and Folsom Lake.

Council staff are available to provide assistance to the Project Authority in its determination if the proposed Project meets the statutory definition of a “covered action” and, as such, would require a certification of consistency with the Delta Plan. We encourage you to consult with Council staff early in the development of the DEIR to better understand the covered action process and how to ensure the project is consistent with the Delta Plan. The project proponent ultimately determines if their proposed project is a covered action. To assist in that determination, the Council has posted a checklist on our website (<http://deltacouncil.ca.gov/sites/default/files/2014/11/2014-11-25-Covered-Actions-Checklist.pdf>).

Comments on the NOP

Council staff have reviewed the available information from the NOP. In general, the Delta Plan should be considered in the EIR's discussion of the regional setting and planning context and any inconsistencies with the Delta Plan should be identified. More specifically, staff have preliminarily determined that the following Delta Plan regulatory policies may be relevant to this project.

WR P1 policy (23 CCR Section 5003), **Reduced Reliance on the Delta Through Improved Regional Water Self-Reliance**, which covers a proposed action to export water from, transfer water through, or use water in the Delta. If this action is deemed a covered action under the Delta Plan, the project would need to be consistent with the Delta Plan's goal to reduce reliance on the Delta, in particular export of water, by improving regional water self-reliance.

ER P1 policy (23 CCR Section 5005), **Delta Flow Objectives**, which states that "The State Water Resources Control Board's Bay Delta Water Quality Control Plan flow objectives shall be used to determine consistency with the Delta Plan". This policy may apply because the NOP listed project primary objectives, such as "reduce water diversion on the Sacramento River during critical fish migration periods" as well as to "provide storage and operational benefits for programs to enhance water supply reliability, benefit Delta water quality, and improve ecosystems by providing net improvements in water quality conditions in the Sacramento River system and Delta". This objective could impede and/or alter Delta flows that are subject to meeting the Bay Delta Water Quality Control Plan flow objectives. The hydrology modeling, coordinated operations, and the system wide water management proposed for the DEIR could be used to show compliance with this policy.

ER P3 policy (23 CCR Section 5007), **Protect Opportunities to Restore Habitat**, calls for protecting opportunities to restore habitat, specifically within the six areas, including Yolo Bypass, identified as priority habitat restoration areas (PHRAs) by Appendix 5 of the Delta Plan. There are many ongoing planning efforts for the Yolo Bypass including: 1) United States Bureau of Reclamation and DWR developing a suite of projects to fulfill requirements under the 2009 National Marine Fisheries Service Biological Opinion; 2) United States Army Corps of Engineers Sacramento River General Reevaluation Report, which is in the process of developing ecosystem restoration and flood risk management alternatives for the lower Sacramento River flood control system, many of which currently focus on potential changes to the Yolo Bypass; and 3) DWR's Sacramento Basin Wide Feasibility Study which currently identifies five potential future scenarios for the Yolo and Sacramento Bypasses integrating flood risk reduction with habitat restoration. We hope that the DEIR will model and address the Project's potential effect on the Yolo Bypass as well as work collaboratively with the planning efforts

to ensure that management of the Bypass can achieve multiple objectives including habitat restoration and flood risk management.

ER P5 policy (23 CCR Section 5009), ***Avoid Introductions of and Habitat Improvements for Invasive Nonnative Species***, may be relevant to the proposed project because the NOP listed project objectives such as to provide storage and operational benefits for programs to enhance water supply reliability, benefit Delta water quality, and improve ecosystems by providing net improvements in water quality conditions in the Sacramento River system and the Delta as well as by providing net improvements in water supply reliability for fish protection, habitat management, and other environmental water needs. These project objectives may change or alter the ecology of fish and plant species in the project areas, “The potential for new introductions of or improved habitat conditions for nonnative invasive species, striped bass, or bass must be fully considered and avoided or mitigated in a way that appropriately protects the ecosystem.” Alternating flow through Delta channels may induce and colonize invasive plant species, such as *Egeria densa* (Brazilian Water Weed) and/ or water hyacinth, which could choke off Delta channels. Proposed hydrology and fisheries analysis in the DEIR would be useful for demonstrating compliance with this policy.

If the Project Authority determines that the project is a covered action, then policy **G P1**, ***Detailed Findings to Establish Consistency with the Delta Plan***, would be triggered. The Certification of Consistency is electronically submitted and would address any germane Delta Plan regulatory policies with detailed findings demonstrating compliance or to explain that the project, although not consistent with the Delta Plan, will still contribute to the overall achievement of the coequal goals. Specific requirements under **G P1** include:

- Applicable feasible mitigation measures under the Delta Plan’s Programmatic EIR (certified on May 17, 2013) or substitute mitigation measures that are equal to or more effective to the Programmatic EIR mitigation measures which are listed at: http://deltacouncil.ca.gov/sites/default/files/documents/files/Agenda%20Item%206a_atta ch%202.pdf. For example, the Delta Plan’s Programmatic EIR mitigation measures related to biological resources should be considered (e.g. Mitigation Measures 4-4, *Protect migratory pathways for migratory aquatic species such as salmon, steelhead, and sturgeon including those that use Delta tributaries and floodplain habitats by screening new diversions, and screening existing diversions and removing existing migration barriers if the specific proposed project/activity (e.g., increased intake volume through an existing unscreened diversion, new diversion, new barrier, new barrier near an existing unscreened diversion, etc.) exacerbates the negative effect on migratory aquatic species caused by the existing barrier or unscreened diversion. Additionally, Avoid or minimize alteration of flow patterns and water quality effects that could disrupt migratory cues for migratory aquatic species by implementing water management measures and establishing programs to reduce water pollution.*
-

- Documentation of the use of best available science described in Appendix 1A of the Delta Plan regulations (http://deltacouncil.ca.gov/sites/default/files/documents/files/FinalRegText_appendices_07262013.pdf). Essentially best available science means the use of the best information and data, specific to the decision being made and the time frame available for making that decision, to assist management and policy decisions. The process and information used should be clearly documented and effectively communicated to foster improved understanding and decision making.
- Adequate provisions for continued implementation of adaptive management, appropriate to the scope of the action. Development of an adaptive management plan that is consistent with the framework described in Appendix 1B of the Delta Plan along with documentation of adequate resources (funding) to implement the proposed adaptive management process over the project period would be a point of coordination during an early consultation. We can discuss how describing these proposed actions can fulfill this requirement.

In reviewing the NOP, Council staff also submits the following comments for your review and consideration:

Water Resources

- **How would the project insure coordination of the system wide operation with other water managers such as Department of Water Resources (State Water Project) and U.S. Bureau of Reclamation (Central Valley Project) to meet primary and secondary project objectives?** The proposed project NOP states a number of project objectives which are admirable and far reaching, but would require at a minimum analysis of the projects operations in a system wide environment to evaluate the feasibility of the project objectives. Ultimately, we think the Project Authority would need to support the viability of achieving the project objectives by developing and securing operating and water management agreements with other water managers whom affect the Delta and its tributaries. The DEIR should describe the process and feasibility of securing such agreements and the potential of the project to meet the objectives if such agreements are not negotiated and executed.
- **How would water quality be effected by the project?** The proposed project mentioned a new point of diversion located on the Sacramento River at Mile 158.5 and across river from Moulton Weir. This location is north of the Delta and any impacts to water quality affecting the Delta is of interest to the Council. We suggest analysis of the project on water quality, not just in the immediate local area, but its impact to water quality to the Delta as the Sacramento River is a tributary and feeds into the Delta. Additionally, we suggest the analysis include various water year types as well as potential impacts due to climate change.

- **Is the project feasible, both in cost and in the projects objectives to provide additional water supplies, with consideration of the last 5 years of very dry hydrologic data and climate change?** There have been initial project studies that reflect that the project would fill to capacity with an average of 3-year interval periods. Recently the State has been under a 5-year drought and the newer hydrologic data should be included to an update of the project studies to ascertain the projects feasibility to provide the additional volume of water storage that is being claimed. Additionally, the new hydrologic data may also be a precursor to effects of climate change. The project should also update the studies with the latest climate change projections such as increased winter runoff and reduced spring-summer reservoir inflows which may effect this project, and other new or existing reservoirs that this project may coordinate operations, that could impact the feasibility of the project.

Biological Resources

- **Does one of the primary project objectives related to reduced water diversion on the Sacramento River during critical fish migration periods only address the operation specific to the Project or to the operation of the water system as a whole?** The NOP states the primary project objectives of which reduced water diversions during critical fish migration is mentioned. As the project has recognized, there are times during the year when anadromous species migrate through the system and the Sacramento River. These species have been impacted by various intake structures, thus diversions when these species are present near the intake structures should be kept to a minimum per current regulation requirements. It is not clear that the NOP states that the reduced water diversion is solely for the project or to assist other projects system wide. The DEIR should address how one of the primary project objectives to reduce water diversions during critical fish migration would shape the operation of the project as well as a system wide operation by multiple water managers.
- **How would the project address potential impacts to juvenile salmonids?** The proposed project NOP proposes project objectives to reduce diversion on the Sacramento River during critical fish migration periods. The Council suggests consulting with the California Department of Fish and Wildlife, National Marine Fisheries, and the US Fish and Wildlife Service to develop a plan to address potential impacts and to avoid adverse timing of diversions to aquatic fish. This should be included in the proposed fisheries effects analysis.

Again, Council staff appreciates the opportunity to comment on the NOP of the project's DEIR. We look forward to working with the Project Authority project managers as this action moves forward.

If you have any questions or would like to discuss the comments presented here, please feel free to contact me or my staff, Anthony Navasero at Anthony.Navasero@deltacouncil.ca.gov or (916) 445-5471.

Scoping Comments Sites

March 2, 2017

Page 7

Sincerely,

A handwritten signature in blue ink that reads "C Enos-Nobriga". The signature is written in a cursive, slightly slanted style.

Cassandra Enos-Nobriga
Deputy Executive Officer
Delta Stewardship Council