

1 **NOTICE OF PREPARATION**  
2 **DRAFT ENVIRONMENTAL IMPACT REPORT FOR THE DELTA PLAN**

3 **FROM:** Delta Stewardship Council

4 **DATE:** December 10, 2010

5 **SUBJECT:** Announcement of Notice of Preparation of Draft Environmental Impact  
6 Report for Delta Plan by Delta Stewardship Council

7 Public Scoping Meetings to be held at:

- 8 • January 18, 2011 - 6 - 8:30 pm  
9 South Coast Air Quality Management District, Room CC6, 21865  
10 Copley Drive, Diamond Bar, CA 91765
- 11 • January 19, 2011 - 6 - 8:30 pm  
12 Merced Civic Center, Sam Pipes Room, 678 West 18th Street,  
13 Merced, CA 95340
- 14 • January 20, 2011 - 6 - 8:30 pm  
15 Concord Senior Center, 2727 Parkside Circle, Concord, CA 94519
- 16 • January 24, 2011 - 9 am - 12 pm  
17 Resources Building Auditorium, 1416 9th Street, Sacramento, CA  
18 95814
- 19 • January 24, 2011 - 6:30 - 9:30 pm  
20 Clarksburg Middle School Auditorium, 52870 Netherlands Road,  
21 Clarksburg, CA 95612
- 22 • January 25, 2011 - 6 - 8:30 pm  
23 San Joaquin County Robert J. Cabral Agricultural Center, Assembly  
24 Rooms 2 and 3, 2101 East Earhart Avenue, Stockton, CA 95206
- 25 • January 26, 2011 - 6 - 8:30 pm  
26 Dorothy F. Johnson Center, 775 E. 16th Street, Chico, CA 95928

27 Public Scoping Comments due at following address or email by January 28, 2011, 5 pm  
28 PST.

29 Ms. Terry Macaulay  
30 Delta Stewardship Council  
31 980 Ninth Street, Suite 1500  
32 Sacramento, CA 95814

33 **email:** [deltaplanscoping@deltacouncil.ca.gov](mailto:deltaplanscoping@deltacouncil.ca.gov)  
34

**DELTA STEWARDSHIP COUNCIL  
NOTICE OF PREPARATION FOR  
DRAFT ENVIRONMENTAL IMPACT REPORT FOR THE DELTA PLAN**

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1 **PROJECT:** Delta Plan

2 **DATE ISSUED:** December 10, 2010

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**NOTICE OF PREPARATION  
DRAFT ENVIRONMENTAL IMPACT REPORT FOR THE DELTA PLAN**

6 **INTRODUCTION**

7 In November 2009, the California Legislature enacted SBX7 1 (Act), one of several bills passed  
8 at that time related to water supply reliability, ecosystem health, and the Delta. The Act became  
9 effective on February 3, 2010. <sup>1</sup> Division 35 of this legislation, also known as the Sacramento-  
10 San Joaquin Delta Reform Act of 2009 (Delta Reform Act), requires the development of a  
11 legally enforceable, comprehensive, long-term management plan for the Delta, referred to as the  
12 Delta Plan. The Delta Stewardship Council (Council), an independent agency of the state created  
13 by the Act (Water Code Section 85200) will develop, adopt, and commence implementation of  
14 the Delta Plan by January 1, 2012 (Water Code 85300).

15 The fundamental purpose of the Delta Plan will be to meet the coequal goals, as defined in Water  
16 Code section 85054, and all of the inherent subgoals and policy objectives defined by statute, as  
17 identified in this Notice of Preparation (NOP). The Delta Plan will define an integrated and  
18 legally enforceable set of policies, strategies, and actions that will serve, among other things, as a  
19 basis for future findings of consistency by state and local agencies with regard to specified  
20 "covered actions," as defined in Water Code section 85057.5, and for subsequent evaluation of  
21 those findings by the Council on appeal, as provided in statute and Council regulation.

22 Several concurrent planning efforts will be reviewed during preparation of the Delta Plan,  
23 including the Delta Protection Commission Land Use and Resources Management Plan,  
24 Economic Sustainability Plan, and the studies used to develop the Economic Sustainability Plan;  
25 Central Valley Flood Protection Plan; Habitat Management, Preservation and Restoration Plan  
26 for Suisun Marsh; State Water Resources Control Board Development of Flow Criteria for the  
27 Sacramento-San Joaquin Delta Ecosystem; Department of Fish and Game Draft Quantifiable  
28 Biological Objectives and Flow Criteria for Aquatic and Terrestrial Species of Concern  
29 Dependent on the Delta; California Emergency Management Agency emergency preparedness  
30 and response strategies for the Delta; Bay Delta Conservation Program; San Joaquin County  
31 Multi-Species Habitat Conservation and Open Space Plan; East Contra Costa County Habitat  
32 Conservation Plan; habitat conservation plans and natural community conservation plans under-

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<sup>1</sup> The Act modified amended Sections 29702, 29725, 29727, 29733, 29735, 29735.1, 29738, 29741, 29751, 29752, 29754, 29756.5, 29763, 29771, and 29780 of the Public Resources Code; added Sections 29703.5, 29722.5, 29722.7, 29728.5, 29759, 29773, 29773.5, and 29778.5; added Division 22.3 of the Public Resources Code; repealed Section 29762 and repealed and added Sections 29736, 29739, 29753, 29761, 29761.5, and 29764 of the Public Resources Code. The Act also added Division 35 (commencing with Section 85300) and repealed Division 26.4 of the Water Code.

1 development for Santa Clara County, Solano County Water Agency, and Sacramento County;  
2 and general plans for counties and cities in the Delta.

3 The Council will serve as the lead agency for development of the Delta Plan and the  
4 Environmental Impact Report (EIR) pursuant to the California Environmental Quality Act  
5 (CEQA) of 1970, as amended. This NOP has been prepared to satisfy the requirements of  
6 CEQA.

7  
8 This NOP describes the Purpose of the NOP, Background, Need for the Project, Project  
9 Objectives, Environmental Baseline (including Project Location and Time Period), Potential  
10 Alternatives, Potential Environmental Effects, and Project Scoping Process.

## 11 **PURPOSE OF NOTICE OF PREPARATION**

12 Pursuant to CEQA, the Council is initiating preparation of an EIR for the Delta Plan. This NOP  
13 has been prepared to satisfy the requirements of CEQA to notify the public, Responsible  
14 Agencies, Trustee Agencies, the state Office of Planning and Research, involved federal  
15 agencies, and Tribes that the Council intends to prepare an EIR for this project and to solicit  
16 guidance from the public and those agencies as to the scope and content of the environmental  
17 information to be included in the Delta Plan EIR.

- 18 • The NOP is an important step in initiating the Scoping Process to determine the range of  
19 issues to be addressed in the EIR. The objectives of the Scoping Process are:
- 20 • Provide an opportunity for public and agency involvement in preparation of the Delta  
21 Plan EIR,
- 22 • Help identify the scope of issues and potential impacts that must be discussed in an EIR  
23 to adequately and accurately address potential impacts of the Delta Plan, and
- 24 • Help identify a reasonable range of alternatives to the proposed project.

25 During development of the Delta Plan and Delta Plan EIR, the Council will consult with  
26 responsible and trustee agencies of the State of California. A "responsible agency" is a public  
27 agency, other than the lead agency, that has the responsibility for implementing the Delta Plan,  
28 or aspects, or portions of the Delta Plan. A "trustee agency" means a state agency that has  
29 jurisdiction by law over natural resources that are held in trust for the people of the State of  
30 California and that could potentially be affected by implementation of the Delta Plan. Pursuant to  
31 Section 21080.4(a) of the Public Resources Code, responsible and trustee agencies and involved  
32 federal agencies are requested to provide, in writing, the scope and content of the environmental  
33 information that is germane to the statutory responsibilities of the agency. Responsible, trustee,  
34 and federal agencies are also requested to identify potential regulatory policies that should be  
35 considered in the baseline for the EIR.

36 An initial list of federal, state, and local agencies that are requested through this NOP to  
37 participate as a responsible, trustee, and federal agency is presented as Attachment 1. Though no  
38 other agencies have discretionary approval power over the Delta Plan itself, the attached list of  
39 responsible agencies includes agencies located within the proposed planning area for the EIR  
40 (described later in this NOP) that may implement actions that will be consistent with Section  
41 85300(a)"...The Delta Plan may also identify specific actions that state or local agencies may

1 take to implement the subgoals and strategies." At this time, a wide range of strategies and  
2 actions for implementation in the Delta Plan has been developed that could be used by agencies  
3 throughout the Delta and areas of the state that use water from the Delta watersheds. As the EIR  
4 alternatives are developed following the scoping process, the list of responsible agencies may be  
5 reduced due to specific definition of implementation strategies and actions.

6 The basis for development of the Delta Plan is described by Section 85300(d)(1)(A), as follows:

7 (d) (1) The council shall develop the Delta Plan consistent with all of the following:

8 (A) The federal Coastal Zone Management Act of 1972 (16 U.S.C. Sec. 1451 et  
9 seq.), or an equivalent compliance mechanism.

10 (B) Section 8 of the federal Reclamation Act of 1902.

11 (C) The federal Clean Water Act (33 U.S.C. Sec. 1251 et seq.).

12 (2) If the council adopts a Delta Plan pursuant to the federal Coastal Zone Management  
13 Act of 1972 (16 U.S.C. Sec. 1451 et seq.), the council shall submit the Delta Plan for  
14 approval to the United States Secretary of Commerce pursuant to that act, or to any other  
15 federal official assigned responsibility for the Delta pursuant to a federal statute enacted  
16 after January 1, 2010.

17 Following submission of the Delta Plan to the United States Secretary of Commerce, the  
18 Department of Commerce would initiate environmental documentation pursuant to the National  
19 Environmental Policy Act (NEPA) of 1970, as amended, to inform their decisions. The Delta  
20 Plan EIR will be prepared to the extent possible in a manner to facilitate future evaluation under  
21 NEPA.

## 22 **BACKGROUND AND NEED FOR THE PROJECT**

23 Many of the issues that have led to the preparation of the Delta Plan have been developing since  
24 the 1800s. Competition for freshwater resources has escalated among water needed for fish and  
25 wildlife resources, agricultural users, municipal and industrial users, and power generation  
26 within the Sacramento-San Joaquin Delta (Delta) watershed. Prior to development of water  
27 resources in California, anadromous fish were attracted upstream during storm events from fall  
28 through the spring. In this context, the term "anadromous" refers to fish species that migrate  
29 from the sea into rivers and streams to spawn in fresh water. In California, this includes species  
30 such as Chinook salmon, steelhead, green sturgeon, and striped bass. Storm flows also provided  
31 flushing flows to stimulate the movement of fish downstream from the upper reaches of the  
32 streams where spawning occurred. The river flows resulting from rain and snow also repelled  
33 saltwater intrusion in the Delta from San Francisco Bay.

34 Water resources and fish and wildlife resources were impacted by construction of levees,  
35 community development, and water resource projects throughout the Central Valley and foothills  
36 that modified the flow patterns, changed water quality, affected fish and wildlife, and removed  
37 native vegetation. Water supply intakes throughout the Central Valley, including major pumping  
38 plants for the State Water Project (SWP) and Central Valley Project (CVP), also caused loss of  
39 fish through entrainment, impingement, decreased Delta inflows and outflows that occurred with  
40 increased watershed diversions, and enhancement of conditions for predators. Reliance on  
41 surface water diversions has been increasing over the past 40 years as municipalities and

1 agricultural areas have grown and groundwater basins that these users had previously relied upon  
2 have become depleted. These factors, and many others, individually and in combination  
3 contributed to the decline of fish and wildlife resources in California over the past 150 years.

4 In the past 20 years, federal and state agencies have focused on improving water quality and fish  
5 and wildlife habitat affected by SWP and CVP systems. On October 30, 1992, the Central Valley  
6 Project Improvement Act (CVPIA) was authorized as Title XXXIV of the Reclamation Projects  
7 Authorization and Adjustment Act of 1992 (Public Law 102-575). The CVPIA amended  
8 authorizations of the CVP to include fish and wildlife protection, restoration, and mitigation as  
9 project purposes having equal priority with irrigation and domestic uses and fish and wildlife  
10 enhancement as a project purpose equal to power generation, and to achieve a reasonable balance  
11 among competing demands for use of CVP water.

12 In June 1994, federal and state agencies signed an agreement to coordinate their actions to meet  
13 water quality standards to protect the Bay-Delta estuary; coordinate the operation of the SWP  
14 and CVP more closely with recent environmental mandates; and develop a process to establish a  
15 long-term Bay-Delta solution to address four categories of problems: ecosystem quality, water  
16 quality, water supply reliability, and levee system vulnerability. This agreement led to the  
17 signing of the Bay-Delta Accord by relevant state and federal agencies and interested  
18 stakeholders, and implementation of the CALFED Bay Delta Program (CALFED) on December  
19 15, 1994. CALFED was a consortium of eight state and ten federal agencies with management  
20 and regulatory responsibilities in the Bay-Delta estuary. Phase I of the CALFED program was  
21 initiated in 2000 and included a Levee System Integrity Program, Water Quality Program,  
22 Ecosystem Restoration Program, Water Use Efficiency Program, Water Transfer Program,  
23 Watershed Program, Storage and Conveyance. Following implementation of CVPIA and  
24 CALFED programs, however, several Delta aquatic organisms which are listed as endangered or  
25 threatened under the federal and/or state Endangered Species Acts continued to decline,  
26 including delta smelt and certain salmonids. In response to declining populations of threatened  
27 and endangered aquatic species, the U.S. Fish and Wildlife Service and National Marine  
28 Fisheries Service issued several biological opinions (BOs) to modify operations of the SWP and  
29 CVP facilities that resulted in reductions in export flows.

30 During this same period, the Department of Water Resources completed several studies that  
31 identified a higher risk of Delta levee failure due to earthquakes than was previously understood,  
32 and that the levee failures would place public lives and Delta property at risk, interruption of  
33 reliable water supplies, reduce water quality of Delta water supplies, and possibly degrade  
34 ecosystems. The studies also described potential adverse effects to levee integrity, water quality,  
35 and water supplies that would be caused by up to 55-inches of sea level rise that could occur by  
36 2100.

37 Delta land use patterns also have been changing over the past 150 years. Initially, the Delta was  
38 primarily seasonally-flooded wetlands. When settlers came to California in the 1840s, the Delta  
39 gradually began to change, first to agricultural land uses and communities that supported  
40 agricultural activities. Somewhat later, along the San Joaquin River near the confluence with the  
41 Sacramento River, industrial activity began to develop in Antioch and Pittsburg. Current land  
42 uses in the Primary Zone of the Delta (as described by the Delta Protection Act of 1992) remain  
43 primarily agricultural and communities that support the agricultural activities.

44 Over the past 40 years, substantial urbanization has occurred along the periphery of the Delta and  
45 within the Secondary Zone of the Delta (also described by the Delta Protection Act of 1992). In

1 some areas of the Delta, managed ecosystem restoration areas have been developed. Currently,  
2 there are limited or no buffer zones between the agricultural land uses and the urban, residential,  
3 or ecosystem restoration land uses. The lack of buffer zones can cause conflicts between users of  
4 all land uses. Expanding urban and residential uses of the Delta will subject residents to higher  
5 potential risks from floods and levee failures, particularly since previous levee standards were  
6 established for agricultural lands and frequently do not meet flood protection levels for urban  
7 areas.

## 8 **Need for the Delta Plan**

9 In response to the previously mentioned issues, the Governor issued Executive Order 2-17-06 on  
10 September 28, 2006 initiating the Delta Vision process to develop a "durable vision for  
11 sustainable management of the Delta." The Executive Order presented a summary of the  
12 concerns for the continued viability of the Delta and defined the following Delta issues.

- 13 • "the Sacramento-San Joaquin Delta estuary, including Suisun Bay and Marsh (hereafter  
14 "Delta"), supports a unique and irreplaceable combination of environmental and  
15 economic resources. The Delta is a source of water for farmlands, growing communities  
16 and businesses and provides a unique estuarine habitat for many resident and migratory  
17 fish and birds, some listed as threatened or endangered species. It is an area that supports  
18 vital energy, transportation, communications and water facilities, and important  
19 agricultural, recreational and cultural resources. The Delta is of state and national  
20 significance and must be protected and managed effectively for the future well being of  
21 the people and the environment.."
- 22 • "the Delta is intersected by highways, roads, and utility lines critical to regional, state and  
23 interstate commerce and economy"
- 24 • "the Delta is the hub of California's two largest water distribution systems, the federal  
25 Central Valley Project and State Water Project, and at least 7,000 other permitted water  
26 diverters have developed water supplies from the watershed feeding the Bay-Delta  
27 estuary, providing drinking water to about 23 million people and irrigation water to about  
28 7 million acres of highly productive agricultural lands"
- 29 • "recent events like the Lower Jones Tract levee failure and Hurricane Katrina, and recent  
30 findings that indicate a two in three chance of a major earthquake occurring in or near the  
31 Delta in the next fifty years, have raised awareness and concerns about the vulnerability  
32 of Delta levees. Failure of Delta levees can have devastating consequences on farms,  
33 communities, roads, railways, power and fuel transmission lines, water conveyance and  
34 quality, wildlife resources, and the local and state economy"
- 35 • "threats such as an aging levee system, regional climate change, rising sea levels, seismic  
36 events and urbanization pose an imminent threat to the Delta"
- 37 • "recent legislation, a number of planning efforts and scientists have affirmed that current  
38 uses and ecosystem health in the Delta are unsustainable over the long-term"
- 39 • "there is growing recognition that prior Delta and Suisun strategic planning efforts have  
40 been too narrowly focused on only a few of the Delta's many uses and resources"

- 1 • "the combined threats and changing conditions within the Delta require immediate  
2 attention because of the potentially catastrophic environmental and economic  
3 consequences if timely action is not planned for and undertaken"
- 4 • "the existing complex system of Delta governance has been criticized because no one  
5 level of government is fully in charge, or capable of responding in an orderly and  
6 effective way to address and mitigate the range of threats to the Delta"

7 In response to decades of federal, state and local reports dealing with water, ecosystem, flood,  
8 levee protection and other issues impacting the Delta, and as recommendations in the Delta  
9 Vision Strategic Plan as well as other studies, the Legislature adopted the Act, created the  
10 Council, and required development of the Delta Plan. The Act contains the following  
11 declarations of legislative intent which are relevant to the Council's preparation of the Delta Plan  
12 (Sections 85001-85004 of the Water Code):

13 85001. The Legislature finds and declares all of the following:

14 (a) The Sacramento-San Joaquin Delta watershed and California's water  
15 infrastructure are in crisis and existing Delta policies are not sustainable.  
16 Resolving the crisis requires fundamental reorganization of the state's  
17 management of Delta watershed resources.

18 (b) In response to the Delta crisis, the Legislature and the Governor required  
19 development of a new long-term strategic vision for managing the Delta. The  
20 Governor appointed a Blue Ribbon Task Force to recommend a new "Delta  
21 Vision Strategic Plan" to his cabinet committee, which, in turn, made  
22 recommendations for a Delta Vision to the Governor and the Legislature on  
23 January 3, 2009.

24 (c) By enacting this division, it is the intent of the Legislature to provide for the  
25 sustainable management of the Sacramento-San Joaquin Delta ecosystem, to  
26 provide for a more reliable water supply for the state, to protect and enhance the  
27 quality of water supply from the Delta, and to establish a governance structure  
28 that will direct efforts across state agencies to develop a legally enforceable Delta  
29 Plan.

30 85002. The Legislature finds and declares that the Sacramento-San Joaquin Delta,  
31 referred to as "the Delta" in this division, is a critically important natural resource for  
32 California and the nation. It serves Californians concurrently as both the hub of the  
33 California water system and the most valuable estuary and wetland ecosystem on the  
34 west coast of North and South America.

35 85003. The Legislature finds and declares all of the following:

36 (a) Originally, the Delta was a shallow wetland with water covering the area for  
37 many months of the year. Natural levees, created by deposits of sediment, allowed  
38 some islands to emerge during the dry summer months. Salinity would fluctuate,  
39 depending on the season and the amount of precipitation in any one year, and the  
40 species that comprised the Delta ecosystem had evolved and adapted to this  
41 unique, dynamic system.

42 (b) Delta property ownership developed pursuant to the federal Swamp Land Act  
43 of 1850, and state legislation enacted in 1861, and as a result of the construction

1 of levees to keep previously seasonal wetlands dry throughout the year. That  
2 property ownership, and the exercise of associated rights, continue to depend on  
3 the landowners' maintenance of those non-project levees and do not include any  
4 right to state funding of levee maintenance or repair.

5 (c) In 1933, the Legislature approved the California Central Valley Project Act,  
6 which relied upon the transfer of Sacramento River water south through the Delta  
7 and maintenance of a more constant salinity regime by using upstream reservoir  
8 releases of freshwater to create a hydraulic salinity barrier. As a result of the  
9 operations of state and federal water projects, the natural salinity variations in the  
10 Delta have been altered. Restoring a healthy estuarine ecosystem in the Delta may  
11 require developing a more natural salinity regime in parts of the Delta.

12 85004. The Legislature finds and declares all of the following:

13 (a) The economies of major regions of the state depend on the ability to use water  
14 within the Delta watershed or to import water from the Delta watershed. More  
15 than two-thirds of the residents of the state and more than two million acres of  
16 highly productive farmland receive water exported from the Delta watershed.

17 (b) Providing a more reliable water supply for the state involves implementation  
18 of water use efficiency and conservation projects, wastewater reclamation  
19 projects, desalination, and new and improved infrastructure, including water  
20 storage and Delta conveyance facilities.

## 21 **PROJECT OBJECTIVES**

22 The fundamental purpose of the Delta Plan will be to meet the coequal goals and all of the  
23 inherent subgoals and policy objectives defined by statute. The Delta Plan will define an  
24 integrated and legally enforceable set of policies, strategies, and actions that will serve as a basis  
25 for future findings of consistency by state and local agencies with regard to projects related to the  
26 Delta (Section 85300(a)) , and for subsequent evaluation of those findings by the Council on  
27 appeal, as provided in statute and Council regulation.

28 Under the Act, the Delta Plan must be a legally enforceable, comprehensive, long-term  
29 management plan for the Delta (Water Code sections 85059, 85001(c), 85022(a), 85300, 85302).  
30 The primary and fundamental purpose of the Delta Plan is to meet the coequal goals and other  
31 inherent subgoals and policies defined in the Act, which in turn, will assist in determination of  
32 consistency for the state/local agency covered actions related to the Delta.

33 The Delta Plan project objectives are defined by the coequal goals, subgoals, and policy  
34 objectives presented in Sections 85054, 85020, 85021, 85022(c), and 85023 of the Water Code,  
35 as follows.

36 85054. "Coequal goals" means the two goals of providing a more reliable water supply  
37 for California and protecting, restoring, and enhancing the Delta ecosystem. The coequal  
38 goals shall be achieved in a manner that protects and enhances the unique cultural,  
39 recreational, natural resource, and agricultural values of the Delta as an evolving place.

40 85020. The policy of the State of California is to achieve the following objectives that the  
41 Legislature declares are inherent in the coequal goals for management of the Delta:

- 1 (a) Manage the Delta’s water and environmental resources and the water  
2 resources of the state over the long term.
- 3 (b) Protect and enhance the unique cultural, recreational, and agricultural values  
4 of the California Delta as an evolving place.
- 5 (c) Restore the Delta ecosystem, including its fisheries and wildlife, as the heart  
6 of a healthy estuary and wetland ecosystem.
- 7 (d) Promote statewide water conservation, water use efficiency, and sustainable  
8 water use.
- 9 (e) Improve water quality to protect human health and the environment consistent  
10 with achieving water quality objectives in the Delta.
- 11 (f) Improve the water conveyance system and expand statewide water storage.
- 12 (g) Reduce risks to people, property, and state interests in the Delta by effective  
13 emergency preparedness, appropriate land uses, and investments in flood  
14 protection.
- 15 (h) Establish a new governance structure with the authority, responsibility,  
16 accountability, scientific support, and adequate and secure funding to achieve  
17 these objectives.

18 85021. The policy of the State of California is to reduce reliance on the Delta in meeting  
19 California’s future water supply needs through a statewide strategy of investing in  
20 improved regional supplies, conservation, and water use efficiency. Each region that  
21 depends on water from the Delta watershed shall improve its regional self-reliance for  
22 water through investment in water use efficiency, water recycling, advanced water  
23 technologies, local and regional water supply projects, and improved regional  
24 coordination of local and regional water supply efforts.

25 85022 (c) The Legislature finds and declares all of the following:

- 26 (1) The Delta is a distinct and valuable natural resource of vital and  
27 enduring interest to all the people and exists as a delicately balanced  
28 estuary and wetland ecosystem of hemispheric importance.
- 29 (2) The permanent protection of the Delta’s natural and scenic resources is  
30 the paramount concern to present and future residents of the state and  
31 nation.
- 32 (3) To promote the public safety, health, and welfare, and to protect public  
33 and private property, wildlife, fisheries, and the natural environment, it is  
34 necessary to protect and enhance the ecosystem of the Delta and prevent  
35 its further deterioration and destruction.
- 36 (4) Existing developed uses, and future developments that are carefully  
37 planned and developed consistent with the policies of this division, are  
38 essential to the economic and social well-being of the people of this state  
39 and especially to persons living and working in the Delta.

1 85023. The longstanding constitutional principle of reasonable use and the public trust  
2 doctrine shall be the foundation of state water management policy and are particularly  
3 important and applicable to the Delta.

#### 4 **PREPARATION OF THE DELTA PLAN**

5 The Delta Plan will be completed in accordance with the requirements of Part 4 of the  
6 Sacramento-San Joaquin Delta Reform Act of 2009, including Water Code sections 85302(c)  
7 through (e), and 85303-85307, as included below.

#### 8 85302

9 (c) The Delta Plan shall include measures that promote all of the following  
10 characteristics of a healthy Delta ecosystem:

- 11 (1) Viable populations of native resident and migratory species.
- 12 (2) Functional corridors for migratory species.
- 13 (3) Diverse and biologically appropriate habitats and ecosystem processes.
- 14 (4) Reduced threats and stresses on the Delta ecosystem.
- 15 (5) Conditions conducive to meeting or exceeding the goals in existing  
16 species recovery plans and state and federal goals with respect to doubling  
17 salmon populations.

18 (d) The Delta Plan shall include measures to promote a more reliable water supply  
19 that address all of the following:

- 20 (1) Meeting the needs for reasonable and beneficial uses of water.
- 21 (2) Sustaining the economic vitality of the state.
- 22 (3) Improving water quality to protect human health and the environment.

23 (e) The following subgoals and strategies for restoring a healthy ecosystem shall  
24 be included in the Delta Plan:

- 25 (1) Restore large areas of interconnected habitats within the Delta and its  
26 watershed by 2100.
- 27 (2) Establish migratory corridors for fish, birds, and other animals along  
28 selected Delta river channels.
- 29 (3) Promote self-sustaining, diverse populations of native and valued  
30 species by reducing the risk of take and harm from invasive species.
- 31 (4) Restore Delta flows and channels to support a healthy estuary and  
32 other ecosystems.
- 33 (5) Improve water quality to meet drinking water, agriculture, and  
34 ecosystem long-term goals.

1 (6) Restore habitat necessary to avoid a net loss of migratory bird habitat  
2 and, where feasible, increase migratory bird habitat to promote viable  
3 populations of migratory birds.

4 (f) The council shall consider, for incorporation into the Delta Plan, actions  
5 designed to implement the subgoals and strategies described in subdivision (e).

6 (g) In carrying out this section, the council shall make use of the best available  
7 science.

8 (h) The Delta Plan shall include recommendations regarding state agency  
9 management of lands in the Delta.

10 85303. The Delta Plan shall promote statewide water conservation, water use efficiency,  
11 and sustainable use of water.

12 85304. The Delta Plan shall promote options for new and improved infrastructure relating  
13 to the water conveyance in the Delta, storage systems, and for the operation of both to  
14 achieve the coequal goals.

15 85305.

16 (a) The Delta Plan shall attempt to reduce risks to people, property, and state  
17 interests in the Delta by promoting effective emergency preparedness, appropriate  
18 land uses, and strategic levee investments.

19 (b) The council may incorporate into the Delta Plan the emergency preparedness  
20 and response strategies for the Delta developed by the California Emergency  
21 Management Agency pursuant to Section 12994.5.

22 85306. The council, in consultation with the Central Valley Flood Protection Board, shall  
23 recommend in the Delta Plan priorities for state investments in levee operation,  
24 maintenance, and improvements in the Delta, including both levees that are a part of the  
25 State Plan of Flood Control and non-project levees.

26 85307.

27 (a) The Delta Plan may identify actions to be taken outside of the Delta, if those  
28 actions are determined to significantly reduce flood risks in the Delta.

29 (b) The Delta Plan may include local plans of flood protection.

30 (c) The council, in consultation with the Department of Transportation, may  
31 address in the Delta Plan the effects of climate change and sea level rise on the  
32 three state highways that cross the Delta.

33 (d) The council, in consultation with the State Energy Resources Conservation  
34 and Development Commission and the Public Utilities Commission, may  
35 incorporate into the Delta Plan additional actions to address the needs of Delta  
36 energy development, energy storage, and energy transmission and distribution.

37 The Delta Plan also will be prepared to include performance measures as identified in Water  
38 Code section 85211, as indicated below.

1 85211. The Delta Plan shall include performance measurements that will enable the  
2 council to track progress in meeting the objectives of the Delta Plan. The performance  
3 measurements shall include, but need not be limited to, quantitative or otherwise  
4 measurable assessments of the status and trends in all of the following:

5 (a) The health of the Delta's estuary and wetland ecosystem for supporting viable  
6 populations of aquatic and terrestrial species, habitats, and processes, including  
7 viable populations of Delta fisheries and other aquatic organisms.

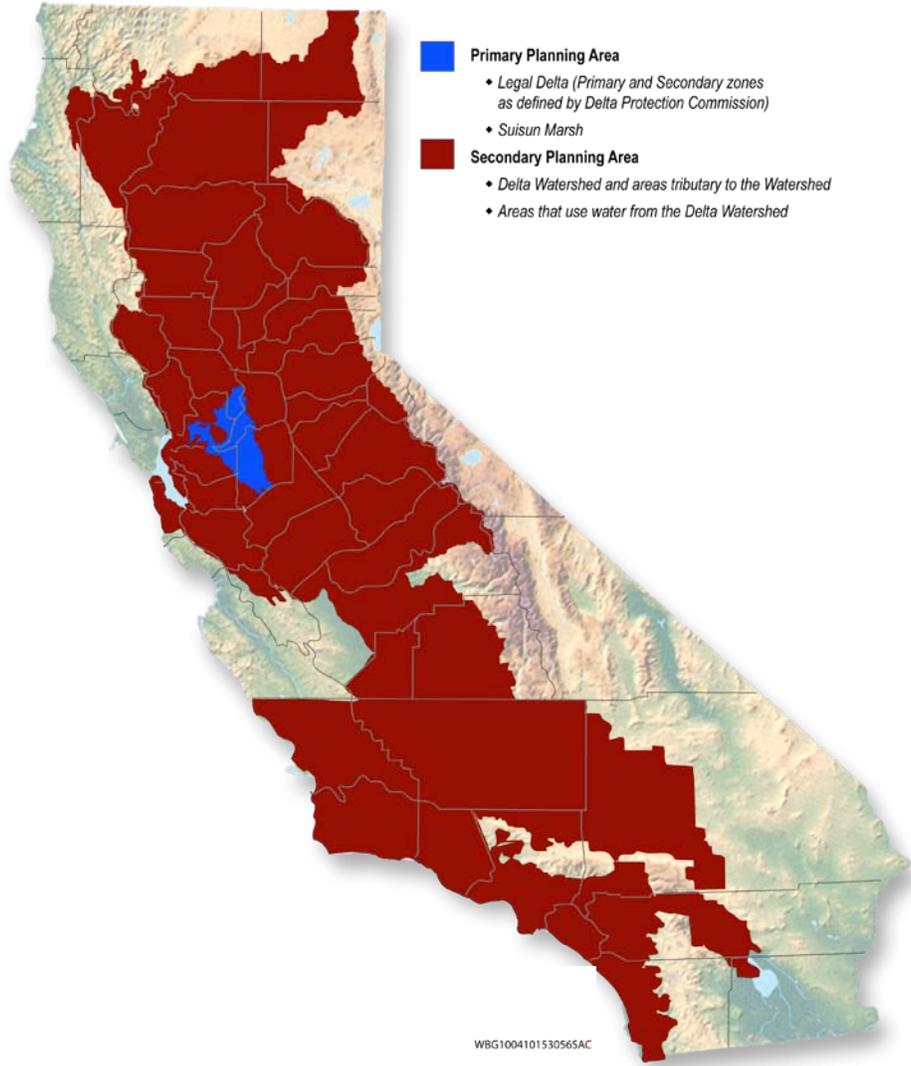
8 (b) The reliability of California water supply imported from the Sacramento River  
9 or the San Joaquin River watershed.

10 The Delta Plan format will be developed to address the portions of the Act listed above, and  
11 other sections as appropriate. Several concurrent planning efforts will be reviewed during  
12 preparation of the Delta Plan, including the San Francisco Bay Conservation and Development  
13 Commission Plan and California Coastal Commission (the two agencies in California considered  
14 under the Coastal Zone Management Act), Delta Protection Commission Land Use and  
15 Resources Management Plan, Economic Sustainability Plan, and the studies used to develop the  
16 Economic Sustainability Plan; Central Valley Flood Protection Plan; Habitat Management,  
17 Preservation and Restoration Plan for Suisun Marsh; State Water Resources Control Board  
18 Development of Flow Criteria for the Sacramento-San Joaquin Delta Ecosystem; Department of  
19 Fish and Game Draft Quantifiable Biological Objectives and Flow Criteria for Aquatic and  
20 Terrestrial Species of Concern Dependent on the Delta; California Emergency Management  
21 Agency emergency preparedness and response strategies for the Delta; Bay Delta Conservation  
22 Program; San Joaquin County Multi-Species Habitat Conservation and Open Space Plan; East  
23 Contra Costa County Habitat Conservation Plan; habitat conservation plans and natural  
24 community conservation plans under-development for Santa Clara County, Solano County Water  
25 Agency, and Sacramento County; and general plans for counties and cities in the Delta.. Based  
26 upon the review of the requirements of the Act, and subject to revision, it is anticipated that the  
27 Delta Plan will briefly describe the background of the Delta Plan, the legislative basis for  
28 development of the Delta Plan as described above, and description of the Delta Plan  
29 implementation related to findings, policies, implementation strategies, performance measures,  
30 and adaptive management measures. Maps could be included to define potential areas where  
31 policies and implementation strategies could be focused.

## 32 **PLANNING AREA**

33 The planning area to be considered in the Delta Plan EIR is defined by the purposes and uses of  
34 the Delta Plan, as defined by the Act. The primary planning area is defined as the statutory Delta  
35 and Suisun Marsh. The secondary planning area is defined by the watersheds that contribute  
36 flows to the Delta (including areas within the Delta watershed upstream of the Delta and the  
37 Trinity River watershed) and areas of California with water users that use water from the Delta  
38 watershed. The primary and secondary planning areas are shown in Figure 1.

- 1 Figure 1.
- 2 Proposed Planning Area for Delta Plan Environmental Impact Report
- 3



4

1 **Primary Planning Area - Delta and Suisun Marsh.** Section 85300(a) states "The Delta  
2 Plan shall include subgoals and strategies to assist in guiding state and local agency actions  
3 related to the Delta." One of the uses of these strategies will be for state or local public agencies  
4 that propose to undertake a covered action to determine if the covered action is consistent with  
5 the Delta Plan. The term "covered action" is defined in Section 85057.5(a) generally as "a plan,  
6 program, or project as defined pursuant to Section 21065 of the Public Resources Code  
7 that...[w]ill occur, in whole or in part, within the boundaries of the Delta or Suisun Marsh."

8 The Act defines the term "Delta" in Section 85058 which refers to "the Sacramento-San Joaquin  
9 Delta as defined in Section 12220 and the Suisun Marsh, as defined in Section 29101 of the  
10 Public Resources Code."

11 **Secondary Planning Area - Delta Watershed, Tributaries to the Delta Watershed  
12 and, Areas that Use water from the Delta Watershed.** The secondary planning area will  
13 extend outside of the Delta and Suisun Marsh as defined by the purposes of the strategies in the  
14 Delta Plan. The Act includes several provisions that require the Delta Plan to address issues  
15 outside of the Delta, including Sections 85020, 85302(b), 85303, 85304, and 85307(a).

16 Section 85020(d) states that it is the policy of the State of California is to " Promote statewide  
17 water conservation, water use efficiency, and sustainable water use."

18 Section 85302(b) states " The geographic scope of the ecosystem restoration projects and  
19 programs identified in the Delta Plan shall be the Delta, except that the Delta Plan may include  
20 recommended ecosystem projects outside the Delta that will contribute to achievement of the  
21 coequal goals."

22 Sections 85303, 85304, and 85307(a) address areas that may extend outside of the Delta with  
23 respect to water resources management, including "The Delta Plan shall promote statewide water  
24 conservation, water use efficiency, and sustainable use of water" (Section 85303), and "The  
25 Delta Plan shall promote options for new and improved infrastructure relating to the water  
26 conveyance in the Delta, storage systems, and for the operation of both to achieve the coequal  
27 goals" (Section 85304). Section 85307(a) states that "The Delta Plan may identify actions to be  
28 taken outside of the Delta, if those actions are determined to significantly reduce flood risks in  
29 the Delta."

## 30 **STUDY PERIOD**

31 The study period to be considered in the Delta Plan EIR also is defined by the purposes and uses  
32 of the Delta Plan. As described above, the Delta Plan will define an integrated and legally  
33 enforceable set of policies, strategies, and actions that will serve as a basis for future findings of  
34 consistency by state and local agencies with regard to their Delta-related projects, and for  
35 subsequent evaluation of those findings by the Council on appeal, as provided in statute and  
36 Council regulation. This requires a Delta Plan based on long-term perspective with the  
37 acknowledgement in the Act, that the "council shall review the Delta Plan at least once every  
38 five years and may revise it as the council deems appropriate" (Section 85300(c)).

39 The Act includes references to two quantifiable long-term goals. The first reference is in Section  
40 85302(e)(1) to "Restore large areas of interconnected habitats within the Delta and its watershed  
41 by 2100." The second reference is to the incorporation of the Bay Delta Conservation Plan  
42 (BDCP) if the BDCP meets the requirements of Sections 85320 and 85321, including that the

1 Department of Fish and Game approves the BDCP as a Natural Community Conservation Plan  
2 (NCCP) and that the BDCP be approved as a Habitat Conservation Plan (HCP) pursuant to the  
3 federal Endangered Species Act. As of October 14, 2010, the BDCP applicants' website indicates  
4 that the NCCP and HCP permits would be for a 50-year period that would commence in mid-  
5 2012 and extend until 2062.

6 To provide the long-term perspective and accommodate these quantifiable goals, the Delta Plan  
7 EIR will evaluate conditions with and without the project alternatives through the Year 2100.  
8 Adoption of this time frame allows for reasonable staging of progress to achieve the coequal  
9 goals and strategies and actions of the Delta Plan.

## 10 **PRELIMINARY PROPOSED PROJECT AND POTENTIAL ALTERNATIVES**

11 In accordance with CEQA, an EIR is required to describe the proposed project and a range of  
12 reasonable alternatives that would feasibly attain most of the basic objectives of the project but  
13 would avoid or substantially lessen any of the significant effects of the project, and evaluate the  
14 comparative merits of the alternatives. As previously described, the Delta Plan EIR will be  
15 prepared to the extent feasible to facilitate future evaluation of the Delta Plan in accordance with  
16 NEPA. Towards that objective, the range of alternatives considered in the Delta Plan EIR will be  
17 developed to provide a reasonable range of alternatives that meet the purpose and need of the  
18 proposed project and address one or more significant issues related to the proposed project, in  
19 accordance with NEPA requirements.

20 The Delta Plan will be developed to provide strategies and subgoals to meet the coequal goals  
21 and policy objectives, as described above in the Project Objectives section. The coequal goals  
22 and policy objectives will be used to define implementation strategies for the proposed project  
23 and alternatives in six major areas, as shown on Figure 2. The Delta Plan will provide the  
24 Council bases for integrating, adjusting and choosing among possibly competing and conflicting  
25 strategies and actions.

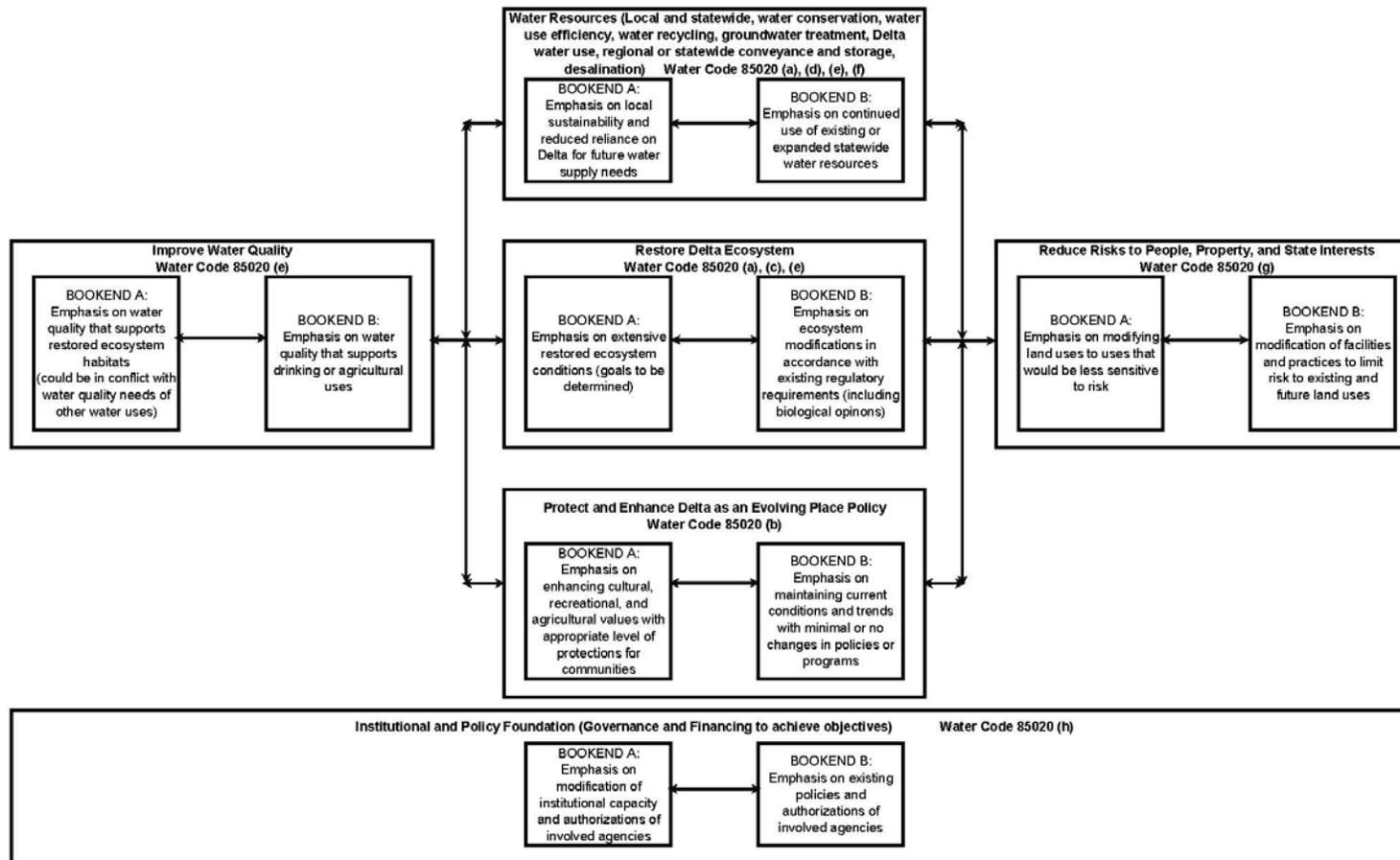
26 The NOP describes examples of broad concepts for implementation strategies that could be  
27 considered in the development of alternatives. Information collected during the scoping process  
28 will be used to identify and specifically define a wide range of these strategies, compare the  
29 strategies to determine conflicts and opportunities, and compile the strategies into alternatives  
30 that address all of the goals and policy objectives of the Act. This process will be conducted at  
31 public Council meetings using information from previous Council meetings, the scoping process,  
32 and other input.

33 In accordance with Section 85308, the Delta Plan and the Delta Plan EIR will:

34 (a) "Be based on the best available scientific information and the independent science  
35 advice provided by the Delta Independent Science Board.

36 (b) Include quantified or otherwise measurable targets associated with achieving the  
37 objectives of the Delta Plan.

FIGURE 2. PRELIMINARY CONCEPT FOR DEVELOPMENT OF ALTERNATIVES FOR THE DELTA PLAN ENVIRONMENTAL IMPACT REPORT



**COEQUAL GOALS - BASIS FOR DEVELOPMENT OF EIR ALTERNATIVES AND PROPOSED PROJECT**

Section 85020: The policy of the State of California is to achieve the following objectives that the Legislature declares are inherent in the coequal goals for management of the Delta:

- (a) Manage the Delta's water and environmental resources and the water resources of the state over the long term.
- (b) Protect and enhance the unique cultural, recreational, and agricultural values of the California Delta as an evolving place.
- (c) Restore the Delta ecosystem, including its fisheries and wildlife, as the heart of a healthy estuary and wetland ecosystem.
- (d) Promote statewide water conservation, water use efficiency, and sustainable water use.
- (e) Improve water quality to protect human health and the environment consistent with achieving water quality objectives in the Delta.
- (f) Improve the water conveyance system and expand statewide water storage.
- (g) Reduce risks to people, property, and state interests in the Delta by effective emergency preparedness, and investments in flood protection.
- (h) Establish a new governance structure with the authority, responsibility, accountability, scientific support, and adequate and secure funding to achieve these objectives.

1 (c) Where appropriate, utilize monitoring, data collection, and analysis of actions  
2 sufficient to determine progress toward meeting the quantified targets

3 (d) Describe the methods by which the council shall measure progress toward achieving  
4 the coequal goals

5 (e) Where appropriate, recommend integration of scientific and monitoring results into  
6 ongoing Delta water management

7 (f) Include a science-based, transparent, and formal adaptive management strategy for  
8 ongoing ecosystem restoration and water management decisions."

9 The implementation strategies initially will be developed for the six major areas identified for  
10 feasible and reasonable implementation strategies. The evaluation criteria could include technical  
11 feasibility, feasibility of continued use of existing infrastructure or extent of modifications to  
12 accommodate aging processes or climate change, potential conflicts with other criteria or other  
13 implementation strategies, ability to implement in a timely manner, feasibility due to changing  
14 conditions related to climate change or sea level rise, and ability to meet the objectives of the  
15 Act. The feasibility of the implementation strategies could be considered with respect to  
16 implementation in the near-term as well as by 2100. Many strategies, including ecosystem  
17 restoration and levee improvements, could require several decades to implement before  
18 improvements could be evaluated and benefits or detriment determined. An EIR generally does  
19 not consider costs of implementation strategies. However, because the Delta Plan also will  
20 include Finance and Governance plans, the affordability and/or cost-benefit comparisons could  
21 be considered in the initial evaluation of implementation strategies. The next step will be to  
22 combine the implementation strategies into alternatives that will be evaluated in detail in the EIR  
23 to analyze and formulate the proposed project. In the event that the programs identified in the  
24 Act are not completed during preparation of the Delta Plan EIR, such as Central Valley Flood  
25 Protection Board and BDCP studies, the Council may choose to examine, evaluate, and include  
26 portions or all of the elements of available information on these studies. The EIR also could  
27 consider sub-alternatives to allow an alternative to be evaluated with and without assumptions  
28 related to the other plans referred to in the Act.

## 29 **Water Resources Improvements**

30 Sections 85020(a), (d), and (f) address the objectives to manage the Delta's resources of the state  
31 over the long term; promote statewide water conservation, water use efficiency, and sustainable  
32 water use; and improve the water conveyance system and expand statewide water storage.

33 Section 85021 states that it is the "policy of the State of California to reduce reliance on the  
34 Delta in meeting California's future water supply needs through a statewide strategy of investing  
35 in improved regional supplies, conservation, and water use efficiency. Each region that depends  
36 on water from the Delta watershed shall improve its regional self-reliance for water through  
37 investment in water use efficiency, water recycling, advanced water technologies, local and  
38 regional water supply projects, and improved regional coordination of local and regional water  
39 supply efforts.

40 Sections 85302(a) and (d) address implementation of a reliable water supply. Section 85302(a)  
41 states that "The implementation of the Delta Plan shall further the restoration of the Delta  
42 ecosystem and a reliable water supply." Section 85302(d) states that the Delta Plan shall include

1 measures to promote a more reliable water supply, as cited above under Project Objectives. Also  
2 as stated above, Section 85303 and 85304 state that the Delta Plan shall promote statewide water  
3 conservation, water use efficiency, and sustainable use of water; and options for new and  
4 improved infrastructure relating to the water conveyance in the Delta, storage systems, and for  
5 the operation of both to achieve the coequal goals.

6 Alternative implementation strategies to meet these objectives could include, but not be limited  
7 to the following . These strategies shall include specific performance objectives.

8 • **Water Conservation, Water Use Efficiency, and Sustainable Water Use, including**  
9 **improved Regional Self Sufficiency:**

- 10 ○ Urban water conservation requirements that fully meet the requirements under  
11 SBX7 7 of a 20 percent reduction in per capita urban water use throughout  
12 California by December 31, 2020. The Delta Plan also could consider actions or  
13 programs to facilitate compliance with these requirements.
- 14 ○ Urban water conservation requirements that would be more stringent than urban  
15 water use targets under SBX7 7, such as:
  - 16 ■ Achievement of 20 percent or higher reduction in per capita water use for  
17 major urban water suppliers over the planning period.
  - 18 ■ Region-specific irrigated landscape criteria to reduce outdoor water use.
  - 19 ■ Mandated water use criteria for appliances sold in California, similar to  
20 limits on flush toilets established 30 years ago.
  - 21 ■ Mandated building code changes to require modification of irrigation  
22 plumbing or other outdoor water use features, such as limitations on  
23 irrigated areas or types of vegetation, when building permits were  
24 approved for existing structures, similar to mandated replacements for  
25 low-flush toilets in many communities.
- 26 ○ Urban water conservation programs that would extend implementation of most of  
27 all of the measures identified in the Water Code Division 6, Section 10631(f),  
28 including:
  - 29 ■ Water survey programs for single-family residential and multifamily  
30 residential customers.
  - 31 ■ Residential plumbing retrofit.
  - 32 ■ System water audits, leak detection, and repair.
  - 33 ■ Metering with commodity rates for all new connections and retrofit of  
34 existing connections.
  - 35 ■ Large landscape conservation programs and incentives.
  - 36 ■ High-efficiency washing machine rebate programs.
  - 37 ■ Public information programs.

- 1                   ▪ School education programs.
- 2                   ▪ Conservation programs for commercial, industrial, and institutional
- 3                    accounts.
- 4                   ▪ Wholesale agency programs.
- 5                   ▪ Conservation pricing.
- 6                   ▪ Water conservation coordinator.
- 7                   ▪ Water waste prohibition.
- 8                   ▪ Residential ultra-low-flush toilet replacement programs
- 9                   ○ Agricultural water conservation requirements that fully meet the requirements
- 10                  under SBX7 7 that requires suppliers of water to at least 10,000 acres of irrigated
- 11                  agriculture to implement measurement of volume of water delivered, pricing
- 12                  structures that are at least partially based on quantity of water delivered, and
- 13                  implementation of cost-effective and technically feasible water efficient
- 14                  management practices. The Delta Plan also could consider actions or programs to
- 15                  facilitate compliance with these requirements.
- 16                  ○ Agricultural water conservation requirements that expand upon objectives under
- 17                  SBX7 7, such as strategies to include all technically feasible efficient
- 18                  management practices.
- 19                  ○ Identification and possible requirements that the most economic local supplies be
- 20                  fully developed prior to reliance on Delta exports - based upon considerations for
- 21                  community, environmental, and energy costs, including but not limited to:
  - 22                   ▪ Recommendations in the Bay Area Regional Water Recycling Program
  - 23                    and the Southern California Water Recycling Projects Initiative.
  - 24                   ▪ Groundwater treatment to reduce high salinity and metals.
  - 25                   ▪ Brackish and seawater desalination projects.
- 26                  ○ Development of more sustainable and resilient regional water systems, such as:
  - 27                   ▪ Standards to meet the requirements of the law.
  - 28                   ▪ Increased requirements for tracking and reporting of supply and use.
  - 29                   ▪ Recommendations for better enforcement of existing water rights law.
  - 30                   ▪ Focused on local self-sustainability for future water supplies.
- 31                  • **Improved Water Conveyance and Storage:**
  - 32                   ○ Prompt implementation of the BDCP program if the program complies with
  - 33                    Water Code section 85320.
  - 34                   ○ Consideration of modifications to SWP and CVP operations and facilities to
  - 35                    become compliant with the December 2008 USFWS Biological Opinion for Delta

1 Smelt and the June 2009 NMFS Biological Opinion on Sacramento River winter-  
2 run Chinook salmon, Central Valley spring-run Chinook salmon, Central Valley  
3 steelhead, Southern District Population Segment of North American green  
4 sturgeon, and Southern Resident killer whales and other subsequent requirements  
5 of these and other regulatory agencies, or as may be modified.

- 6 ○ Local storage programs to improve capture and subsequent use of stormwater  
7 flows, possibly with treatment of dry and wet weather runoff.
- 8 ○ Local storage programs to improve the efficiency of local runoff and Delta  
9 exports to maximize diversions during storm events and minimize diversions  
10 during low flow periods when flow requirements for fish and wildlife may be  
11 critical.
- 12 ○ Expand statewide storage programs to provide additional storage both north and  
13 south of the Delta that could be used for a wide range of water uses, including  
14 municipal, agricultural, and ecosystem uses, such as:
  - 15 ■ Completion of CALFED Offstream Storage Program that included North  
16 of Delta Offstream Storage, new storage for the San Joaquin River  
17 watershed, and increased storage at Lake Shasta and Los Vaqueros  
18 Reservoir.
  - 19 ■ Coordinate real-time operation of local, regional, state, and federal surface  
20 water and groundwater storage to take advantage of wet year water  
21 supplies and to reduce shortages during drier years.
- 22 ○ Conveyance programs to connect local or regional water supply systems to  
23 minimize local shortage conditions and increase use of storage and treatment  
24 facilities.
- 25 ○ Long-term water supply approaches that could be considered by mid-century  
26 when major infrastructure repairs and long-term water contract renewals are  
27 considered by the SWP and CVP.

## 28 **Restore Delta Ecosystem**

29 Sections 85020(a) and (c) address the objectives to manage the Delta's resources of the state over  
30 the long term; and restore the Delta ecosystem, including its fisheries and wildlife, as the heart of  
31 a healthy estuary and wetland ecosystem. Sections 85302(c) and (e) identify specific measures,  
32 subgoals, and strategies that shall be addressed in the Delta Plan to promote a healthy Delta  
33 ecosystem.

34 Alternative implementation strategies to meet these objectives, including specific performance  
35 objectives, could include, but not be limited to the following strategies, including those described  
36 in the Act. These strategies would provide for prompt implementation because improved  
37 conditions to the Delta ecosystem may not result immediately.

- 38 ● Restore large areas of interconnected habitats within the Delta and the Delta watershed.
- 39 ● Establish migratory corridors along Delta channels.

- 1 • Restore Delta flows and channels to support a healthy ecosystem, including consideration  
2 of ecosystem-related flow recommendations prepared by the State Water Resources  
3 Control Board and Department of Fish and Game in accordance with requirements in the  
4 Act.
- 5 • Restoration and increased habitat for migratory bird populations in the Delta.
- 6 • Increased inundated floodplains, tidal marsh, and channel improvements as described in  
7 the Delta Vision Strategic Plan.
- 8 • Reduce the populations of non-native fish, wildlife, and plants that threaten or suppress  
9 native populations.
- 10 • Modify facilities and operations of diversions in the Delta watershed to reduce  
11 entrainment of fish and reduce potential for predation, including intakes located  
12 throughout the Delta and in the upstream watersheds.
- 13 • Implementation of the BDCP ecosystem restoration conservation measures, if the  
14 program complies with Water Code section 85320.
- 15 • Implementation of suggested reasonable prudent alternative components identified in the  
16 December 2008 USFWS Biological Opinion for Delta Smelt and the June 2009 NMFS  
17 Biological Opinion on Sacramento River winter-run Chinook salmon, Central Valley  
18 spring-run Chinook salmon, Central Valley steelhead, Southern District Population  
19 Segment of North American green sturgeon, and Southern Resident killer whales, or as  
20 may be modified.

## 21 **Protect and Enhance the Delta as an Evolving Place**

22 Section 85020(b) addresses the objectives to protect and enhance the unique cultural,  
23 recreational, and agricultural values of the California Delta as an evolving place. Alternative  
24 implementation strategies to meet these objectives, including specific performance objectives  
25 could include, but not be limited to the following strategies, including those described in the Act.

- 26 • Potential inclusion in whole or in part of the Economic Sustainability Plan being  
27 developed by the Delta Protection Commission.
- 28 • Establishment of a federal and state designation of the Delta as a place of special  
29 significance, such as the currently proposed National Heritage Area legislation, including  
30 consideration of a study to be developed by the Delta Protection Commission.
- 31 • Expansion of the state parks, including the Delta Trails, within the Delta, including  
32 consideration of a study to be developed by the Department of Parks and Recreation for  
33 consideration by the Delta Protection Commission in development of the Economic  
34 Sustainability Plan.
- 35 • Establishment of a program of market incentives to protect and enhance agricultural  
36 values, including consideration of a study to be developed by the Department of Food  
37 and Agriculture for consideration by the Delta Protection Commission in development of  
38 the Economic Sustainability Plan.

- 1 • Land use plan changes that would be required to accommodate up to 55 inches of sea  
2 level rise by 2100.
  - 3 ○ Land uses losses to accommodate expanded levees and sea walls.
  - 4 ○ Relocation, abandonment, or provisions for flood protection of existing  
5 transportation corridors no longer functional on a long-term basis.
  - 6 ○ Relocation or abandonment of existing drainage, water, and wastewater facilities  
7 are no longer functional on a long-term basis.
  - 8 ○ Establishment of critical utility and/or transportation corridors in the Delta that  
9 would be designed to withstand major seismic and flood events, and would  
10 integrate aesthetically, to the extent possible, with the surrounding land uses.

### 11 **Improve Water Quality**

12 Sections 85020(e) and 85302(d)(3) address the objectives to improve water quality to protect  
13 human health and the environment. Section 85302(e)(5) addresses the objective to improve water  
14 quality to meet drinking water, agricultural, and ecosystem long-term goals.

15 Alternative implementation strategies, including specific performance objectives, to meet these  
16 objectives could include, but not be limited to the following.

- 17 • Implement or accelerate programs to reduce sources of chemicals that adversely affect  
18 fish and wildlife or human health from urban and agricultural runoff, agricultural return  
19 flows, treatment plant discharges, and other discharges including from boats and ships.
- 20 • Accelerate programs to increase dissolved oxygen in the Stockton Deep Water Ship  
21 Channel and wetlands.
- 22 • Accelerate programs to reduce and/or manage salinity in portions of the Delta that are  
23 affected by salinity intrusion and/or high salinity runoff in coordination with programs  
24 that enhance salinity variability with the purpose of improving the ecosystem.
- 25 • Relocation of drainage, discharge, and intake facilities that would be required to  
26 accommodate up to 55 inches of sea level rise by 2100.
- 27 • Modification of water supply intake facilities that would be required to accommodate  
28 changes in ecosystem or land uses that may change water quality.
- 29 • Implementation of the BDCP water quality conservation measures, if the program  
30 complies with Water Code section 85320.

### 31 **Reduce Risks to People, Property, and State Interests**

32 Sections 85020(g) and 85305 address the objectives to reduce risks to people, property, and state  
33 interests in the Delta by effective emergency preparedness, appropriate land uses, and  
34 investments in flood protection. Section 85306 states that the Council, in consultation with the  
35 Central Valley Flood Protection Board, shall include recommendations in the Delta Plan for  
36 priorities for state investments in levee operation, maintenance, and improvements including  
37 levees in the State Plan of Flood Control and non-project levees. Section 85307 states that the

1 Delta Plan may identify actions outside of the Delta and within local plans to improve flood  
2 protection in the Delta. This section also requires the Council, in consultation with the  
3 Department of Transportation, to address the effects of climate change and sea level rise on the  
4 three state highways that cross the Delta.

5 Alternative implementation strategies to reduce risks due to floods or levee failure, including  
6 specific performance objectives, to meet these objectives could include, but not be limited to the  
7 following.

- 8 • Emergency preparedness and response strategies that incorporate and may expand  
9 strategies developed by California Emergency Management Agency and Department of  
10 Water Resources, such as early warning systems and mandatory evacuation programs.
- 11 • Prioritization of investments in levee operation, maintenance, and improvements in the  
12 Delta, including both levees that are a part of the State Plan of Flood Control and non-  
13 project levees that protect a wide range of land uses and communities.
- 14 • Action need to limit or help avoid additional risks to lives and property within the study  
15 area through:
  - 16 ○ Land use changes to reduce risks.
  - 17 ○ Modification of transportation infrastructure to improve emergency access and  
18 evacuation, and transport of people and emergency materials across the Delta..
- 19 • Modification of operations of upstream reservoirs or expansions of bypasses, including  
20 areas within the South Delta, to increase accommodation of peak flood flows and  
21 possibly improve water supply reliability and provide improved flow regimes for the  
22 ecosystem.
- 23 • Implementation of land use buffer zones to accommodate changes in water elevations by  
24 the Year 2100 through the removal or avoidance of structures in areas of potential  
25 inundation, or consideration of sea walls or levees to protect existing land uses.
- 26 • Actions needed to protect Delta energy development, energy storage, and energy  
27 distribution, including actions considered by the State Energy Resources Conservation  
28 and Development Commission and the Public Utilities Commission.
- 29 • Modify or relocate transportation and utility corridors to accommodate up to 55 inches of  
30 sea level rise by 2100.
- 31 • Create a Delta-wide Flood Management and Financing entity.
- 32 • Increase the requirements on property owners to obtain flood insurance for all inherently  
33 flood-prone areas in the Delta.

34 These strategies may be evaluated based upon Public Resources Code Section 29704 that  
35 states:

36 "The Legislature further finds and declares that the leveed islands and tracts of the delta  
37 and portions of its uplands are floodprone areas of critical statewide significance due to  
38 the public safety risks and the costs of public emergency responses to floods, and that

1 improvement and ongoing maintenance of the levee system is a matter of continuing  
2 urgency to protect farmlands, population centers, the state's water quality, and significant  
3 natural resource and habitat areas of the delta. The Legislature further finds that  
4 improvements and continuing maintenance of the levee system will not resolve all flood  
5 risks and that the delta is inherently a floodprone area wherein the most appropriate land  
6 uses are agriculture, wildlife habitat, and, where specifically provided, recreational  
7 activities, and that most of the existing levee systems are degraded and in need of  
8 restoration, improvement, and continuing management."

9 The strategies also may need to consider the November 2003 *Paterno vs. State of California*  
10 decision.

11 Alternative implementation strategies to reduce other risks including fire and water supply  
12 reliability that could affect state interests, including specific performance objectives, to meet  
13 these objectives will include, but not be limited to the following strategies.

- 14 • Expand fire protection to agriculturally-oriented islands and tracts that are not served by  
15 community fire protection or CalFire.
- 16 • Implementation of the BDCP, if the program addresses methods to reduce risks to people,  
17 property, and State interests and complies with Water Code section 85320.

## 18 **Establish Governance and Financing Plans**

19 Sections 85020(h) addresses the objective to establish a new governance structure with the  
20 authority, responsibility, accountability, scientific support, and adequate and secure funding to  
21 achieve the policy objectives of the Act.

22 Alternative implementation strategies, including specific performance objectives, to meet these  
23 objectives could include, but not be limited to the following.

- 24 • A rigorous data collection system that is available for all agencies to use that will identify  
25 surface water and groundwater characteristics; diversion patterns; volume and patterns of  
26 water use by all urban, agricultural, business, and industrial users; discharge patterns; and  
27 compliance with regulations and environmental commitments of a range of projects.
- 28 • Consider requiring all activities involving changes to Delta surface water and  
29 groundwater would consider effects upon the regional and statewide water budgets.
- 30 • Consider requiring all activities that would be affected by the Delta Plan to consider the  
31 economic implications of the actions with full consideration of statewide economic  
32 vitality.
- 33 • Consider expanding in practice and/or legislation the ability to use eminent domain  
34 procedures to further policy objectives of the Act.
- 35 • Consider organizational changes for management of state water resources, including  
36 suggestions by the Little Hoover Commission August 2010 report, "Managing for  
37 Change: Modernizing California's Water Governance."

- Consider a financing plan that could be based upon fees and charges to fund implementation of the Delta Plan recommendations and Delta Stewardship Council activities, in accordance with Proposition 26 adopted in November 2010 by the California voters.

## POTENTIAL ENVIRONMENTAL EFFECTS OF THE PROPOSED PROJECT AND POTENTIAL ALTERNATIVES

The Council has determined that an EIR is required for the Delta Plan, and has not prepared an Initial Study prior to preparation of the EIR. The EIR will identify the significant effects of the proposed project and the alternatives in accordance with CEQA Guidelines and in a manner to facilitate future evaluations under NEPA. Mitigation measures or approaches to future mitigation programs will be described to reduce adverse impacts or potentially adverse impacts to a level of less than significant.

The Delta Plan EIR will be a programmatic EIR due to the broad nature of the strategies that will be considered for the Delta Plan. The programmatic approach will result in recommendations or requirements for environmental documentation completed for future covered actions in order to be consistent with the Delta Plan. However, the programmatic nature of the EIR does not limit the applicability of provisions of the Act that designate the Delta Plan as a legally enforceable document.

It is anticipated that if the Council identifies a need for site-specific implementation plans for the Delta Plan in the future, subsequent environmental analyses would be completed and include the Program EIR results by reference to define the statewide or regional approach to analysis and implementation of portions of the Delta Plan.

The Delta Plan EIR will consider all resources identified in Appendix G, CEQA Checklist in the evaluation of environmental effects. Due to the wide range of alternatives, it is anticipated that significant effects could occur for many of the resources, as summarized below.

- **Aesthetics:** The EIR, consistent with CEQA, will evaluate potential effects on visual resources, such as those that could occur through construction of new facilities, such as expanded flood levees, recycled water facilities, or ecosystem restoration areas. The EIR also will evaluate the potential for effects of light and glare due to new or relocated light sources. The EIR will describe thresholds of significance or methods to define significance under various conditions, and programmatically identify mitigation measures, approaches, or policies that could be considered by future projects to reduce the effects to a level of less than significant. The potential for effects would be addressed on a local, regional, and statewide basis.
- **Agricultural:** The EIR will evaluate potential effects on agricultural land, such as those that could occur through programs that support or enhance agriculture, conversion of agricultural land or open space for ecosystem restoration or flood management, or methods to protect agricultural lands and communities from future risks, such as enhanced levees or relocated transportation or utility corridors. The EIR will describe thresholds of significance or methods to define significance under various conditions, and programmatically identify mitigation measures, approaches, or policies that could be

1 considered by future projects to reduce the effects to a level of less than significant. The  
2 potential for effects would be addressed on a local, regional, and statewide basis.

- 3 • **Air Quality:** The EIR will evaluate potential effects on air quality and odor emissions,  
4 such as those that could occur through programs that would require construction, and  
5 major operational activities and/or energy for operations that could affect air quality  
6 conditions and greenhouse gas emissions. The EIR will identify assumptions for regions  
7 that are currently in non-compliance with federal and state air quality standards and the  
8 assumptions included in current state implementation plans to provide compliance. The  
9 EIR will discuss the potential for future activities that could occur under the alternatives  
10 to maintain or improve air quality conditions. The EIR will describe thresholds of  
11 significance or methods to define significance under various conditions, and  
12 programmatically identify mitigation measures, approaches, or policies that could be  
13 considered by future projects to reduce the effects to a level of less than significant. The  
14 potential for effects would be addressed on an air quality basin and statewide basis.
- 15 • **Carbon Sequestration and Greenhouse Gas Emissions-Climate Change:** The EIR  
16 will evaluate potential effects on greenhouse gas emissions, such as those that could  
17 occur through programs that would require construction, and major operational activities  
18 and/or energy for operations that could affect greenhouse gas emissions or carbon  
19 sequestration. The EIR will discuss the potential for future activities that could occur  
20 under the alternatives to reduce or increase greenhouse gas emissions, including potential  
21 use of ecosystem restoration actions to reduce carbon emissions from soils, that could  
22 contribute to climate changes. The EIR will describe thresholds of significance or  
23 methods to define significance under various conditions, and programmatically identify  
24 mitigation measures, approaches, or policies that could be considered by future projects  
25 to reduce the effects to a level of less than significant. The potential for effects would be  
26 addressed on an air quality basin and statewide basis.
- 27 • **Biological Resources:** The EIR will evaluate potential effects of implementation of all  
28 aspects of the Delta Plan on aquatic and terrestrial biological resources, such as those that  
29 reside in or migrate through the Delta and other geographic areas that could be affected  
30 by the Delta Plan strategies. The EIR will consider effects that could be considered  
31 beneficial to some organisms and adverse to others, such as changes in ecosystem to  
32 increase tidal marsh that could reduce freshwater habitat, as identified in the Delta Vision  
33 Strategic Plan and as a BDCP conservation measures. The EIR also will consider  
34 beneficial and adverse aspects of other BDCP conservation measures, including  
35 construction and operation of new and existing conveyance facilities.

36  
37 The EIR will describe unique and special biological resources in the Delta; habitats that  
38 could occur in areas outside of the Delta that could be affected by the Delta Plan  
39 alternatives; listed and special-status species in the Delta; wetlands and grasslands in the  
40 Delta; existing and planned areas within the Delta including HCPs and NCCPs that have  
41 been or are being developed in each Delta county; and general descriptions of listed  
42 species in areas outside of the Delta and the impacts to these resources due to plan  
43 implementation. The EIR will describe thresholds of significance or methods to define  
44 significance under various conditions and with consideration of existing policies and  
45 regulations that protect biological resources, including biological opinions and county

1 land use mitigation procedures; and programmatically identify mitigation measures,  
2 approaches, or policies that could be considered by future projects to reduce the effects to  
3 a level of less than significant. The potential for effects would be addressed within the  
4 Delta, Delta watershed, and in areas that use Delta water supplies that could construct  
5 facilities or implement programs in response to the Delta Plan alternatives.

6 • **Cultural Resources:** The EIR will evaluate potential effects on archeological and  
7 historical resources, such as those that could occur through programs that support or  
8 enhance these resources, reduction of risks to other land uses or communities, or through  
9 implementation of programs to support or enhance water resources or ecosystem  
10 conditions. The EIR will identify significant resources within the Delta and potential for  
11 these resources in areas outside of the Delta that could be affected by the Delta Plan  
12 alternatives. The EIR will describe thresholds of significance or methods to define  
13 significance under various conditions, and programmatically identify mitigation  
14 measures, approaches, or policies that could be considered by future projects to reduce  
15 the effects to a level of less than significant. The potential for effects would be addressed  
16 on a local, regional, and statewide basis.

17 • **Economics:** The EIR will evaluate potential changes in land use, infrastructure,  
18 environmental resources, and risk potential to determine the economic or social effects  
19 that may cause environmental changes, such as changes based on a wide variety of  
20 factors, and consistent with CEQA, including availability of affordable water supplies,  
21 viable communities with projected land use and employment changes that can provide  
22 affordable public services, and utility and transportation corridors that facilitate reliable  
23 and affordable commerce. If such changes occur, EIR will describe thresholds of  
24 significance or methods to define significance under various conditions, and  
25 programmatically identify mitigation measures, approaches, or policies that could be  
26 considered by future projects to reduce the effects to a level of less than significant. The  
27 potential for effects would be addressed in the Delta and on a regional and statewide  
28 basis.

29 • **Energy Resources:** The EIR will, consistent with CEQA, evaluate potential effects on  
30 sustainability of energy resources on the electrical grid that serves the state and western  
31 United States, such as those that could occur through construction activities, and changes  
32 to the ability to develop or use of energy resources in the Delta, such as changes due to  
33 sea level rise or levee failure risks. The EIR will identify the potential for significant  
34 resources within the Delta, including natural gas wells and conveyance and peat soils,  
35 and in areas outside of the Delta that could be affected by the Delta Plan alternatives. The  
36 EIR will describe thresholds of significance or methods to define significance under  
37 various conditions, and programmatically identify mitigation measures, approaches, or  
38 policies that could be considered by future projects to reduce the effects to a level of less  
39 than significant. The potential for effects would be addressed within the Delta and on a  
40 statewide and western United States basis.

41 • **Geology, Soils, and Seismicity:** The EIR will evaluate potential effects on geology and  
42 soils resources, such as those that could occur through construction activities, changes to  
43 risk potential, and improvements such as programs to reverse subsidence that could be  
44 considered in the alternatives. The EIR will address critical geological and soil

1 considerations, such as fault zones, potential for liquefaction and subsidence, potential for  
2 levee or embankment failures, soils that support agriculture, and soils that support  
3 construction. The analyses would consider potential changes in erosion patterns and  
4 geomorphology that could occur due to changes in amounts and patterns of precipitation.  
5 The EIR will describe thresholds of significance or methods to define significance under  
6 various conditions, and programmatically identify mitigation measures, approaches, or  
7 policies that could be considered by future projects to reduce the effects to a level of less  
8 than significant. The potential for effects would be addressed on a regional and statewide  
9 basis.

- 10 • **Hazards and Hazardous Materials:** The EIR will evaluate potential effects of  
11 environmental hazards and risks to due to exposure to hazardous materials, including  
12 naturally occurring materials, such as those that could occur due to changes in land uses,  
13 construction or operations activities in the Delta Plan alternatives, exposure due to sea  
14 level rise, or exposure following a catastrophic event such as levee failures. The EIR will  
15 describe thresholds of significance or methods to define significance under various  
16 conditions, and programmatically identify mitigation measures, approaches, or policies  
17 that could be considered by future projects to reduce the effects to a level of less than  
18 significant. The potential for effects would be addressed on a regional and statewide  
19 basis.
- 20 • **Hydrology and Water Quality:** The EIR will evaluate potential effects on surface water  
21 and groundwater resources, such as those that occur within the Delta, the Delta  
22 watershed, and regions of the state that could be affected by the Delta Plan alternatives.  
23 The EIR also will address the ability for water supplies to support flow patterns and  
24 appropriate water quality required for existing and projected water demands of  
25 municipal/industrial and agricultural users within the Delta and the areas that use Delta  
26 water, and the ecosystem habitats within the Delta and the tributary watershed. The EIR  
27 will address the potential for changes in flow patterns, volume, and erosion potential that  
28 could increase flood risks or changes in geomorphology that could result in subsequent  
29 changes in the surface water resources. The analyses would be conducted assuming  
30 existing sea level and hydrological conditions and a range of future conditions due to sea  
31 level rise and changes in storm patterns that could modify the ratio of snowfall to rainfall,  
32 total amount of precipitation, and seasonal timing of storm events that would affect water  
33 supplies and flow patterns. The EIR will describe thresholds of significance or methods  
34 to define significance under various conditions, and programmatically identify mitigation  
35 measures, approaches, or policies that could be considered by future projects to reduce  
36 the effects to a level of less than significant. The potential for effects would be addressed  
37 within the Delta and on a regional and statewide basis.
- 38 • **Land Use and Planning:** The EIR will evaluate potential for conflicts with existing land  
39 use policies and effects on land uses, such as those that could occur through programs  
40 that support or enhance the Delta communities, ecosystem restoration, flood  
41 management, or water supply reliability within the Delta and in areas that use Delta water  
42 supplies. The EIR will consider the compatibility of existing and potential land use  
43 changes considered by the Delta Plan alternatives with other programs developed by  
44 other agencies, such as the Delta Protection Commission. The EIR will describe  
45 thresholds of significance or methods to define significance under various conditions, and

1 programmatically identify mitigation measures, approaches, or policies that could be  
2 considered by future projects to reduce the effects to a level of less than significant. The  
3 potential for effects would be addressed in the Delta and on a regional and statewide  
4 basis.

- 5 • **Mineral Resources:** Consistent with CEQA, the EIR will evaluate potential effects on  
6 the sustainability of Delta mineral resources, such as those that could occur through  
7 construction activities, and changes to the ability to develop or use of mineral resources  
8 in the Delta, such as changes due to sea level rise or levee failure risks. The EIR will  
9 identify the potential for significant resources within the Delta, including natural gas  
10 wells and conveyance facilities that could effect available energy supplies and peat soils,  
11 and in areas outside of the Delta that could be affected by the Delta Plan alternatives. The  
12 EIR will describe thresholds of significance or methods to define significance under  
13 various conditions, and programmatically identify mitigation measures, approaches, or  
14 policies that could be considered by future projects to reduce the effects to a level of less  
15 than significant. The potential for effects would be addressed on a regional and statewide  
16 basis.
- 17 • **Noise:** The EIR will evaluate potential effects of noise on different types of communities,  
18 land uses, and ecosystems, such as those that could occur due to changes in land uses,  
19 construction or operations activities in the Delta Plan alternatives, or changes in  
20 recreation activities. The EIR will discuss existing policies of local agencies to reduce the  
21 effects of noise. The EIR will describe thresholds of significance or methods to define  
22 significance under various conditions, and programmatically identify mitigation  
23 measures, approaches, or policies that could be considered by future projects to reduce  
24 the effects to a level of less than significant. The potential for effects would be addressed  
25 on a local, regional, and statewide basis.
- 26 • **Paleontological Resources:** The EIR will evaluate potential effects on paleontological  
27 resources, such as those that could occur through construction activities in the Delta Plan  
28 alternatives. The EIR will identify the potential for significant resources within the Delta  
29 and in areas outside of the Delta that could be affected by the Delta Plan alternatives. The  
30 EIR will describe thresholds of significance or methods to define significance under  
31 various conditions, and programmatically identify mitigation measures, approaches, or  
32 policies that could be considered by future projects to reduce the effects to a level of less  
33 than significant. The potential for effects would be addressed on a regional and statewide  
34 basis.
- 35 • **Population, Employment, and Housing:** Consistent with CEQA, the EIR will evaluate  
36 potential for changes in population and employment and associated housing availability,  
37 such as those that could occur through programs that support or enhance the Delta  
38 communities, change agricultural or recreational activities, benefit or adversely effect  
39 ecosystem restoration, flood management, or water supply reliability within the Delta and  
40 in areas that use Delta water supplies. The EIR will consider the compatibility of these  
41 changes with the existing and projected population characteristics to determine the  
42 economic and social effects that may cause environmental change. If such changes occur,  
43 EIR will describe thresholds of significance or methods to define significance under  
44 various conditions, and programmatically identify mitigation measures, approaches, or

1 policies that could be considered by future projects to reduce the effects to a level of less  
2 than significant. The potential for effects would be addressed within the Delta and on a  
3 regional and statewide basis.

4 • **Recreation:** The EIR will evaluate potential effects on recreational activities within the  
5 Delta and on reservoirs and waterways that could be affected by changes in Delta water  
6 management, such as those that could occur through programs that support or enhance  
7 recreational activities, Delta communities, ecosystem restoration, flood management,  
8 water supplies, or water quality. The analyses would include water-based actions  
9 including boating and water skiing, land-based activities including hiking, and other  
10 activities including bird watching. The EIR will describe thresholds of significance or  
11 methods to define significance under various conditions, and programmatically identify  
12 mitigation measures, approaches, or policies that could be considered by future projects  
13 to reduce the effects to a level of less than significant. The potential for effects would be  
14 addressed within the Delta and on a regional basis.

15 • **Transportation and Traffic:** The EIR will evaluate potential effects on transportation  
16 activities within the Delta, including land-based corridors, such as roads, highways,  
17 railroads, and airports; and water-based, such as the Sacramento and Stockton deep water  
18 ship channels and smaller waterways that serve as access corridors for recreational,  
19 commercial, and emergency boats. The EIR will address risks to these corridors that  
20 could occur due to levee failures and sea level rise, and potential effects due to  
21 modification of these corridors or adjacent land uses as part of other actions, such as  
22 water supply operations or ecosystem restoration. The EIR will describe thresholds of  
23 significance or methods to define significance under various conditions, and  
24 programmatically identify mitigation measures, approaches, or policies that could be  
25 considered by future projects to reduce the effects to a level of less than significant. The  
26 potential for effects would be addressed within the Delta.

27 • **Utilities and Public Services:** Consistent with CEQA, the EIR will evaluate potential  
28 effects on utilities, including electric, communications, and drainage facilities; and public  
29 services, such as schools, local parks, law enforcement, fire protection, emergency  
30 services, libraries, and other public services within the Delta. The EIR will address  
31 potential direct effects that could occur due to construction and operation activities or  
32 modification of land uses or transportation corridors in the Delta Plan alternatives. The  
33 EIR also will address potential effects due to ability to fund public services due to  
34 changes in the community and employment in the Delta Plan Alternatives. The EIR will  
35 describe thresholds of significance or methods to define significance under various  
36 conditions, and programmatically identify mitigation measures, approaches, or policies  
37 that could be considered by future projects to reduce the effects to a level of less than  
38 significant. The potential for effects would be addressed within the Delta.

39 The EIR also will address secondary growth-inducing impacts, potential effects on Tribal Trusts  
40 throughout the state, and potential environmental justice effects that could occur due to  
41 implementation of the Delta Plan alternatives. The EIR also will identify other programs that are  
42 being conducted concurrently or are being considered in the future, and evaluate the potential for  
43 cumulative impacts that could occur with concurrent implementation. The EIR also will consider

1 the relationship between short-term uses of the environment with potential adverse effects as  
2 compared to long-term benefits.

3 **PROJECT SCOPING PROCESS**

4 Written comments from interested parties, responsible and trustee agencies, and federal agencies  
5 are requested and invited to ensure that the full range of issues related to the development of the  
6 Delta Plan are identified. All comments received, including names and addresses, will become  
7 part of the official administrative record and may be made available to the public. Written  
8 comments will be accepted until 5 pm (Pacific Standard Time) on January 28, 2011. Written  
9 comments should be sent to:

10 Terry Macaulay  
11 Deputy Executive Officer  
12 Delta Stewardship Council  
13 980 Ninth Street, Suite 1500 Sacramento, CA 95814

14 Comments may be emailed to: [deltaplanscoping@deltacouncil.ca.gov](mailto:deltaplanscoping@deltacouncil.ca.gov)

15 Public scoping meetings are scheduled to take place at the following times and locations.

- 16 • **January 18, 2011**  
17 6 - 8:30 pm  
18 South Coast Air Quality Management District, Room CC6  
19 21865 Copley Drive  
20 Diamond Bar, CA 91765
  
- 21 • **January 19, 2011**  
22 6 - 8:30 pm  
23 Merced Civic Center, Sam Pipes Room  
24 678 West 18th Street  
25 Merced, CA 95340
  
- 26 • **January 20, 2011**  
27 6 - 8:30 pm  
28 Concord Senior Center  
29 2727 Parkside Circle  
30 Concord, CA 94519
  
- 31 • **January 24, 2011**  
32 9 am - 12 pm  
33 Resources Building Auditorium  
34 1416 9th Street  
35 Sacramento, CA 95814
  
- 36 • **January 24, 2011**  
37 6:30 - 9:30 pm  
38 Clarksburg Middle School Auditorium  
39 52870 Netherlands Road  
40 Clarksburg, CA 95612

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- **January 25, 2011**  
6 - 8:30 pm  
San Joaquin County Robert J. Cabral Agricultural Center, Assembly Rooms 2  
and 3  
2101 East Earhart Avenue  
Stockton, CA 95206
  
- **January 26, 2011**  
6 - 8:30 pm  
Dorothy F. Johnson Center  
775 E. 16th Street  
Chico, CA 95928

The meeting will include a brief overview of the Delta Plan process followed by public comments that will be transcribed.

A scoping report will be prepared following the scoping process to compile all of the comments received.

1 **ATTACHMENT 1: INITIAL LIST OF FEDERAL AND STATE RESPONSIBLE AND**  
2 **TRUSTEE AGENCIES AND TRIBES FOR DEVELOPMENT OF THE DELTA PLAN**  
3 **ENVIRONMENTAL IMPACT REPORT**

4 **FEDERAL AGENCIES**

- 5 Bureau of Reclamation
- 6 Federal Energy Regulatory Commission
- 7 National Marine Fisheries Service
- 8 National Oceanic and Atmospheric Administration
- 9 Natural Resource Conservation Service
- 10 U.S. Army Corps of Engineers
- 11 U.S. Department of Commerce
- 12 U.S. Department of the Interior
- 13 U.S. Environmental Protection Agency
- 14 U.S. Fish and Wildlife Service
- 15 U.S. Forest Service
- 16 Western Area Power Administration

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18 **STATE AGENCIES**

- 19 California Air Resources Control Board
- 20 California Coastal Commission
- 21 California Department of Boating and Waterways
- 22 California Department of Conservation
- 23 California Department of Energy
- 24 California Department of Fish and Game
- 25 California Department of Food and Agriculture
- 26 California Department of Pesticide Regulation
- 27 California Department of Public Health
- 28 California Department of Transportation
- 29 California Department of Water Resources
- 30 California Emergency Management Agency
- 31 California Energy Commission
- 32 California Public Utilities Commission
- 33 California State Parks
- 34 Central Valley Flood Protection Board
- 35 Delta Protection Commission,
- 36 Sacramento-San Joaquin Delta Conservancy
- 37 San Francisco Bay Conservation and Development Commission
- 38 San Joaquin River Conservancy
- 39 State Historic Preservation Office/Office of Historic Preservation
- 40 State Lands Commission
- 41 State Water Resources Control Board and Regional Water Quality Control Boards

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1 **ATTACHMENT 1 - Continued**

2 **LOCAL AGENCIES - DELTA COUNTIES**

- 3 Alameda County
- 4 Contra Costa County
- 5 Sacramento County
- 6 San Joaquin County
- 7 Solano County
- 8 Yolo County

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10 **LOCAL AGENCIES - DELTA CITIES**

- 11 Antioch, City of
- 12 Brentwood, City of
- 13 Isleton, City of
- 14 Oakley, City of
- 15 Pittsburg, City of
- 16 Rio Vista, City of
- 17 Stockton, City of
- 18 Elk Grove, City of
- 19 Tracy, City of
- 20 Lathrop, City of
- 21 Sacramento, City of
- 22 West Sacramento, City of

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24 **LOCAL AGENCIES - DELTA SPECIAL DISTRICTS**

- 25 Bethel Island Municipal Improvement District
- 26 Byron Bethany Irrigation District
- 27 Central Delta Water Agency
- 28 Contra Costa Water District
- 29 Delta Diablo Sanitation District
- 30 Diablo Water District
- 31 Discovery Bay Community Services District
- 32 East Bay Municipal Utility District
- 33 East Contra Costa Water Irrigation District
- 34 Freeport Regional Water Authority
- 35 Ironhouse Sanitary District
- 36 Maine Prairie Water District
- 37 Naglee Burk Irrigation District
- 38 North Delta Water Agency
- 39 North Delta Water Agency
- 40 Reclamation District 1
- 41 Reclamation District 1007
- 42 Reclamation District 150
- 43 Reclamation District 1607
- 44 Reclamation District 1608
- 45 Reclamation District 1667
- 46 Reclamation District 2

1 **ATTACHMENT 1 - Continued**

- 2 Reclamation District 2023
- 3 Reclamation District 2024
- 4 Reclamation District 2025
- 5 Reclamation District 2026
- 6 Reclamation District 2027
- 7 Reclamation District 2028
- 8 Reclamation District 2029
- 9 Reclamation District 2030
- 10 Reclamation District 2031
- 11 Reclamation District 2032
- 12 Reclamation District 2035
- 13 Reclamation District 2038
- 14 Reclamation District 2039
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- 16 Reclamation District 2041
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- 18 Reclamation District 2044
- 19 Reclamation District 2059
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- 21 Reclamation District 2065
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- 25 Reclamation District 2086
- 26 Reclamation District 2090
- 27 Reclamation District 2093
- 28 Reclamation District 2094
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- 30 Reclamation District 2098
- 31 Reclamation District 2108
- 32 Reclamation District 2110
- 33 Reclamation District 2111
- 34 Reclamation District 2112
- 35 Reclamation District 2113
- 36 Reclamation District 2114
- 37 Reclamation District 2115
- 38 Reclamation District 2116
- 39 Reclamation District 2117
- 40 Reclamation District 2118
- 41 Reclamation District 2119
- 42 Reclamation District 2120
- 43 Reclamation District 2122
- 44 Reclamation District 2126
- 45 Reclamation District 2127
- 46 Reclamation District 2130

1 **ATTACHMENT 1 - Continued**

- 2 Reclamation District 2137
- 3 Reclamation District 3
- 4 Reclamation District 307
- 5 Reclamation District 317
- 6 Reclamation District 341
- 7 Reclamation District 348
- 8 Reclamation District 349
- 9 Reclamation District 369
- 10 Reclamation District 38
- 11 Reclamation District 403
- 12 Reclamation District 404
- 13 Reclamation District 407
- 14 Reclamation District 501
- 15 Reclamation District 524
- 16 Reclamation District 536
- 17 Reclamation District 537
- 18 Reclamation District 544
- 19 Reclamation District 548
- 20 Reclamation District 551
- 21 Reclamation District 554
- 22 Reclamation District 556
- 23 Reclamation District 563
- 24 Reclamation District 684
- 25 Reclamation District 744
- 26 Reclamation District 755
- 27 Reclamation District 756
- 28 Reclamation District 765
- 29 Reclamation District 773
- 30 Reclamation District 799
- 31 Reclamation District 800
- 32 Reclamation District 813
- 33 Reclamation District 828
- 34 Reclamation District 828
- 35 Reclamation District 830
- 36 Reclamation District 900
- 37 Reclamation District 999
- 38 Sacramento County Flood Control Agency
- 39 Sacramento County Regional Sanitation District
- 40 Sacramento County Water Agency
- 41 San Joaquin County Flood Control and Water Control District
- 42 Solano County Water Agency
- 43 South Delta Water Agency
- 44 South San Joaquin Irrigation District
- 45 Stockton East Water District
- 46 Westside Irrigation District

1 **ATTACHMENT 1 - Continued**

2 Woodbridge Irrigation District  
3 Yolo County Flood Control and Water Control District  
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5 **LOCAL AGENCIES - DELTA PORTS**

6 Port of Stockton  
7 Port of West Sacramento  
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9 **LOCAL AGENCIES - DELTA FIRE DISTRICTS**

10 Contra Costa Fire Protection District  
11 Courtland Fire Protection District  
12 Delta Fire Protection District  
13 Delta-Clarksburg Fire Protection District  
14 Delta-Sacramento City Fire Protection District  
15 East Contra Costa Fire Protection District  
16 Elk Grove/Cosumnes Fire Protection District  
17 Isleton Fire Protection District  
18 Montezuma Fire Protection District  
19 No Man's Fire Protection District  
20 Rio Vista Fire Protection District  
21 Ryer Island Fire Protection District  
22 San Joaquin/Stockton Fire Department  
23 Walnut Grove Fire Protection District  
24 West Sacramento Fire Protection District  
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26 **LOCAL AGENCIES - DELTA PARKS AND CONSERVANCIES**

27 Brentwood Agricultural Trust  
28 Central Valley Farmland Trust and Yolo Land Trust  
29 Cosumnes River Preserve Partners  
30 East Bay Regional Park District  
31 East Contra Costa County HCP/NCCP  
32 Sacramento Valley Conservancy  
33 San Joaquin Council of Governments MSHCP and Open Space Plan  
34 Solano Land Trust  
35 Suisun Resources Conservation District  
36 Trust for Public Lands  
37 Yolo Basin Foundation  
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39 **LOCAL AGENCIES - DELTA VECTOR ABATEMENT DISTRICTS**

40 Contra Costa County Mosquito Vector Control District  
41 Sacramento-Yolo Mosquito Vector Control District  
42 San Joaquin County Mosquito Vector Control District  
43 Solano County Mosquito Abatement District  
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1 **ATTACHMENT 1 - Continued**

2 **CENTRAL VALLEY PROJECT WATER CONTRACTORS, SACRAMENTO RIVER**  
3 **SETTLEMENT CONTRACTORS, AND SAN JOAQUIN RIVER EXCHANGE**  
4 **CONTRACTORS**

- 5 4E Water District
- 6 4M Water District
- 7 Anderson-Cottonwood Irrigation District
- 8 Arvin Edison Water Storage District
- 9 Banta Carbona Irrigation District
- 10 Bella Vista Wter District
- 11 Broadview Water District
- 12 Byron Bethany Irrigation District
- 13 Carter Mutual Water Company
- 14 Centerville Community Services District
- 15 Central San Joaquin Water Conservation District
- 16 Chowchilla Water District
- 17 City of Avenal
- 18 City of Coalinga
- 19 City of Folsom
- 20 City of Fresno
- 21 City of Huron
- 22 City of Redding
- 23 City of Roseville
- 24 City of Sacramento
- 25 City of Shasta Lake
- 26 City of Tracy
- 27 City of West Sacramento
- 28 Clear Creek Community Services District
- 29 Coelho Trust
- 30 Colusa County Water District
- 31 Colusa Drain Mutual Water Company
- 32 Conaway Conservancy Group
- 33 Contra Costa Water District
- 34 Corning Water District
- 35 Cortina Water District
- 36 County of Colusa
- 37 County of Fresno
- 38 County of Madera
- 39 County of Sacramento
- 40 County of Tulare
- 41 Davis Water District
- 42 Del Puerto Water District
- 43 Delano-Earlimart Irrigation District
- 44 Department of Veterans Affairs (cemetery)
- 45 Dunnigan Water District
- 46 Eagle Field Water District

1 **ATTACHMENT 1 - Continued**

- 2 East Bay Municipal Utility District
- 3 Eastside Mutual Water Company
- 4 El Dorado Irrigation District
- 5 Elk Creek Community Services District
- 6 Exeter Irrigation District
- 7 Friant Water Authority
- 8 Fresno County WW #18
- 9 Fresno Irrigation District
- 10 Fresno Slough Water District
- 11 Garfield Water District
- 12 Glenn-Colusa Irrigation District
- 13 Glenn Valley Water District
- 14 Glide Water District
- 15 Gravely Ford Water District
- 16 Hills Valley Irrigation District
- 17 Holthouse Water District
- 18 International Irrigation District
- 19 Ivanhoe Irrigation District
- 20 James Irrigation District
- 21 Kanawha Water District
- 22 Kern-Tulare Irrigation District
- 23 Kirkwood Water District
- 24 La Grande Water District
- 25 Laguna Water District
- 26 Lewis Creek Water District
- 27 Lindmore Irrigation District
- 28 Lindsay-Strathmore Irrigation District
- 29 Lower Tule River Irrigation District
- 30 Madera Irrigation District
- 31 Mercy Springs Water District
- 32 Meridian Farms Water Company
- 33 Mountain Gate Community Services District
- 34 Myers-Marsh Mutual Water Company
- 35 Natomas Basin Conservancy
- 36 Natomas Central Mutual Water Company
- 37 Orange Cove Irrigation District
- 38 Orland-Artois Water District
- 39 Oro Loma Water District
- 40 Pacheco Water District
- 41 Pajaro Valley Water Management Agency
- 42 Panoche Water District
- 43 Patterson Water District
- 44 Pelger Mutual Water Company
- 45 Pixley Irrigation District
- 46 Placer County Water Agency

1 **ATTACHMENT 1 - Continued**

- 2 Plain View Water District
- 3 Pleasant Grove-Verona Mutual Water Company
- 4 Porterville Irrigation District
- 5 Princeton-Codora-Glenn Irrigation District
- 6 Proberta Water District
- 7 Provident Irrigation District
- 8 Rag Gulch Water District
- 9 Reclamation District #108
- 10 Reclamation District #900 and 1000
- 11 Reclamation District #1004
- 12 Reclamation District #1606
- 13 Sacramento County Water Agency
- 14 Sacramento Municipal Utility District
- 15 San Benito County Water District
- 16 San Juan Water District
- 17 San Luis Water District
- 18 San Luis & Delta Mendota Water Authority
- 19 Santa Clara Valley Water District
- 20 Saucelito Irrigation District
- 21 Shafter-Wasco Irrigation District
- 22 Shasta Community Services District
- 23 Shasta County Service Area - Keswick #25
- 24 Shasta County Water Agency
- 25 South San Joaquin Municipal Utility District
- 26 State & Federal Contractors Water Agency
- 27 Stone Corral Irrigation District
- 28 Stony Creek Water District
- 29 Sutter Mutual Water Company
- 30 Tea Pot Dome Water District
- 31 Tehama-Colusa Canal Authority
- 32 Terra Bella Irrigation District
- 33 Thomes Creek Water District
- 34 Tranquility Irrigation District
- 35 Tranquility Public Utility District
- 36 Tri-Valley Irrigation District
- 37 Tulare County
- 38 Tulare Irrigation District
- 39 Tuolumne Utilities District
- 40 Westlands Water District
- 41 West Side Irrigation District
- 42 Westside Water District
- 43 West Stanislaus Irrigation District
- 44
- 45

1 **ATTACHMENT 1 - Continued**

2 **STATE WATER PROJECT WATER CONTRACTORS**

- 3 Alameda County Flood Control and Water Conservation District, Zone 7
- 4 Alameda County Water District
- 5 Antelope Valley-East Kern Water Agency
- 6 Castaic Lake Water Agency
- 7 City of Yuba City
- 8 Coachella Valley Water District
- 9 County of Butte
- 10 County of Kings
- 11 Crestline Lake - Lake Arrowhead Water Agency
- 12 Desert Water Agency
- 13 Dudley Ridge Water District
- 14 Empire West Side Irrigation District
- 15 Garden Highway Water Company
- 16 Joint Water Districts Board
- 17 Kern County Water Agency
- 18 Kings County
- 19 Last Chance Creek Water District
- 20 Littlerock Creek Irrigation District
- 21 Metropolitan Water District of Southern California
- 22 Mojave Water Agency
- 23 Napa County Flood Control and Water Conservation District
- 24 Oak Flat Water District
- 25 Oroville-Wyandotte Irrigation District
- 26 Oswald Water District
- 27 Palmdale Water District
- 28 Plumas County Flood Control and Water Conservation District
- 29 Plumas Mutual Water Company
- 30 San Bernardino Valley Municipal Water District
- 31 San Gabriel Valley Municipal Water District
- 32 San Geronio Pass Water Agency
- 33 San Luis Obispo County Flood Control and Water Conservation District
- 34 Santa Barbara County Flood Control and Water Conservation District
- 35 Santa Clara Valley Water District
- 36 Solano County Water Agency
- 37 State & Federal Contractors Water Agency
- 38 Thermalito Irrigation District
- 39 Tudor Mutual Water Company
- 40 Tulare Lake Basin Water Storage District
- 41 Ventura County Watershed Project District
- 42 Western Canal Water District

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44 **OTHER AGENCIES**

- 45 Sacramento Municipal Utility District

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1 **ATTACHMENT 1 - Continued**

2 **NATIVE AMERICAN INDIAN TRIBES**

- 3 Agua Caliente Band of Cahuilla Indians of the Agua Caliente Indian Reservation  
4 Augustine Band of Cahuilla Indians  
5 Barona Group of Capitan Grande Band of Mission Indians of the Barona Reservation  
6 Bear River Band of the Rohnerville Rancheria  
7 Berry Creek Rancheria of Maidu Indians  
8 Big Lagoon Rancheria  
9 Big Sandy Rancheria of Mono Indians  
10 Big Valley Band of Pomo Indians of Big Valley Rancheria  
11 Buena Vista Rancheria of Me-Wuk  
12 Cabazon Band of Mission Indians  
13 Cachil DeHe Band of Wintu Indians of the Colusa Indian Community  
14 Cahuilla Band of Mission Indians of the Cahuilla Reservation  
15 California Valley Miwok Tribe  
16 Campo Band of Diegueno Mission Indians of the Campo Indian Reservation  
17 Capitan Grande Band of Diegueno Mission Indians  
18 Chicken Ranch Rancheria of Me-Wuk Indians of California  
19 Cold Springs Rancheria of Mono Indians  
20 Cortina Indian Rancheria of Wintun Indians  
21 Elem Indian Colony of Pomo Indians of the Sulphur Bank Rancheria  
22 Enterprise Rancheria of Maidu Indians of California  
23 Ewiiapaayp Band of Kumeyaay Indians  
24 Federated Indians of Graton Rancheria  
25 Fort Bidwell Indian Community of the Fort Bidwell Reservation  
26 Greenville Rancheria of Maidu Indians  
27 Grindstone Indian Rancheria of Wintun-Wailaki Indians  
28 Hoopa Valley Tribal Council  
29 Iipay Nation of Santa Ysabel  
30 Inaja Band of Diegueno Mission Indians of the Inaja and Cosmit Reservation  
31 Ione Band of Miwok Indians  
32 Jackson Rancheria of Me-Wuk Indians  
33 Jamul Indian Village  
34 Karuk Tribe  
35 La Jolla Band of Luiseno Indians  
36 La Posta Band of Diegueno Mission Indians of the La Posta Indian Reservation  
37 Los Coyotes Band of Cahuilla and Cupeno Indians  
38 Lytton Rancheria  
39 Manzanita Band of Diegueno Mission Indians of the Manzanita Reservation  
40 Mechoopda Indian Tribe of Chico Rancheria  
41 Mesa Grande Band of Diegueno Mission Indians of the Mesa Grande Reservation  
42 Mooretown Rancheria of Maidu Indians  
43 Morongo Band of Mission Indians  
44 Northfork Rancheria of Mono Indians  
45 Paiute-Shoshone Indians of the Lone Pine Community of the Lone Pine Reservation  
46 Pala Band of Luiseno Mission Indians of the Pala Reservation

1 **ATTACHMENT 1 - Continued**

- 2 Paskenta Band of Nomlaki Indians
- 3 Pauma Band of Luiseno Mission Indians of the Pauma & Yuima Reservation
- 4 Picayune Rancheria of Chukchansi Indians
- 5 Ramona Band of Cahuilla
- 6 Redding Rancheria Tribe
- 7 Rincon Band of Luiseno Mission Indians of the Rincon Reservation
- 8 San Manuel Band of Mission Indians
- 9 San Pasqual Band of Diegueno Mission Indians
- 10 Santa Ynez Band of Chumash Mission Indians of Santa Ynez Reservation
- 11 Shingle Springs Band of Miwok Indians at Shingle Springs Rancheria
- 12 Soboba Band of Luiseno Indians
- 13 Sycuan Band of the Kumeyaay Nation
- 14 Table Mountain Rancheria
- 15 Torres Martinez Desert Cahuilla Indians
- 16 Tule River Indian Tribe
- 17 Tuolumne Band of Me-Wuk Indians of the Tuolumne Rancheria
- 18 Twenty-Nine Palms Band of Mission Indians
- 19 United Auburn Indian Community of the Auburn Rancheria
- 20 Viejas (Baron Long) Group of Capitan Grande Band of Mission Indians of the Viejas
- 21 Reservation
- 22 Wilton Rancheria
- 23 Yocha Dehe Wintun Nation
- 24 Yurok Tribe of the Yurok Reservation
- 25
- 26 The California Native American Heritage Commission will be contacted to identify a list of
- 27 Native American Indian Tribes within the Planning Area.
- 28