CALIFORNIA
Water Boards

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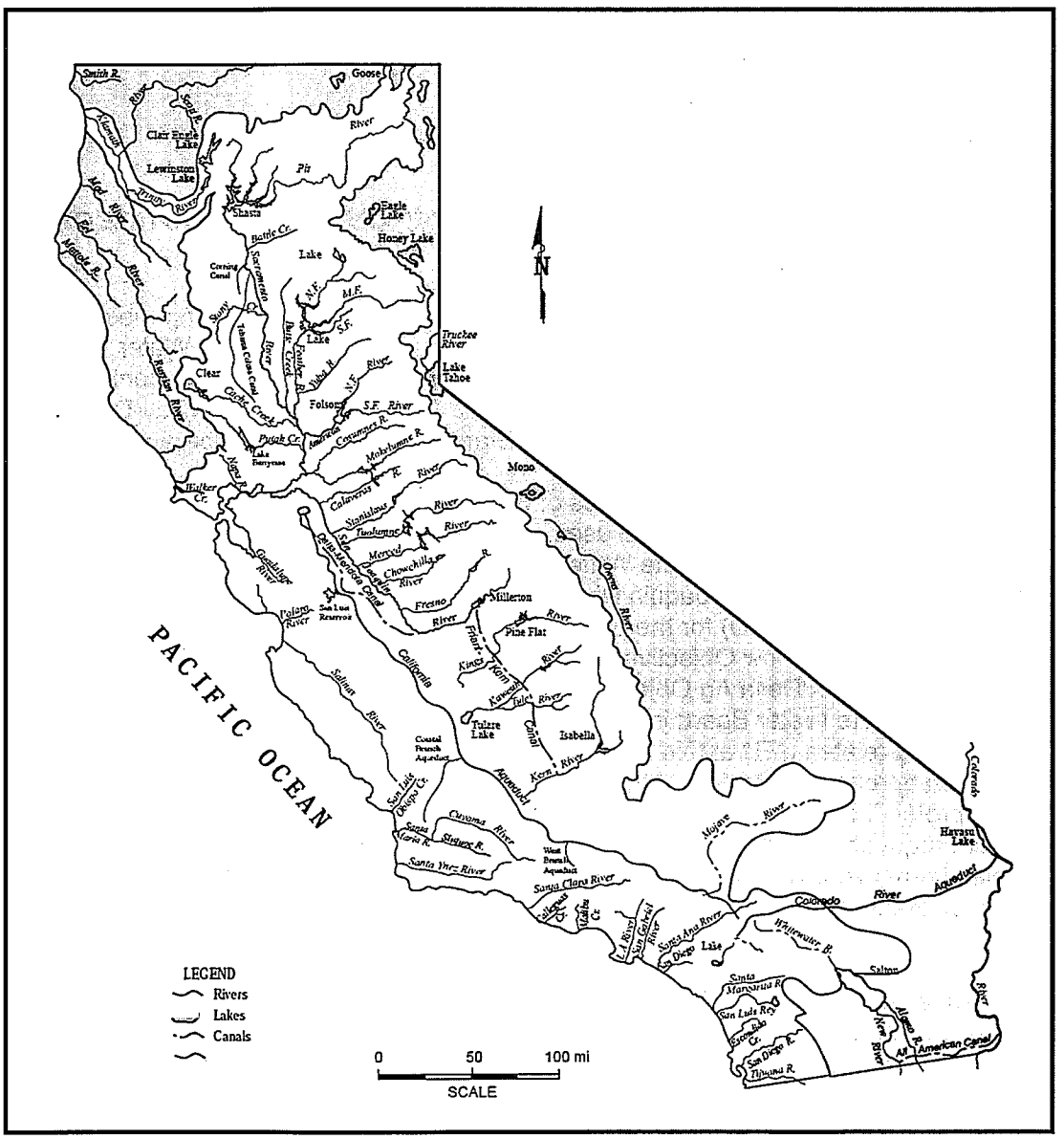
ENVIRONMENTAL PROTECTION

State Water Resources Control Board

Supplemental Notice of Preparation and Notice of Scoping Meeting for Environmental Documentation for the Update and Implementation of the Water Quality Control Plan for the San Francisco Bay/Sacramento-San Joaquin Delta Estuary: Comprehensive Review



PROJECT AREA
*shaded areas not included

Supplemental Notice of Preparation

To: State Clearinghouse, Governor's Office of Planning and Research
P.O. Box 3044
Sacramento, CA 95812-3044

Subject: **Notice of Preparation of Environmental Documentation**

Lead Agency:

Agency Name: State Water Resources Control Board
Street Address: P.O. Box 2000
City/State/Zip: Sacramento, CA 95812-2000
Contact: Karen Niiya
Phone: (916) 341-5365
Email: kyniiya@waterboards.ca.gov

PURPOSE OF THIS SUPPLEMENTAL NOTICE OF PREPARATION AND NOTICE OF SCOPING MEETING

The purpose of this Supplemental Notice of Preparation and Notice of Scoping Meeting (Supplemental NOP) is to provide additional information regarding the State Water Resources Control Board's (State Water Board) current review of the 2006 Water Quality Control Plan for the San Francisco Bay/Sacramento-San Joaquin Delta Estuary (Bay-Delta) (Bay-Delta Plan). This NOP supplements the NOP released by the State Water Board on February 13, 2009.

The Bay-Delta Plan identifies beneficial uses of the Bay-Delta, water quality objectives for the reasonable protection of those beneficial uses, and a program of implementation for achieving the water quality objectives. The State Water Board is currently reviewing objectives relating to southern Delta salinity and San Joaquin River flows and is developing a Substitute Environmental Document (SED) for the protection of Southern Delta Agricultural Beneficial Uses; San Joaquin River Flow Objectives for the Protection of Fish and Wildlife Beneficial Uses (SJR Flow and Southern Delta Ag Objectives); and the Program of Implementation for Those Objectives. The State Water Board is not soliciting information regarding these potential amendments and related SED at this time. Instead, this aspect of the proposed Project involves the comprehensive review of the other elements of the Bay-Delta Plan and potential changes to protect beneficial uses in the Bay-Delta. Through this Supplemental NOP, the State Water Board requests information regarding the potentially significant environmental effects, reasonable alternatives, and mitigation measures related to potential changes to the 2006 Bay-Delta Plan, as identified in this comprehensive review, which will be evaluated in a separate SED.

As lead agency, the State Water Board is requesting additional comments from responsible and trustee agencies and interested persons concerning the scope and content of the environmental information to be included in the State Water Board's SED relating to the State Water Board's review of the Bay-Delta Plan. For responsible and trustee agencies, the State Water Board requests the views of your agency as to the scope and content of the environmental information that is germane to your agency's statutory responsibilities in connection with the proposed Project.

The State Water Board initiated its periodic review of the 2006 Bay-Delta Plan on August 29, 2008, by issuing a notice of public workshop to receive comments from agencies and members of the public regarding potential modifications of the Bay-Delta Plan. In addition to the information received at the workshop, State Water Board staff also reviewed scientific literature and other pertinent information to develop recommendations concerning what issues should be further evaluated during the water quality control planning process to determine what, if any, changes should be made to the Bay-Delta Plan. The 2009 Staff Report for the Periodic Review of the 2006 Bay-Delta Plan (2009 Staff Report) focused on key issues concerning the Bay-Delta's ecology and water quality. The 2009 Staff Report recommended further review of the following issues: (1) Delta outflow objectives, (2) export/inflow objectives, (3) Delta Cross Channel Gate closure objectives, (4) Suisun Marsh objectives; (5) potential new reverse flow objectives for Old and Middle Rivers; (6) potential new floodplain habitat flow objectives; (7) potential changes to the monitoring and special studies program, and (8) other potential changes to the program of implementation.

For each issue, the 2009 Staff Report included a description of the issue, staff's recommendation related to that issue, a brief discussion regarding the scientific understanding of the issue at the time the report was written, and a conclusion with an expanded recommendation. The 2009 Staff Report can be downloaded from the following link:

http://www.swrcb.ca.gov/waterrights/water_issues/programs/bay_delta/periodic_review/docs/periodicreview2009.pdf

In addition to the issues identified in the 2009 Staff Report, the State Water Board will also consider other potential changes to the Bay-Delta Plan that were not specifically addressed in the report, including issues that are identified through the scoping process. The State Water Board may also consider information that is produced as part of the Bay Delta Conservation Plan (BDCP) currently being developed. In addition, the State Water Board will consider information developed as part of its August 3, 2010, staff technical report titled "Development of Flow Criteria for the Sacramento-San Joaquin Delta Ecosystem" (Delta Flow Report). That report describes non-regulatory flow criteria intended to protect aquatic resources in the Delta. The report contains criteria for Delta outflows, Sacramento River inflows, San Joaquin River inflows, and hydrodynamics. For additional information concerning the Delta Flow Report, please visit the State Water Board's website at:
http://www.waterboards.ca.gov/waterrights/water_issues/programs/bay_delta/deltaflow/index.shtml

The State Water Board recognizes that changes in existing conditions may alter the need for flow and other water quality parameters to protect beneficial uses in the Bay-Delta. Changes in existing conditions that may affect flow needs include, but are not limited to, reduced reverse flows in Delta channels, increased tidal habitat, improved water quality, reduced competition from invasive species, changes in the point of diversion of the State Water Project and the Central Valley Project, and climate change. In considering potential changes to the Bay-Delta Plan, the State Water Board will be reviewing changes that should be made to water quality objectives and the program of implementation to protect beneficial uses in the Bay-Delta in the immediate future under existing conditions and in the longer term with and without changes to the environment that may occur as the result of current planning efforts such as the BDCP. Specifically, the State Water Board will be considering whether certain water quality objectives should be phased in over time and under what conditions that phasing should occur, in addition

to what type of contingencies should be provided in the program of implementation if expected habitat improvement and other activities do not occur or do not have the expected results.

Potential changes to the Monitoring and Special Studies Program included in the 2006 Bay-Delta Plan may also be considered in the SED. For additional information concerning the State Water Board's review of the Bay-Delta Plan, please visit the State Water Board's website at: http://www.waterboards.ca.gov/waterrights/water_issues/programs/bay_delta/bay_delta_plan/water_quality_control_planning/index.shtml

The purpose of this Supplemental NOP is to (1) advise responsible and trustee agencies and interested persons that the State Water Board intends to prepare a SED for the comprehensive review of the 2006 Bay-Delta Plan, which will evaluate potential modifications to current, and establishment of new, objectives and the program of implementation for these objectives; and (2) to seek input on significant environmental issues, reasonable alternatives, and mitigation measures that should be addressed in the SED for the issues outlined above. Specifically, the State Water Board seeks input and information to support whether the water quality objectives and associated program of implementation discussed above should be modified or whether they should remain the same. In particular, the State Water Board seeks input and information to support whether Delta outflows, Delta inflows, and water project operational constraints should be increased, decreased, or remain the same.

Other Background

On February 13, 2009, the State Water Board issued a Notice of Preparation and of Scoping Meeting for Environmental Documentation for the Update and Implementation of the 2006 Bay Delta Plan. Except as revised by this notice, the February 13, 2009 notice remains in effect. This document is available at the following link: http://www.waterboards.ca.gov/waterrights/water_issues/programs/bay_delta/bay_delta_plan/environmental_review/docs/nop2009feb13.pdf). The probable environmental effects of the Project are identified in that notice.

In the February 13, 2009 notice, the State Water Board anticipated it would stage components of its environmental review of the Bay-Delta Plan and the environmental review for potential changes to water rights and other measures needed to implement any revisions to the Bay-Delta Plan by preparing more than one environmental document. The notice indicated the work could be completed in four stages:

1. Bay-Delta Plan review and update of the San Joaquin River flow and southern Delta salinity objectives and their program of implementation;
2. Amendment of water rights and other measures to implement the San Joaquin River flow and southern Delta salinity objectives;
3. Review and update of other components of the Bay-Delta Plan and their program of implementation;
4. Amendment of water rights and other measures to implement other components of the Bay-Delta Plan.

The notice stated the proposed Project would include both: 1) the review and update of water quality objectives, including flow objectives, and the program of implementation in the Bay-Delta Plan; and 2) changes to water rights and water quality regulation consistent with the program of implementation. However, at that time the State Water Board only requested comments from

responsible and trustee agencies and interested persons concerning the scope and content of the environmental information to be included in the environmental documentation relating to the southern Delta salinity and San Joaquin River flow objectives and their implementation. The State Water Board indicated that it would provide supplemental notice for other portions of its review of the Bay-Delta Plan and its implementation. This Supplemental NOP is in conformance with this approach.

Substitute Environmental Document for San Joaquin River Flow and Southern Delta Water Quality Objectives and the Associated Program of Implementation

On April 1, 2011, the State Water Board issued a Revised Notice of Preparation and Notice of Additional Scoping Meeting for the preparation of a SED for the State Water Board's review of the southern Delta salinity and San Joaquin River flow objectives, the program of implementation for those objectives, and the scope of the environmental documentation in support of that review; and provided opportunity to comment on the clarified scope. The deadline for written comments on the April 1, 2011 notice was May 23, 2011. The State Water Board is no longer soliciting scoping comments regarding these issue areas. The State Water Board is preparing a separate SED for this portion of its review of the Bay-Delta Plan and its implementation that will analyze the potential environmental impacts of proposed alternatives for revisions to the objectives for southern Delta salinity and San Joaquin River flows, and the program of implementation for those objectives.

Upcoming Informational Item

The State Water Board will hold an informational item and receive comments regarding a schedule of actions to update the Bay-Delta Plan during its regularly scheduled meeting on Tuesday, February 21, 2012.

Project Title: Update to the Water Quality Control Plan for the San Francisco Bay/Sacramento-San Joaquin Delta Estuary: Comprehensive Review.

Project Location: The project area includes the Sacramento-San Joaquin Delta (Delta), Suisun Marsh, and San Francisco Bay. The Delta is composed of about 738,000 acres of which about 48,000 acres are water surface area; Suisun Marsh comprises approximately 85,000 acres of marshland and water ways; and San Francisco Bay includes about 306,400 acres of water surface area. The Delta and Suisun Marsh are located where California's two major river systems, the Sacramento and San Joaquin Rivers, converge to flow westward, meeting incoming seawater from the Pacific Ocean through San Francisco Bay. The Delta is bordered by the cities of Sacramento to the north, Stockton and Tracy to the south, and Pittsburg to the west. The Sacramento and San Joaquin River systems drain water from about 40 percent of California's land area and support a variety of beneficial uses. The Bay-Delta Estuary is one of the largest, most important estuarine systems for fish and waterfowl production on the Pacific Coast of the United States.

The area of potential environmental effects encompasses most of the State, including: 1) the watershed of the Bay-Delta, 2) the Trinity River watershed from which water is diverted into the watershed of the Bay-Delta, and 3) areas receiving water exported from the Bay-Delta.

A map of the Project area and the area of potential environmental effects is provided at the beginning of this notice.

Project Description: The proposed Project includes review of potential modifications to current objectives included in the 2006 Bay-Delta Plan, the potential establishment of new objectives, and modifications to the program of implementation for those objectives. The proposed project also includes potential changes to the monitoring and special studies program included in the 2006 Bay-Delta Plan. The proposed Project does not include amendments to water rights and other measures to implement a revised Bay-Delta Plan. A separate Environmental Impact Report will be prepared for these actions. As noted above, a separate SED is being prepared to address updates to the water quality objectives for the protection of southern Delta agricultural beneficial uses; San Joaquin River flow objectives for the protection of fish and wildlife beneficial uses; and the program of implementation for those objectives.

SCOPING MEETING

A scoping meeting will be held at the following location and time: Joe Serna Jr.-Cal/EPA Headquarters Building Coastal Hearing Room 1001 I Street, 2nd Floor Sacramento, CA 95814	May 16, 2012 9:00 a.m. to 3:00 p.m.

A quorum of State Water Board members may be present at the scoping meeting. The meeting is an opportunity for public agencies and interested persons to provide oral comments to the State Water Board Members. Staff may make a presentation at the meeting. The Board Members may provide direction to staff, but no final action will be taken until a subsequent, noticed Board meeting. In order to allow adequate time for all commenters, time limits may be imposed on presentations. The meeting will be webcast live on the California Environmental

Protection Agency's website at www.calepa.ca.gov/broadcast/. The meeting will be documented with audio and video recording.

WRITTEN COMMENTS

Interested persons are encouraged to submit their written comments, evidence, and other material electronically. Comment letters can be submitted by email to commentletters@waterboards.ca.gov (if less than 15 megabytes in total size) or by fax at (916) 341-5620 with the subject **"Comment Letter – Bay-Delta Plan Supplemental NOP – Comprehensive Review"** In order to be fully considered, comments must be received by **12:00 noon on Wednesday, April 25, 2012.** Written comments also may be delivered via mail to:

Jeanine Townsend, Clerk to the Board
State Water Resources Control Board
P.O. Box 100
Sacramento, CA 95812-0100

or hand-delivered to the following address:

Jeanine Townsend, Clerk to the Board
State Water Resources Control Board
1001 I Street, 24th Floor
Sacramento, CA 95814

QUESTIONS AND ADDITIONAL INFORMATION

General questions concerning this notice may be directed to Karen Niiya at (916) 341-5365 or kyniiya@waterboards.ca.gov or Diane Riddle at (916) 341-5297 or driddle@waterboards.ca.gov. Questions regarding legal issues should be directed to Erin Mahaney at (916) 341-5187 or emahaney@waterboards.ca.gov.

To save paper, the State Water Board strongly encourages interested persons to subscribe to receive information by email. If you would like to receive future announcements about the update and implementation of the Bay-Delta Plan and other Bay-Delta related matters by email, please subscribe to the State Water Board's email list for "Bay-Delta Notices" at: http://www.waterboards.ca.gov/resources/email_subscriptions/swrcb_subscribe.shtml

Alternately, **if you would like to be placed on the State Water Board's hard copy mailing list for Bay-Delta related matters, you must request to be placed on that list.** If you do not request to be placed on the mailing list (or request to remain on that list if you are already on the list) by **May 16, 2012**, you will no longer receive hard copy notices until such time as the State Water Board receives a renewed request to be placed (remain) on the hard copy mailing list. Requests to be placed on the hard copy mailing list should be sent to the State Water Resources Control Board, Division of Water Rights: Ryan Babb, P.O. Box 2000; Sacramento, CA 95812-2000.

ACCESSIBILITY, PARKING, AND SECURITY

The Joe Serna Jr.-Cal/EPA Building is accessible to people with disabilities. Individuals who require special accommodations in the building are requested to contact Tanya Cole, Office of Employee Assistance, at (916) 341-5880.

Persons with hearing or speech impairments can contact us by using the California Relay Service Telecommunications Device for the Deaf (TDD). TDD is reachable only from phones equipped with a TDD Device. HEARING IMPAIRED REPLAY SERVICE: TDD to voice 1-(800)-735-2929; voice to TDD 1-(800)-735-2922.

A parking garage is located across from the Joe Serna Jr./Cal-EPA Building with entrances on 10th and 11th Streets between "I" and "J" Streets. Metered parking spaces are also available in the vicinity of the building. For a map, refer to this website: http://www.calepa.ca.gov/EPAbldg/location.htm.

All visitors to the Joe Serna Jr./Cal-EPA Building are required to sign in and receive a badge at the Visitor Services Center located inside the main entrance (10th and I Streets entrance). Valid picture identification may be required due to the security level. Please allow up to 15 minutes to receive clearance before proceeding to the Coastal Hearing Room on the second floor.

January 24, 2012
Date

Jeanine Townsend
Jeanine Townsend
Clerk to the Board