

1 The Delta Stewardship Council intends to approve a Notice to Proceed (NOP) for publication in December 2010.
2 This draft version of the NOP includes a discussion of the Introduction, Purpose of the Notice of Preparation,
3 Background and Need for the Project, and Project Objectives, Environmental Baseline, Preliminary Proposed
4 Project Alternatives, Potential Environmental Effects, and Project Scoping Process.

5 The Council solicits electronic communications specifically directed to the various drafts of the NOP, as described
6 below.

7 All comments will be posted on the Council web site, and staff and consultants are directed to review and consider
8 submitted comments in preparation of revised versions of the NOP, in addition to testimony delivered at Council
9 meetings.

10

11 PRELIMINARY DRAFT

12 INITIAL SECTIONS OF

13 NOTICE OF PREPARATION

14 Prepared for consideration by the Delta Stewardship Council

15 October 18, 2010

16

17 **Not reviewed by or approved by the**

18 **Delta Stewardship Council**

19

20 **Send comments to**

21 **deltaplancomment@deltacouncil.ca.gov**

22 Comments received by Wednesday, November 3, 2010 will be considered for
revisions made in developing the following draft of the Notice of Preparation.

All comments received are posted to the Delta Stewardship Council web site:
<http://www.deltacouncil.ca.gov/>

1 **DATE ISSUED:** December XX, 2010

2 **PRELIMINARY DRAFT**
3 **NOTICE OF PREPARATION OF A DRAFT ENVIRONMENTAL IMPACT REPORT**
4 **FOR THE DELTA PLAN**

5 **INTRODUCTION**

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

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

21 The Council will serve as the lead agency for development of the Delta Plan and the
22 Environmental Impact Report (EIR) pursuant to the California Environmental Quality Act
23 (CEQA) of 1970, as amended. This NOP has been prepared to satisfy the requirements of
24 CEQA.
25

26 This NOP describes the Purpose of the NOP, Background, Need for the Project, Project
27 Objectives, Environmental Baseline (including Project Location and Time Period), Potential
28 Alternatives, Potential Environmental Effects, and Project Scoping Process.

29

¹ 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 **PURPOSE OF NOTICE OF PREPARATION**

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

- 8 • The NOP is an important step in initiating the Scoping Process to determine the range of
9 issues to be addressed in the EIR. The objectives of the Scoping Process are:
- 10 • Provide an opportunity for public and agency involvement in preparation of the Delta
11 Plan EIR,
- 12 • Help identify the scope of issues and potential impacts that must be discussed in an EIR
13 to adequately and accurately address potential impacts of the Delta Plan, and
- 14 • Help identify a reasonable range of alternatives to the proposed project.

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

26 An initial list of federal, state, and local agencies that are requested through this NOP to
27 participate as a responsible, trustee, and federal agency is presented as Attachment 1.

28 The Delta Plan must be developed to be consistent with the Coastal Zone Management Act of
29 1972 (CZMA) (16U.S.C. Sec. 1451 et seq.), or an equivalent compliance mechanism if one
30 exists; Section 8 of the federal Reclamation Act of 1902; and the Clean Water Act (33 U.S.C.
31 Sec. 1251 et seq.) (Water Code Section 85300(d)(1)(A)). Following the preparation of the Delta
32 Plan in accordance with CZMA, the Council will submit the Delta Plan for approval to the U.S.
33 Secretary of Commerce pursuant to that act, or to other federal officials assigned responsibility
34 for the Delta pursuant to federal statute. At that time, the federal agency would initiate
35 environmental documentation pursuant to the National Environmental Policy Act (NEPA) of
36 1970, as amended, to inform their decisions. The Delta Plan EIR will be prepared to the extent
37 possible in a manner to facilitate future evaluation under NEPA.

1 **BACKGROUND AND NEED FOR THE PROJECT**

2 Since the 1800s, competition for freshwater resources has escalated between water needed for
3 fish and wildlife resources, agricultural users, municipal and industrial users, power generation,
4 and flood management operations within the Sacramento-San Joaquin Delta (Delta) watershed.
5 Prior to development of water resources in California, anadromous fish were attracted upstream
6 during storm events from fall through the spring. In this context, the term “anadromous” refers to
7 fish species that migrate from the sea into rivers and streams to spawn in fresh water. In
8 California, this includes species such as Chinook salmon, steelhead, green sturgeon, and striped
9 bass. Storm flows also provided flushing flows to stimulate the movement of fish downstream
10 from the upper reaches of the streams where spawning occurred. The river flows resulting from
11 rain and snow also repelled saltwater intrusion in the Delta from San Francisco Bay.

12 Water resources and fish and wildlife resources were impacted by construction of levees,
13 community development, and water resource projects throughout the Central Valley and foothills
14 that modified the flow patterns, changed water quality, affected fish and wildlife, and removed
15 native vegetation. Water supply intakes throughout the Central Valley, including major pumping
16 plants for the State Water Project (SWP) and Central Valley Project (CVP), also caused loss of
17 fish through entrainment, impingement, decreased Delta inflows and outflows that occurred with
18 increased watershed diversions, and enhancement of conditions for predators. Reliance on
19 surface water diversions has been increasing over the past 40 years as municipalities and
20 agricultural areas have grown and groundwater basins that these users had previously relied upon
21 have become depleted. These factors, and many others, individually and in combination
22 contributed to the decline of fish and wildlife resources in California over the past 150 years.

23 On October 30, 1992, the Central Valley Project Improvement Act (CVPIA) was authorized as
24 Title XXXIV of the Reclamation Projects Authorization and Adjustment Act of 1992 (Public
25 Law 102-575). The CVPIA amended authorizations of the CVP to include fish and wildlife
26 protection, restoration, and mitigation as project purposes having equal priority with irrigation
27 and domestic uses and fish and wildlife enhancement as a project purpose equal to power
28 generation, and to achieve a reasonable balance among competing demands for use of CVP
29 water.

30 In June 1994, federal and state agencies signed an agreement to coordinate their actions to meet
31 water quality standards to protect the Bay-Delta estuary; coordinate the operation of the SWP
32 and CVP more closely with recent environmental mandates; and develop a process to establish a
33 long-term Bay-Delta solution to address four categories of problems: ecosystem quality, water
34 quality, water supply reliability, and levee system vulnerability. This agreement led to the
35 signing of the Bay-Delta Accord by relevant state and federal agencies and interested
36 stakeholders, and implementation of the CALFED Bay Delta Program (CALFED) on December
37 15, 1994. CALFED was a consortium of eight state and ten federal agencies with management
38 and regulatory responsibilities in the Bay-Delta estuary. Phase I of the CALFED program was
39 initiated in 2000 and included a Levee System Integrity Program, Water Quality Program,
40 Ecosystem Restoration Program, Water Use Efficiency Program, Water Transfer Program,
41 Watershed Program, Storage and Conveyance. Following implementation of CVPIA and
42 CALFED programs, however, several Delta aquatic organisms which are listed as endangered or
43 threatened under the federal and/or state Endangered Species Acts continued to decline,
44 including delta smelt and certain salmonids. In response to declining populations of threatened
45 and endangered aquatic species, the U.S. Fish and Wildlife Service and National Marine

1 Fisheries Service issued several biological opinions (BOs) to modify operations of the SWP and
2 CVP facilities that resulted in reductions in export flows.

3 During this same period, the Department of Water Resources completed several studies that
4 identified a higher risk of Delta levee failure due to earthquakes than was previously understood,
5 and that the levee failures would place public lives and Delta property at risk, reduce water
6 quality of Delta water supplies, and possibly degrade ecosystems. The studies also described
7 potential adverse effects to levee integrity, water quality, and water supplies that would be
8 caused by up to 55-inches of sea level rise that could occur by 2100. In response, the Governor
9 issued Executive Order 2-17-06 on September 28, 2006 initiating the Delta Vision process to
10 develop a "durable vision for sustainable management of the Delta." The Governor appointed a
11 Blue Ribbon Task Force which then prepared a "Delta Vision Strategic Plan" by December
12 2008.

13 In response to recommendations in the Delta Vision Strategic Plan and other studies, the
14 Legislature adopted the Act, created the Council, and required development of the Delta Plan.
15 The Act contains the following declarations of legislative intent which are relevant to the
16 Council's preparation of the Delta Plan (Sections 85001-85004 of the Water Code):

17 85001. The Legislature finds and declares all of the following:

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

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

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

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

39 85003. The Legislature finds and declares all of the following:

40 (a) Originally, the Delta was a shallow wetland with water covering the area for
41 many months of the year. Natural levees, created by deposits of sediment, allowed
42 some islands to emerge during the dry summer months. Salinity would fluctuate,
43 depending on the season and the amount of precipitation in any one year, and the

1 species that comprised the Delta ecosystem had evolved and adapted to this
2 unique, dynamic system.

3 (b) Delta property ownership developed pursuant to the federal Swamp Land Act
4 of 1850, and state legislation enacted in 1861, and as a result of the construction
5 of levees to keep previously seasonal wetlands dry throughout the year. That
6 property ownership, and the exercise of associated rights, continue to depend on
7 the landowners' maintenance of those nonproject levees and do not include any
8 right to state funding of levee maintenance or repair.

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

16 85004. The Legislature finds and declares all of the following:

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

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

25 **PROJECT OBJECTIVES**

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

31 The Delta Plan project objectives are defined by the coequal goals, subgoals, and policy
32 objectives presented in Sections 85084, 85020, 85021, 85022(c), and 85023 of the Water Code,
33 as follows.

34 85054. "Coequal goals" means the two goals of providing a more reliable water supply
35 for California and protecting, restoring, and enhancing the Delta ecosystem. The coequal
36 goals shall be achieved in a manner that protects and enhances the unique cultural,
37 recreational, natural resource, and agricultural values of the Delta as an evolving place.

38 85020. The policy of the State of California is to achieve the following objectives that the
39 Legislature declares are inherent in the coequal goals for management of the Delta:

40 (a) Manage the Delta's water and environmental resources and the water
41 resources of the state over the long term.

1 (b) Protect and enhance the unique cultural, recreational, and agricultural values
2 of the California Delta as an evolving place.

3 (c) Restore the Delta ecosystem, including its fisheries and wildlife, as the heart
4 of a healthy estuary and wetland ecosystem.

5 (d) Promote statewide water conservation, water use efficiency, and sustainable
6 water use.

7 (e) Improve water quality to protect human health and the environment consistent
8 with achieving water quality objectives in the Delta.

9 (f) Improve the water conveyance system and expand statewide water storage.

10 (g) Reduce risks to people, property, and state interests in the Delta by effective
11 emergency preparedness, appropriate land uses, and investments in flood
12 protection.

13 (h) Establish a new governance structure with the authority, responsibility,
14 accountability, scientific support, and adequate and secure funding to achieve
15 these objectives.

16 85021. The policy of the State of California is to reduce reliance on the Delta in meeting
17 California's future water supply needs through a statewide strategy of investing in
18 improved regional supplies, conservation, and water use efficiency. Each region that
19 depends on water from the Delta watershed shall improve its regional self-reliance for
20 water through investment in water use efficiency, water recycling, advanced water
21 technologies, local and regional water supply projects, and improved regional
22 coordination of local and regional water supply efforts.

23 85022 (c) The Legislature finds and declares all of the following:

24 (1) The Delta is a distinct and valuable natural resource of vital and
25 enduring interest to all the people and exists as a delicately balanced
26 estuary and wetland ecosystem of hemispheric importance.

27 (2) The permanent protection of the Delta's natural and scenic resources is
28 the paramount concern to present and future residents of the state and
29 nation.

30 (3) To promote the public safety, health, and welfare, and to protect public
31 and private property, wildlife, fisheries, and the natural environment, it is
32 necessary to protect and enhance the ecosystem of the Delta and prevent
33 its further deterioration and destruction.

34 (4) Existing developed uses, and future developments that are carefully
35 planned and developed consistent with the policies of this division, are
36 essential to the economic and social well-being of the people of this state
37 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 The fundamental purpose of the Delta Plan will be to meet the coequal goals and all of the
5 inherent subgoals and policy objectives defined by statute. The Delta Plan will define an
6 integrated and legally enforceable set of policies, strategies, and actions that will serve as a basis
7 for future findings of consistency by state and local agencies with regard to their Delta-related
8 projects, and for subsequent evaluation of those findings by the Council on appeal, as provided
9 in statute and Council regulation.

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

13 85302

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

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

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

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

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

- 30 (1) Restore large areas of interconnected habitats within the Delta and its
31 watershed by 2100.
- 32 (2) Establish migratory corridors for fish, birds, and other animals along
33 selected Delta river channels.
- 34 (3) Promote self-sustaining, diverse populations of native and valued
35 species by reducing the risk of take and harm from invasive species.

1 (4) Restore Delta flows and channels to support a healthy estuary and
2 other ecosystems.

3 (5) Improve water quality to meet drinking water, agriculture, and
4 ecosystem long-term goals.

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

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

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

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

14 85303. The Delta Plan shall promote statewide water conservation, water use efficiency,
15 and sustainable use of water.

16 85304. The Delta Plan shall promote options for new and improved infrastructure relating
17 to the water conveyance in the Delta, storage systems, and for the operation of both to
18 achieve the coequal goals.

19 85305.

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

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

26 85306. The council, in consultation with the Central Valley Flood Protection Board, shall
27 recommend in the Delta Plan priorities for state investments in levee operation,
28 maintenance, and improvements in the Delta, including both levees that are a part of the
29 State Plan of Flood Control and nonproject levees.

30 85307.

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

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

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

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

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

7 85211. The Delta Plan shall include performance measurements that will enable the
8 council to track progress in meeting the objectives of the Delta Plan. The performance
9 measurements shall include, but need not be limited to, quantitative or otherwise
10 measurable assessments of the status and trends in all of the following:

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

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

16 **ENVIRONMENTAL BASELINE**

17 The environmental baseline for the Delta Plan EIR defines the planning area and the study period
18 to be addressed in the EIR.

19 **Planning Area**

20 The planning area to be considered in the Delta Plan EIR is defined by the purposes and uses of
21 the Delta Plan, as defined by the Act. The primary planning area is defined as the statutory Delta
22 and Suisun Marsh. The secondary planning area is defined by the watershed of the Delta (as
23 explained further below) and the geographical areas of California that include water agencies
24 that provide water exported from the Delta. The primary and secondary planning areas are shown
25 in Figure 1.

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

33 The Act defines the term "Delta" in Section 32310(c) as "the Sacramento-San Joaquin Delta as
34 defined in Section 12220 of the Water Code." The Act also defines the term "Suisun Marsh" in
35 Section 32310(g) as "the area defined in Section 29101 and protected by Division 19
36 (commencing with Section 29000)."

37 **Secondary Planning Area - Outside of the Delta and Suisun Marsh.** The secondary
38 planning area will extend outside of the Delta and Suisun Marsh as defined by the purposes of
39 the strategies in the Delta Plan. The Act includes several provisions that requires the Delta Plan

1 to address issues outside of the Delta, including Sections 85020, 85302(b), 85303, 85304, and
2 85307(a).

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

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

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

17 **Study Period**

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

26 The Act includes references to two quantifiable long-term goals. The first reference is in Section
27 85302(e)(1) to "Restore large areas of interconnected habitats within the Delta and its watershed
28 by 2100." The second reference is to the incorporation of the Bay Delta Conservation Plan
29 (BDCP) if the BDCP meets the requirements of Sections 85320 and 85321, including that the
30 Department of Fish and Game approves the BDCP as a Natural Community Conservation Plan
31 (NCCP) and that the BDCP be approved as a Habitat Conservation Plan (HCP) pursuant to the
32 federal Endangered Species Act. As of October 14, 2010, the BDCP applicants' website indicates
33 that the NCCP and HCP permits would be for a 50-year period that would commence in mid-
34 2012 and extend until 2062.

35 To provide the long-term perspective and accommodate these quantifiable goals, the Delta Plan
36 EIR will evaluate conditions with and without the project alternatives through the Year 2100, in
37 accordance with the requirements of both CEQA and NEPA.

38 **PRELIMINARY PROPOSED PROJECT AND POTENTIAL ALTERNATIVES**

39 In accordance with CEQA, an EIR is required to describe the proposed project and a range of
40 reasonable alternatives that would feasibly attain most of the basic objectives of the project but
41 would avoid or substantially lessen any of the significant effects of the project, and evaluate the

1 comparative merits of the alternatives. As previously described, the Delta Plan EIR will be
2 prepared to the extent feasible to facilitate future evaluation of the Delta Plan in accordance with
3 NEPA. Towards that objective, the range of alternatives considered in the Delta Plan EIR will be
4 developed to provide a reasonable range of alternatives that meet the purpose and need of the
5 proposed project and address one or more significant issues related to the proposed project, in
6 accordance with NEPA requirements.

7 The Delta Plan will be developed to provide strategies and subgoals to meet the coequal goals
8 and policy objectives described above in the Project Objectives section. The coequal goals and
9 policy objectives will be used to define implementation measures for the proposed project and
10 alternatives in five major areas described below. The NOP describes individual implementation
11 measures or concepts. Information collected during the scoping process will be used to identify
12 and specifically define a wide range of these concepts, compare the concepts to determine
13 conflicts and opportunities, and compile the concepts into alternatives that address all of the
14 goals and policy objectives of the Act. This process will be conducted at public Council meetings
15 using information from previous Council meetings and the scoping process.

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

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

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

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

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

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

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

29 In the event that the programs identified in the Act are not completed during preparation of the
30 Delta Plan EIR, such as Central Valley Flood Protection Board and BDCP studies, the Council
31 may choose to examine, evaluate, and include portions or all of the elements of available
32 information on these studies.

33 **Water Resources Improvements**

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

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

1 investment in water use efficiency, water recycling, advanced water technologies, local and
2 regional water supply projects, and improved regional coordination of local and regional water
3 supply efforts.

4 Sections 85302(a) and (d) address implementation of a reliable water supply. Section 85302(a)
5 states that "The implementation of the Delta Plan shall further the restoration of the Delta
6 ecosystem and a reliable water supply." Section 85302(d) states that the Delta Plan shall include
7 measures to promote a more reliable water supply, as cited above under Project Objectives. Also
8 as stated above, Section 85303 and 85304 state that the Delta Plan shall promote statewide water
9 conservation, water use efficiency, and sustainable use of water; and options for new and
10 improved infrastructure relating to the water conveyance in the Delta, storage systems, and for
11 the operation of both to achieve the coequal goals.

12 Alternative implementation measures to meet these objectives will include, but not be limited to
13 the following concepts. These concepts shall include specific performance objectives.

14 • **Water Conservation, Water Use Efficiency, and Sustainable Water Use, including**
15 **improved Regional Self Sufficiency:**

16 ○ Urban water conservation requirements that fully meet the requirements under
17 SBX7 7 that requires a 20 percent reduction in per capita water use by December
18 31, 2020. The Delta Plan also could consider actions or programs to facilitate
19 compliance with these requirements.

20 ○ Urban water conservation requirements that expand upon objectives under SBX7
21 7, such as:

22 ■ Region-specific irrigated landscape criteria to reduce outdoor water use.

23 ■ Mandated water use criteria for appliances sold in California, similar to
24 limits on flush toilets established 30 years ago.

25 ■ Mandated building code changes to require modification of irrigation
26 plumbing or other outdoor water use features, such as pool covers, when
27 building permits were approved for existing structures, similar to
28 mandated replacements for low-flush toilets in many communities.

29 ○ Agricultural water conservation requirements that fully meet the requirements
30 under SBX7 7 that requires suppliers of water to at least 10,000 acres of irrigated
31 agriculture to implement measurement of volume of water delivered, pricing
32 structures that are at least partially based on quantity of water delivered, and
33 implementation of cost-effective and technically feasible water efficient
34 management practices. The Delta Plan also could consider actions or programs to
35 facilitate compliance with these requirements.

36 ○ Agricultural water conservation requirements that expand upon objectives under
37 SBX7 7 to include all technically feasible efficient management practices.

38 ○ Development of the most economic local supplies prior to increased reliance on
39 Delta exports - based upon considerations for community, environmental, and
40 energy costs, including but not limited to:

- 1 ▪ Recommendations in the Bay Area Regional Water Recycling Program
- 2 and the Southern California Water Recycling Projects Initiative.
- 3 ▪ Groundwater treatment to reduce high salinity and metals.
- 4 ▪ Brackish and seawater desalination projects.
- 5 ○ Development of more sustainable and resilient regional water systems, such as:
- 6 ▪ Standards to meet the requirements of the law.
- 7 ▪ Increased requirements for tracking and reporting of supply and use.
- 8 ▪ Recommendations for better enforcement of existing water rights law.
- 9 • **Improved Water Conveyance and Storage:**
- 10 ○ Implementation of the BDCP program if the program complies with Water Code
- 11 section 85320.
- 12 ○ Local storage programs to improve capture and subsequent use of stormwater
- 13 flows, possibly with treatment of dry weather runoff.
- 14 ○ Local storage programs to improve the efficiency of local runoff and Delta
- 15 exports to maximize diversions during storm events and minimize diversions
- 16 during low flow periods when flow requirements for fish and wildlife may be
- 17 critical.
- 18 ○ Expand statewide storage programs to provide additional storage both north and
- 19 south of the Delta that could be used for a wide range of water uses, including
- 20 municipal, agricultural, and ecosystem uses, such as:
- 21 ▪ Completion of CALFED Offstream Storage Program that included North
- 22 of Delta Offstream Storage, new storage for the San Joaquin River
- 23 watershed, and increased storage at Lake Shasta and Los Vaqueros
- 24 Reservoir.
- 25 ▪ Integration of the operation of local, regional, state, and federal surface
- 26 water and groundwater storage to take advantage of wet year water
- 27 supplies and to reduce shortages during drier years.
- 28 ○ Conveyance programs to integrate local or regional water supply systems to
- 29 minimize local shortage conditions and increase use of storage and treatment
- 30 facilities.

31 **Restore Delta Ecosystem**

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

1 Alternative implementation measures to meet these objectives, including specific performance
2 objectives, will include, but not be limited to the following concepts, including those described
3 in the Act.

- 4 • Restore large areas of interconnected habitats within the Delta and the Delta watershed.
- 5 • Establish migratory corridors along Delta channels.
- 6 • Restore Delta flows and channels to support a healthy ecosystem, including consideration
7 of ecosystem-related flow recommendations prepared by the State Water Resources
8 Control Board and Department of Fish and Game in accordance with requirements in the
9 Act.
- 10 • Restoration and increased habitat for migratory bird populations in the Delta.
- 11 • Increased inundated floodplains, tidal marsh, and channel improvements as described in
12 the Delta Vision Strategic Plan.
- 13 • Reduce the populations of non-native fish, wildlife, and plants that threaten or suppress
14 native populations.
- 15 • Modify facilities and operations of diversions in the Delta watershed to reduce
16 entrapment of fish and reduce potential for predation.

17 **Protect and Enhance the Delta as an Evolving Place**

18 Section 85020(b) addresses the objectives to protect and enhance the unique cultural,
19 recreational, and agricultural values of the California Delta as an evolving place. Alternative
20 implementation measures to meet these objectives, including specific performance objectives
21 will include, but not be limited to the following concepts, including those described in the Act.

- 22 • Potential inclusion in whole or in part of parts of the Economic Sustainability Plan being
23 developed by the Delta Protection Commission.
- 24 • Establishment of a federal and state designation of the Delta as a place of special
25 significance, such as a National Heritage Area, including consideration of a study to be
26 developed by the Delta Protection Commission.
- 27 • Expansion of the state parks, including the Delta Trails, within the Delta, including
28 consideration of a study to be developed by the Department of Parks and Recreation for
29 consideration by the Delta Protection Commission in development of the Economic
30 Sustainability Plan.
- 31 • Establishment of a program of market incentives to protect and enhance agricultural
32 values, including consideration of a study to be developed by the Department of Food
33 and Agriculture for consideration by the Delta Protection Commission in development of
34 the Economic Sustainability Plan.
- 35 • Land use plan changes that would be required to accommodate up to 55 inches of sea
36 level rise by 2100.
 - 37 ○ Land uses losses to accommodate expanded levees and sea walls.

- 1 ○ Relocation, abandonment, or provisions for flood protection of existing
2 transportation corridors no longer functional on a long-term basis.
- 3 ○ Relocation or abandonment of existing drainage, water, and wastewater facilities
4 are no longer functional on a long-term basis.

5 **Improve Water Quality**

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

9 Alternative implementation measures, including specific performance objectives, to meet these
10 objectives will include, but not be limited to the following concepts.

- 11 • Implement or accelerate programs to reduce sources of chemicals that adversely affect
12 fish and wildlife or human health from urban and agricultural runoff, agricultural return
13 flows, treatment plant discharges, and other discharges including from boats and ships.
- 14 • Accelerate programs to increase dissolved oxygen in the Stockton Deep Water Ship
15 Channel and wetlands.
- 16 • Accelerate programs to reduce and/or manage salinity in portions of the Delta that are
17 affected by salinity intrusion and/or high salinity runoff in coordination with programs
18 that enhance salinity variability with the purpose of improving the ecosystem.
- 19 • Relocation of drainage, discharge, and intake facilities that would be required to
20 accommodate up to 55 inches of sea level rise by 2100.
- 21 • Modification of water supply intake facilities that would be required to accommodate
22 changes in ecosystem or land uses that may change water quality.

23 **Reduce Risks to People, Property, and State Interests**

24 Sections 85020(g) and 85305 address the objectives to reduce risks to people, property, and state
25 interests in the Delta by effective emergency preparedness, appropriate land uses, and
26 investments in flood protection. Section 85306 states that the Council, in consultation with the
27 Central Valley Flood Protection Board, shall include recommendations in the Delta Plan for
28 priorities for state investments in levee operation, maintenance, and improvements including
29 levees in the State Plan of Flood Control and nonproject levees. Section 85307 states that the
30 Delta Plan may identify actions outside of the Delta and within local plans to improve flood
31 protection in the Delta. This section also requires the Council, in consultation with the
32 Department of Transportation, to address the effects of climate change and sea level rise on the
33 three state highways that cross the Delta.

34 Alternative implementation measures, including specific performance objectives, to meet these
35 objectives will include, but not be limited to the following concepts.

- 36 • Emergency preparedness and response strategies that incorporate and may expand
37 strategies developed by California Emergency Management Agency and Department of
38 Water Resources, such as early warning systems and mandatory evacuation programs.

- 1 • Prioritization of investments in levee operation, maintenance, and improvements in the
2 Delta, including both levees that are a part of the State Plan of Flood Control and non-
3 project levees that protect a wide range of land uses and communities.
- 4 • Limitation and avoidance of additional risks lives and property within the study area
5 through:
 - 6 ○ Land use changes to reduce risks.
 - 7 ○ Modification of transportation infrastructure to improve emergency access and
8 evacuation, and transport of people and emergency materials across the Delta..
- 9 • Modification of operations of upstream reservoirs or expansions of bypasses, including
10 areas within the South Delta, to increase accommodation of peak flood flows and
11 possibly improve water supply reliability and provide improved flow regimes for the
12 ecosystem.
- 13 • Actions to address the needs of Delta energy development, energy storage, and energy
14 distribution, including actions considered by the State Energy Resources Conservation
15 and Development Commission and the Public Utilities Commission.
- 16 • Modify or relocate transportation and utility corridors to accommodate up to 55 inches of
17 sea level rise by 2100.
- 18 • Create a Delta-wide Flood Management and Financing entity.
- 19 • Increase the requirements on property owners to obtain flood insurance for all inherently
20 flood-prone areas in the Delta.

21 **POTENTIAL ENVIRONMENTAL EFFECTS OF PROPOSED PROJECT AND** 22 **POTENTIAL ALTERNATIVES**

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

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

34 It is anticipated that if the Council identifies a need for more specific implementation plans for
35 the Delta Plan in the future, subsequent environmental analyses would be completed and tiered
36 off of the Program EIR.

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

- 4 • **Aesthetics:** The EIR will evaluate potential effects on visual resources, such as those that
5 could occur through construction of new facilities, such as expanded flood levees,
6 recycled water facilities, or ecosystem restoration areas. The EIR also will evaluate the
7 potential for effects of light and glare due to new or relocated light sources. The EIR will
8 describe significance thresholds or methods to define significance under various
9 conditions, and programmatically identify mitigation measures, approaches, or policies
10 that could be considered by future projects to reduce the effects to a level of less than
11 significant. The potential for effects would be addressed on a local, regional, and
12 statewide basis.
- 13 • **Agricultural Resources:** The EIR will evaluate potential effects on agricultural
14 resources, such as those that could occur through programs that support or enhance
15 agriculture, conversion of agricultural land or open space for ecosystem restoration or
16 flood management, or methods to protect agricultural lands and communities from future
17 risks, such as enhanced levees or relocated transportation or utility corridors. The EIR
18 will describe significance thresholds or methods to define significance under various
19 conditions, and programmatically identify mitigation measures, approaches, or policies
20 that could be considered by future projects to reduce the effects to a level of less than
21 significant. The potential for effects would be addressed on a local, regional, and
22 statewide basis.
- 23 • **Air Quality, Carbon Sequestration, and Greenhouse Gas Emissions-Climate**
24 **Change:** The EIR will evaluate potential effects on air quality and odor emissions, such
25 as those that could occur through programs that would require construction, and major
26 operational activities and/or energy for operations that could affect air quality conditions
27 and greenhouse gas emissions. The EIR will identify assumptions for regions that are
28 currently in non-compliance with federal and state air quality standards and the
29 assumptions included in current state implementation plans to provide compliance. The
30 EIR will discuss the potential for future activities that could occur under the alternatives
31 to maintain or improve air quality conditions and reduce or increase greenhouse gas
32 emissions, including potential use of ecosystem restoration actions to reduce carbon
33 emissions from soils, that could contribute to climate changes. The EIR will describe
34 significance thresholds or methods to define significance under various conditions, and
35 programmatically identify mitigation measures, approaches, or policies that could be
36 considered by future projects to reduce the effects to a level of less than significant. The
37 potential for effects would be addressed on an air quality basin and statewide basis.
- 38 • **Biological Resources:** The EIR will evaluate potential effects of implementation of all
39 aspects of the Delta Plan on aquatic and terrestrial biological resources, such as those that
40 reside in or migrate through the Delta and other geographic areas that could be affected
41 by the Delta Plan strategies. The EIR will consider effects that could be considered
42 beneficial to some organisms and adverse to others, such as changes in ecosystem to
43 increase tidal marsh that could reduce freshwater habitat, as identified in the Delta Vision
44 Strategic Plan and as a BDCP conservation measures. The EIR also will consider

1 beneficial and adverse aspects of other BDCP conservation measures, including
2 construction and operation of new and existing conveyance facilities.
3

4 The EIR will describe unique and special biological resources in the Delta; habitats that
5 could occur in areas outside of the Delta that could be affected by the Delta Plan
6 alternatives; listed and special-status species in the Delta; wetlands and grasslands in the
7 Delta; existing and planned areas within the Delta including HCPs and NCCPs that have
8 been or are being developed in each Delta county; and general descriptions of listed
9 species in areas outside of the Delta and the impacts to these resources due to plan
10 implementation. The EIR will describe significance thresholds or methods to define
11 significance under various conditions and with consideration of existing policies and
12 regulations that protect biological resources, including biological opinions and county
13 land use mitigation procedures; and programmatically identify mitigation measures,
14 approaches, or policies that could be considered by future projects to reduce the effects to
15 a level of less than significant. The potential for effects would be addressed within the
16 Delta, Delta watershed, and in areas that use Delta water supplies that could construct
17 facilities or implement programs in response to the Delta Plan alternatives.

- 18 • **Cultural Resources:** The EIR will evaluate potential effects on archeological and
19 historical resources, such as those that could occur through programs that support or
20 enhance these resources, reduction of risks to other land uses or communities, or through
21 implementation of programs to support or enhance water resources or ecosystem
22 conditions. The EIR will identify significant resources within the Delta and potential for
23 these resources in areas outside of the Delta that could be affected by the Delta Plan
24 alternatives. The EIR will describe significance thresholds or methods to define
25 significance under various conditions, and programmatically identify mitigation
26 measures, approaches, or policies that could be considered by future projects to reduce
27 the effects to a level of less than significant. The potential for effects would be addressed
28 on a local, regional, and statewide basis.
- 29 • **Economics:** The EIR will evaluate potential changes in land use, infrastructure,
30 environmental resources, and risk potential to these resources based on a wide variety of
31 factors, including availability of affordable water supplies, viable communities with
32 projected land use and employment changes that can provide affordable public services,
33 and utility and transportation corridors that facilitate reliable and affordable commerce.
34 The EIR will describe significance thresholds or methods to define significance under
35 various conditions, and programmatically identify mitigation measures, approaches, or
36 policies that could be considered by future projects to reduce the effects to a level of less
37 than significant. The potential for effects would be addressed in the Delta and on a
38 regional and statewide basis.
- 39 • **Energy Resources:** The EIR will evaluate potential effects on sustainability of energy
40 resources throughout the state and the western United States, such as those that could
41 occur through construction activities, and changes to the ability to develop or use of
42 energy resources in the Delta, such as changes due to sea level rise or levee failure risks.
43 The EIR will identify the potential for significant resources within the Delta, including
44 natural gas wells and conveyance and peat soils, and in areas outside of the Delta that
45 could be affected by the Delta Plan alternatives. The EIR will describe significance

1 thresholds or methods to define significance under various conditions, and
2 programmatically identify mitigation measures, approaches, or policies that could be
3 considered by future projects to reduce the effects to a level of less than significant. The
4 potential for effects would be addressed within the Delta and on a statewide and western
5 United States basis.

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

1 the effects to a level of less than significant. The potential for effects would be addressed
2 within the Delta and on a regional and statewide basis.

- 3 • **Land Use and Planning:** The EIR will evaluate potential for conflicts with existing land
4 use policies and effects on land uses, such as those that could occur through programs
5 that support or enhance the Delta communities, ecosystem restoration, flood
6 management, or water supply reliability within the Delta and in areas that use Delta water
7 supplies. The EIR will consider the compatibility of existing and potential land use
8 changes considered by the Delta Plan alternatives and other programs developed by other
9 agencies, such as the Delta Protection Commission. The EIR will describe significance
10 thresholds or methods to define significance under various conditions, and
11 programmatically identify mitigation measures, approaches, or policies that could be
12 considered by future projects to reduce the effects to a level of less than significant. The
13 potential for effects would be addressed in the Delta and on a regional and statewide
14 basis.
- 15 • **Mineral Resources:** The EIR will evaluate potential effects on the sustainability of Delta
16 mineral resources, such as those that could occur through construction activities, and
17 changes to the ability to develop or use of mineral resources in the Delta, such as changes
18 due to sea level rise or levee failure risks. The EIR will identify the potential for
19 significant resources within the Delta, including natural gas wells and conveyance and
20 peat soils, and in areas outside of the Delta that could be affected by the Delta Plan
21 alternatives. The EIR will describe significance thresholds 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 regional and statewide basis.
- 26 • **Noise:** The EIR will evaluate potential effects of noise on different types of communities,
27 land uses, and ecosystems, such as those that could occur due to changes in land uses,
28 construction or operations activities in the Delta Plan alternatives, or changes in
29 recreation activities. The EIR will discuss existing policies of local agencies to reduce the
30 effects of noise. The EIR will describe significance thresholds or methods to define
31 significance under various conditions, and programmatically identify mitigation
32 measures, approaches, or policies that could be considered by future projects to reduce
33 the effects to a level of less than significant. The potential for effects would be addressed
34 on a local, regional, and statewide basis.
- 35 • **Paleontological Resources:** The EIR will evaluate potential effects on paleontological
36 resources, such as those that could occur through construction activities in the Delta Plan
37 alternatives. The EIR will identify the potential for significant resources within the Delta
38 and in areas outside of the Delta that could be affected by the Delta Plan alternatives. The
39 EIR will describe significance thresholds or methods to define significance under various
40 conditions, and programmatically identify mitigation measures, approaches, or policies
41 that could be considered by future projects to reduce the effects to a level of less than
42 significant. The potential for effects would be addressed on a regional and statewide
43 basis.

- 1 • **Population, Employment, and Housing:** The EIR will evaluate potential for changes in
2 population and employment and associated housing availability, such as those that could
3 occur through programs that support or enhance the Delta communities, change
4 agricultural or recreational activities, benefit or adversely effect ecosystem restoration,
5 flood management, or water supply reliability within the Delta and in areas that use Delta
6 water supplies. The EIR will consider the compatibility of these changes with the existing
7 and projected population characteristics. The EIR will describe significance thresholds or
8 methods to define significance under various conditions, and programmatically identify
9 mitigation measures, approaches, or policies that could be considered by future projects
10 to reduce the effects to a level of less than significant. The potential for effects would be
11 addressed within the Delta and on a regional and statewide basis.

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

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

- 35 • **Utilities and Public Services:** The EIR will evaluate potential effects on utilities,
36 including electric, communications, and drainage facilities; and public services, such as
37 schools, local parks, law enforcement, fire protection, emergency services, libraries, and
38 other public services within the Delta. The EIR will address potential direct effects that
39 could occur due to construction and operation activities or modification of land uses or
40 transportation corridors in the Delta Plan alternatives. The EIR also will address potential
41 effects due to ability to fund public services due to changes in the community and
42 employment in the Delta Plan Alternatives. The EIR will describe significance thresholds
43 or methods to define significance under various conditions, and programmatically
44 identify mitigation measures, approaches, or policies that could be considered by future

1 projects to reduce the effects to a level of less than significant. The potential for effects
2 would be addressed within the Delta.

3 The EIR also will address secondary growth-inducing impacts, potential effects on Tribal Trusts
4 throughout the state, and potential environmental justice effects that could occur due to
5 implementation of the Delta Plan alternatives. The EIR also will identify other programs that are
6 being conducted concurrently or are being considered in the future, and evaluate the potential for
7 cumulative impacts that could occur with concurrent implementation. The EIR also will consider
8 the relationship between short-term uses of the environment with potential adverse effects as
9 compared to long-term benefits.

10 **PROJECT SCOPING PROCESS**

11 Written comments from interested parties, responsible and trustee agencies, and federal agencies
12 are requested and invited to ensure that the full range of issues related to the development of the
13 Delta Plan are identified. All comments received, including names and addresses, will become
14 part of the official administrative record and may be made available to the public. Written
15 comments will be accepted until 5 pm on XXX. Written comments should be sent to:

16 XXXX

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

- 18 • Northern Sacramento Valley, California
- 19 • Sacramento, California
- 20 • Northern Delta, California
- 21 • Southern Delta, California
- 22 • San Francisco Bay Area
- 23 • San Joaquin Valley, California
- 24 • Southern California, California

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

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

29

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

3 **FEDERAL AGENCIES**

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

15

16 **STATE AGENCIES**

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

37

38 **LOCAL AGENCIES**

39 **Delta Counties**

40 Alameda County
41 Contra Costa County
42 Sacramento County
43 San Joaquin County
44 Solano County
45 Yolo County

- 1 **Delta Cities**
- 2 Antioch, City of
- 3 Brentwood, City of
- 4 Isleton, City of
- 5 Oakley, City of
- 6 Pittsburg, City of
- 7 Rio Vista, City of
- 8 Stockton, City of
- 9 Elk Grove, City of
- 10 Tracy, City of
- 11 Lathrop, City of
- 12 Sacramento, City of
- 13 West Sacramento, City of

- 14
- 15 **Delta Special Districts**
- 16 Bethel Island Municipal Improvement District
- 17 Byron Bethany Irrigation District
- 18 Central Delta Water Agency
- 19 Contra Costa Water District
- 20 Delta Diablo Sanitation District
- 21 Diablo Water District
- 22 Discovery Bay Community Services District
- 23 East Bay Municipal Utility District
- 24 East Contra Costa Water Irrigation District
- 25 Freeport Regional Water Authority
- 26 Ironhouse Sanitary District
- 27 Maine Prairie Water District
- 28 Naglee Burk Irrigation District
- 29 North Delta Water Agency
- 30 North Delta Water Agency
- 31 Reclamation District 1
- 32 Reclamation District 1007
- 33 Reclamation District 150
- 34 Reclamation District 1607
- 35 Reclamation District 1608
- 36 Reclamation District 1667
- 37 Reclamation District 2
- 38 Reclamation District 2023
- 39 Reclamation District 2024
- 40 Reclamation District 2025
- 41 Reclamation District 2026
- 42 Reclamation District 2027
- 43 Reclamation District 2028
- 44 Reclamation District 2029
- 45 Reclamation District 2030
- 46 Reclamation District 2031

- 1 Reclamation District 2032
- 2 Reclamation District 2035
- 3 Reclamation District 2038
- 4 Reclamation District 2039
- 5 Reclamation District 2040
- 6 Reclamation District 2041
- 7 Reclamation District 2042
- 8 Reclamation District 2044
- 9 Reclamation District 2059
- 10 Reclamation District 2060
- 11 Reclamation District 2065
- 12 Reclamation District 2067
- 13 Reclamation District 2072
- 14 Reclamation District 2074
- 15 Reclamation District 2086
- 16 Reclamation District 2090
- 17 Reclamation District 2093
- 18 Reclamation District 2094
- 19 Reclamation District 2095
- 20 Reclamation District 2098
- 21 Reclamation District 2108
- 22 Reclamation District 2110
- 23 Reclamation District 2111
- 24 Reclamation District 2112
- 25 Reclamation District 2113
- 26 Reclamation District 2114
- 27 Reclamation District 2115
- 28 Reclamation District 2116
- 29 Reclamation District 2117
- 30 Reclamation District 2118
- 31 Reclamation District 2119
- 32 Reclamation District 2120
- 33 Reclamation District 2122
- 34 Reclamation District 2126
- 35 Reclamation District 2127
- 36 Reclamation District 2130
- 37 Reclamation District 2137
- 38 Reclamation District 3
- 39 Reclamation District 307
- 40 Reclamation District 317
- 41 Reclamation District 341
- 42 Reclamation District 348
- 43 Reclamation District 349
- 44 Reclamation District 369
- 45 Reclamation District 38
- 46 Reclamation District 403

- 1 Reclamation District 404
- 2 Reclamation District 407
- 3 Reclamation District 501
- 4 Reclamation District 524
- 5 Reclamation District 536
- 6 Reclamation District 537
- 7 Reclamation District 544
- 8 Reclamation District 548
- 9 Reclamation District 551
- 10 Reclamation District 554
- 11 Reclamation District 556
- 12 Reclamation District 563
- 13 Reclamation District 684
- 14 Reclamation District 744
- 15 Reclamation District 755
- 16 Reclamation District 756
- 17 Reclamation District 765
- 18 Reclamation District 773
- 19 Reclamation District 799
- 20 Reclamation District 800
- 21 Reclamation District 813
- 22 Reclamation District 828
- 23 Reclamation District 828
- 24 Reclamation District 830
- 25 Reclamation District 900
- 26 Reclamation District 999
- 27 Sacramento County Flood Control Agency
- 28 Sacramento County Regional Sanitation District
- 29 Sacramento County Water Agency
- 30 San Joaquin County Flood Control and Water Control District
- 31 Solano County Water Agency
- 32 South Delta Water Agency
- 33 South San Joaquin Irrigation District
- 34 Stockton East Water District
- 35 Westside Irrigation District
- 36 Woodbridge Irrigation District
- 37 Yolo County Flood Control and Water Control District
- 38 **Delta Ports**
- 39 Port of Stockton
- 40 Port of West Sacramento
- 41 **Delta Fire Districts**
- 42 Contra Costa Fire Protection District
- 43 Courtland Fire Protection District
- 44 Delta Fire Protection District
- 45 Delta-Clarksburg Fire Protection District
- 46 Delta-Sacramento City Fire Protection District

- 1 East Contra Costa Fire Protection District
- 2 Elk Grove/Cosumnes Fire Protection District
- 3 Isleton Fire Protection District
- 4 Montezuma Fire Protection District
- 5 No Man's Fire Protection District
- 6 Rio Vista Fire Protection District
- 7 Ryer Island Fire Protection District
- 8 San Joaquin/Stockton Fire Department
- 9 Walnut Grove Fire Protection District
- 10 West Sacramento Fire Protection District
- 11 **Delta Parks and Conservancies**
- 12 Brentwood Agricultural Trust
- 13 Central Valley Farmland Trust and Yolo Land Trust
- 14 Cosumnes River Preserve Partners
- 15 East Bay Regional Park District
- 16 East Contra Costa County HCP/NCCP
- 17 Sacramento Valley Conservancy
- 18 San Joaquin Council of Governments MSHCP and Open Space Plan
- 19 Solano Land Trust
- 20 Suisun Resources Conservation District
- 21 Trust for Public Lands
- 22 Yolo Basin Foundation

- 23 **Delta Vector Abatement Districts**
- 24 Contra Costa County Mosquito Vector Control District
- 25 Sacramento-Yolo Mosquito Vector Control District
- 26 San Joaquin County Mosquito Vector Control District
- 27 Solano County Mosquito Abatement District
- 28

29 **CENTRAL VALLEY PROJECT WATER CONTRACTORS, SACRAMENTO RIVER**
30 **SETTLEMENT CONTRACTORS, AND SAN JOAQUIN RIVER EXCHANGE**
31 **CONTRACTORS**

- 32 4E Water District
- 33 4M Water District
- 34 Anderson-Cottonwood Irrigation District
- 35 Arvin Edison Water Storage District
- 36 Banta Carbona Irrigation District
- 37 Bella Vista Wter District
- 38 Broadview Water District
- 39 Byron Bethany Irrigation District
- 40 Carter Mutual Water Company
- 41 Centerville Community Services District
- 42 Central San Joaquin Water Conservation District
- 43 Chowchilla Water District
- 44 City of Avenal
- 45 City of Coalinga
- 46 City of Folsom

- 1 City of Fresno
- 2 City of Huron
- 3 City of Redding
- 4 City of Roseville
- 5 City of Sacramento
- 6 City of Shasta Lake
- 7 City of Tracy
- 8 City of West Sacramento
- 9 Clear Creek Community Services District
- 10 Coelho Trust
- 11 Colusa County Water District
- 12 Colusa Drain Mutual Water Company
- 13 Conaway Conservancy Group
- 14 Contra Costa Water District
- 15 Corning Water District
- 16 Cortina Water District
- 17 County of Colusa
- 18 County of Fresno
- 19 County of Madera
- 20 County of Sacramento
- 21 County of Tulare
- 22 Davis Water District
- 23 Del Puerto Water District
- 24 Delano-Earlimart Irrigation District
- 25 Department of Veterans Affairs (cemetery)
- 26 Dunnigan Water District
- 27 Eagle Field Water District
- 28 East Bay Municipal Utility District
- 29 Eastside Mutual Water Company
- 30 El Dorado Irrigation District
- 31 Elk Creek Community Services District
- 32 Exeter Irrigation District
- 33 Fresno County WW #18
- 34 Fresno Irrigation District
- 35 Fresno Slough Water District
- 36 Garfield Water District
- 37 Glenn-Colusa Irrigation District
- 38 Glenn Valley Water District
- 39 Glide Water District
- 40 Gravely Ford Water District
- 41 Hills Valley Irrigation District
- 42 Holthouse Water District
- 43 International Irrigation District
- 44 Ivanhoe Irrigation District
- 45 James Irrigation District
- 46 Kanawha Water District

- 1 Kern-Tulare Irrigation District
- 2 Kirkwood Water District
- 3 La Grande Water District
- 4 Laguna Water District
- 5 Lewis Creek Water District
- 6 Lindmore Irrigation District
- 7 Lindsay-Strathmore Irrigation District
- 8 Lower Tule River Irrigation District
- 9 Madera Irrigation District
- 10 Mercy Springs Water District
- 11 Meridian Farms Water Company
- 12 Mountain Gate Community Services District
- 13 Myers-Marsh Mutual Water Company
- 14 Natomas Basin Conservancy
- 15 Natomas Central Mutual Water Company
- 16 Orange Cove Irrigation District
- 17 Orland-Artois Water District
- 18 Oro Loma Water District
- 19 Pacheco Water District
- 20 Pajaro Valley Water Management Agency
- 21 Panoche Water District
- 22 Patterson Water District
- 23 Pelger Mutual Water Company
- 24 Pixley Irrigation District
- 25 Placer County Water Agency
- 26 Plain View Water District
- 27 Pleasant Grove-Verona Mutual Water Company
- 28 Porterville Irrigation District
- 29 Princeton-Codora-Glenn Irrigation District
- 30 Proberta Water District
- 31 Provident Irrigation District
- 32 Rag Gulch Water District
- 33 Reclamation District #108
- 34 Reclamation District #900 and 1000
- 35 Reclamation District #1004
- 36 Reclamation District #1606
- 37 Sacramento County Water Agency
- 38 Sacramento Municipal Utility District
- 39 San Benito County Water District
- 40 San Juan Water District
- 41 San Luis Water District
- 42 Santa Clara Valley Water District
- 43 Saucelito Irrigation District
- 44 Shafter-Wasco Irrigation District
- 45 Shasta Community Services District
- 46 Shasta County Service Area - Keswick #25

- 1 Shasta County Water Agency
- 2 South San Joaquin Municipal Utility District
- 3 Stone Corral Irrigation District
- 4 Stony Creek Water District
- 5 Sutter Mutual Water Company
- 6 Tea Pot Dome Water District
- 7 Terra Bella Irrigation District
- 8 Thomes Creek Water District
- 9 Tranquility Irrigation District
- 10 Tranquility Public Utility District
- 11 Tri-Valley Irrigation District
- 12 Tulare County
- 13 Tulare Irrigation District
- 14 Tuolumne Utilities District
- 15 Westlands Water District
- 16 West Side Irrigation District
- 17 Westside Water District
- 18 West Stanislaus Irrigation District
- 19
- 20 **STATE WATER PROJECT WATER CONTRACTORS**
- 21 Alameda County Flood Control and Water Conservation District, Zone 7
- 22 Alameda County Water District
- 23 Antelope Valley-East Kern Water Agency
- 24 Castaic Lake Water Agency
- 25 City of Yuba City
- 26 Coachella Valley Water District
- 27 County of Butte
- 28 County of Kings
- 29 Crestline Lake - Lake Arrowhead Water Agency
- 30 Desert Water Agency
- 31 Dudley Ridge Water District
- 32 Empire West Side Irrigation District
- 33 Garden Highway Water Company
- 34 Joint Water Districts Board
- 35 Kern County Water Agency
- 36 Kings County
- 37 Last Chance Creek Water District
- 38 Littlerock Creek Irrigation District
- 39 Metropolitan Water District of Southern California
- 40 Mojave Water Agency
- 41 Napa County Flood Control and Water Conservation District
- 42 Oak Flat Water District
- 43 Oroville-Wyandotte Irrigation District
- 44 Oswald Water District
- 45 Palmdale Water District
- 46 Plumas County Flood Control and Water Conservation District

- 1 Plumas Mutual Water Company
- 2 San Bernardino Valley Municipal Water District
- 3 San Gabriel Valley Municipal Water District
- 4 San Geronimo Pass Water Agency
- 5 San Luis Obispo County Flood Control and Water Conservation District
- 6 Santa Barbara County Flood Control and Water Conservation District
- 7 Santa Clara Valley Water District
- 8 Solano County Water Agency
- 9 Thermalito Irrigation District
- 10 Tudor Mutual Water Company
- 11 Tulare Lake Basin Water Storage District
- 12 Ventura County Watershed Project District
- 13 Western Canal Water District
- 14
- 15 **CALIFORNIA NATIVE AMERICAN INDIAN TRIBES (will be expanded)**
- 16 Cachil Dehe Band of Wintu Indians of the Colusa Indian Community
- 17 Hoopa Valley Tribal Council
- 18 Redding Rancheria Tribe
- 19