

LO218 Solano County DRM

Response to comment LO218-1
Please refer to Master Response 2.



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Bill Emlet, Director
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February 2, 2012

Delta Stewardship Council
990 Ninth Street, Ste. 1500
Sacramento, CA 95814
Attention: Terry Macaulay

Re: Solano County Comment on Draft Delta Plan Environmental Impact Report

Dear Delta Stewardship Council Members,

Solano County appreciates the opportunity to comment on the Draft Environmental Impact Report (EIR) for the draft Delta Plan. The draft EIR contains much valuable background information reflective of the far reaching nature of the Plan and related projects yet to be defined. Regrettably, the breadth and depth of the EIR is severely constrained by the extreme programmatic nature of the document and the fragmented state of overall Delta Planning efforts.

The Plan and EIR both seem premature lacking critical information still to come relative to the Bay Delta Conservation Plan (BDCP) and other critical Delta studies currently under development. It seems antithetical to release a pivotal Delta Water Plan document and environmental analysis without key scientific information that is still being developed and essential to fully evaluate the extent of impacts likely to occur. Lacking that information, the process feels like it has a pre-ordained outcome just waiting for a justification.

Despite its' thousand plus pages, the EIR as currently drafted is lacking depth of analysis to truly understand the impacts of the Delta Plan. The overall EIR suffers from redundant analysis, limited significance thresholds for various impact categories, a limited range of impacts considered, and determination of impact levels based programmatic information that is often too vague to be useful. Our overarching comment is that the Plan and EIR should be put on hold until it can be fully informed by the BDCP, potential conflicts with the State Water Board's Delta flow criteria under several of the proposed alternatives, and other related Delta planning efforts. The EIR is simply a shell document at this point and of questionable value. The lack of depth of analysis in the EIR on key issues as reflected in the constant punting to future project assessments casts a cloud of doubt on whether the Delta Plan in its current state meets legislative intent and raises serious questions as to whether the associated EIR fulfills the purpose and intent of the California Environmental Quality Act (CEQA).

Building & Safety David Cliche Building Official	Planning Services Mike Yankovich Program Manager	Environmental Health Terry Schindbauer Program Manager	Administrative Services Suganthi Krishnan Senior Staff Analyst	Public Works- Engineering Matt Tuggle Engineering Manager	Public Works- Operations Wayne Spencer Operations Manager
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Provided in the following sections are Solano County's chapter and page specific comments on the Draft EIR. Highlighted immediately below are broad areas of County comment/concern with the current draft.

LO218-1

Executive Summary, Covered Actions: The main controversy noted is "to what extent the Council can regulate activities within and outside of the Delta." In other words, there is controversy as to the definition of "covered action" under the Delta Reform Act (see Water Code 85057.5). Unfortunately, although the Draft EIR correctly notes this controversy, it does not make any attempt to fully analyze it. A proper analysis of the Delta Plan should include such an analysis. What actions will be "covered actions," which will have an influence on how the Delta Plan will be carried out, and what will be the resulting significant impacts? This is a critical area of concern for Solano County and should be analyzed at a far greater depth in the EIR.

LO218-2

Changes to Cache Slough and Yolo Basin: The EIR covers several alternatives where extensive habitat restoration and flood control projects are planned for these areas. Enough is known about these projects to warrant more extensive study on how these projects will impact agriculture and other land uses such as the extensive network of natural gas pipelines and wells. This includes considering potential stresses such as changes in floodway/floodplain patterns and seepage on areas not planned for habitat restoration such as Ryer Island in the Cache Slough area. Approval of the Delta Plan would potentially help facilitate subsequent action to move forward on these projects depending on what alternative is chosen. Accordingly, we believe that it is mandated under CEQA to study these effects in far greater detail than what is currently reflected in the current version of the Delta plan EIR. The potential impacts are significant and should not be deferred to future project studies. This would be the time to consider true alternatives in the Delta Plan should the current plans for Cache Slough and the Yolo Basin have greater impacts than currently anticipated. The current Delta Plan EIR is very deficient in this type of analysis.

LO218-3

Public Services Chapter: This chapter basically concludes that impacts are less than significant because there will be less growth pressures in the Delta under the various project alternatives and thus less need for new or altered public service facilities. The County disagrees with how this analysis was framed and what was considered in assessing impact potential. The focus was on facilities and not operational costs. It failed to consider the impacts caused by reduced revenues caused when thousands of acres of private lands are taken off the property tax rolls and put in public ownership for habitat projects as planned under several project alternatives. The revenue reduction impacts to local government were not considered nor were the secondary impacts to local government to service isolated habitat areas. We feel this could have a significant impact on Solano County, and needs to be considered with much more analytical depth. We also believe more detailed mitigation needs to be developed, including a process for evaluating these types of impacts as habitat projects are proposed, and a firm commitment to local government entities that mitigation will occur in the form of in-lieu taxes or a similar revenue stream. We are also concerned with long term maintenance of the habitat areas and the need for sufficient endowments so as to avoid shifting maintenance impacts on local entities. The magnitude of land potentially shifting to public ownership makes this essential.

LO218-4

Overall Economic Impacts and Blight Potential: While the overall Delta Plan is broad based in nature, it is clear that habitat restoration is integral to plans to restore environmental conditions in the Delta under several of the alternatives. With that known, the EIR needs to evaluate the effects that such large scale conversion of private, generally highly productive agricultural lands to public ownership will have on the Delta landscape. In addition to the public service impacts noted above, such wholesale change to the current economic base will have the potential to cause great harm to the small Delta communities that primarily exist because of the private agricultural activities that take place in their vicinity. There is a real potential for

LO218-5

Response to comment LO218-2

Please refer to Master Response 1.

Response to comment LO218-3

Environmental review of restoration projects located in Cache Slough and Yolo Basin, to which the comment refers, is being completed by several agencies, such as Department of Fish and Game and U.S. Fish and Wildlife Service, and other entities, such as Trust for Public Lands. Because these studies are ongoing at this time and final plans have not been adopted they were not included in the existing conditions, No Project Alternative, or any of the other alternatives evaluated in the EIR. Therefore, these future actions were evaluated in Section 22, Cumulative Impacts, of the EIR. As described on page 2B-3 of the Draft Program EIR, analogous information from referenced EIRs and EISs were used to provide information about potential impacts and mitigation measures. Please see Appendix H of the Delta Plan for a description of these analogous projects.

Response to comment LO218-4

CEQA does not require analysis of economic impacts. These are not effects on the environment under CEQA, and are not analyzed in the EIR (CEQA Guidelines §§ 15064(e) and 15131). Please refer to Master Response 2.

Response to comment LO218-5

Please refer to response to comment LO218-4.

blight in these communities as their economic base erodes. Accordingly, the EIR needs to consider these impacts in a far more direct way; specific mitigation needs to be developed, even at the programmatic level, to provide a clear basis for addressing impacts when specific projects are proposed.

LO218-5

Agricultural and Forestry Resources Chapter: Solano County appreciates that the EIR acknowledges that significant impacts will likely occur to agricultural uses in the Delta under the various water projects contemplated under the Delta Plan. We do believe a more in depth analysis should be included on the long term potential that introduction of habitat restoration areas will have a domino effect in terms of undermining agricultural activity far beyond the actual boundaries of habitat restoration areas. Mitigation Measures listed under 7.4.3.6.1 provide some guidance on future mitigation but are vague in nature. We would prefer to see more substantive mitigation developed including a framework for how it will be applied to future projects. Otherwise, this is paper mitigation with little consequence. Additionally we believe there should be an analysis of the environmental consequences of taking highly productive and sustainable agricultural lands in the Delta out of production to facilitate shipping water to less productive agricultural regions that require more water to farm and have more secondary environmental impacts.

LO218-6

Land Use Chapter The land use chapter is very limited in the scope of impacts considered. The range of potential land use impacts is far greater than what was analyzed. Enough is known about potential projects that may be facilitated by the Delta Plan to go beyond very generalized speculation on what the impacts might be. For example, the incorporation of habitat restoration projects into a viable agricultural area may secondarily introduce protected species into the area and potentially restrict agricultural operations. Without appropriate protections, there could be secondary reduction in agricultural acreage use beyond the habitat parcels due to restrictions that impede agricultural operations and a significant change to land use patterns. The EIR should be far more aggressive in evaluating these types of impacts and providing a far more complete range of mitigations.

LO218-7

The EIR glosses over policies that have clear consequences for future land use. For example, Policy ER P3 expands the reach of covered actions to potentially severely restrict land use practices such as agriculture in areas of elevation that may be suitable for future habitat projects. In essence, this policy broadens the Council's reach in ways that control land use in these areas far beyond what we believe was the Legislature's intent. This is long before habitat projects are planned or may ever be proposed. The effect of such a policy is to discourage investment in agriculture in affected areas and represents de-facto alteration of agricultural preservation policies that exist in counties such as Solano. Agricultural lands will be lost not only by habitat projects but also the threat of habitat projects (potential adverse condemnation). The land use and economic consequences are immense and should not be minimized by the programmatic nature of the EIR given the direct correlation of the impact to policies in the Plan.

LO218-8

The land use chapter does correctly identify a number of significant and unavoidable impacts. Unfortunately, there isn't much emphasis on finding ways to reduce those impacts as much as possible as required by CEQA. Even at the programmatic level, there is an obligation to make a good faith effort to analyze and mitigate potential impacts, particularly when future projects are fairly well known as is the case with the Delta Plan. This EIR seems to use its programmatic nature as a shield. It is not befitting the magnitude of projects the Delta Plan will likely facilitate and simply accomplishes segmenting by vagueness. As a public disclosure document it certainly does not give the public a clear picture of what might occur as a result of the Delta Plan.

LO218-9

Range of project alternatives considered at equal weight level is too limited: Virtually all project alternatives include some form of alternative conveyance to the current system other

LO218-10

Response to comment LO218-6

The level of detail used to address potential impacts on agricultural uses with implementation of the Delta Plan is consistent with the programmatic nature of the EIR. According to Section 15146 of the State CEQA Guidelines, the specificity of an EIR should correspond to the degree of specificity of the project or plan being analyzed. Because the Delta Plan is a regional-level policy document, it would be impractical and speculative to include a detailed analysis of potential impacts on agricultural uses from future ecosystem restoration projects. Comment noted; the requested change would not affect the evaluation of impacts and determination of significance. See also Master Response 2.

Response to comment LO218-7

Comment noted. The mitigation measures listed in the EIR sufficiently cover this suggested action, as they address the potential for conflicts between agricultural use and habitat restoration projects.

Response to comment LO218-8

Policy ER P3 requires mitigation of impacts caused by covered actions on priority habitat restoration areas. Thus, it addresses, but does not expand, the reach of those covered actions. The effects of ER P3 will depend on the specific circumstances of a proposed project that could otherwise be allowed under a county general plan. Accordingly, it is not possible to determine whether implementation of the Proposed Project will cause any actual conflicts—and resulting impacts—at this time. Nonetheless, the EIR conservatively concludes that the impacts from this policy on land use could be significant.

Response to comment LO218-9

As described in Section 2B of the Draft Program EIR, the Delta Stewardship Council does not propose or contemplate directly authorizing construction or operation of any physical activities. Rather, through the Delta Plan, the Delta Stewardship Council seeks to influence the actions, activities, and/or projects of other agencies, the details of which would be under the jurisdiction and authority of the individual agencies that will propose them in the future and conduct future environmental review. Without specific details of future projects, it is not possible for the Delta Stewardship Council to develop quantitative thresholds of significance, conduct site-specific quantitative analyses, and design site-specific

mitigation measures. Accordingly, this EIR makes a good faith effort to disclose the potentially significant environmental effects of the types of projects that may be encouraged by the Delta Plan. . Please refer to Master Response 2.

Response to comment LO218-10

Please refer to Master Response 3.

than the "no project alternative." This seems far too limiting given the scope of the project and the statewide implications both in terms of water supply and environmental enhancement. Alternatives should also be considered that focus primarily on increasing regional supplies, reducing reliance on transporting huge volumes of water from one region to another, improved flows through the existing system; establishing clear flow protections under the current conveyance system, and other measures that deviate from the apparent preferred approaches that generally involves massive Public Works investment that provide questionable incremental improvements over the existing system. We strongly urge that the range of alternatives considered at an equal weight level be expanded to allow for clear choices rather than variations to what appears to be a stale old model for addressing water needs in California.

LO218-10

Delta Plan policies may have negative consequences on Suisun Marsh: It has been long anticipated that the Suisun Marsh Management Plan would be incorporated into the Delta Plan intact with no revision. There now appear to be policies proposed in the Delta Plan that could impact how the Suisun Marsh is managed. Specifically, a broad interpretation of how covered actions will be implemented could result in constraints on how seasonal wetlands are managed with a potential scenario being a requirement for year round water coverage in these areas. This will significantly modify management practices in the Marsh and result in a changed landscape. In essence, the policies result in condemnation by regulation. The policies are a direct result of policies in the Plan and thus must be analyzed in this EIR with the potential that the impacts are significant.

LO218-11

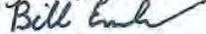
Past modeling in Suisun Marsh indicated salinity risks associated with habitat restoration projects depending on where and how much restoration was to occur. This could negatively impact senior water rights that exist to city and agricultural interests in the vicinity and requires further analysis as a potential significant impact.

The Delta Plan and Draft EIR focus on the 2009 Water Legislation, but fail to consider other factors that will affect the analysis: The 2009 Water Legislation is clearly the focus of this effort. For example, there is only limited analysis of the potential for salinity intrusion associated with the reduced flow alternatives and the possible impacts that will have on senior water rights. Even at the programmatic level, these types of impacts must be thoroughly studied as the Delta Plan is the first step towards potentially moving forward on alternatives that would have these types of impacts. Furthermore, how can a true comparison of alternatives occur if sufficient analytic information is not available in the EIR to make informed choices? Overall, the EIR needs to take a harder look on how the 2009 legislation intertwines with existing agreements, the Water Code, and other aspects of water law that will impact the ability to implement whatever alternative is chosen and the type of impacts that may occur.

LO218-12

In addition to the above broad comments, the following pages contain Solano County's chapter and page-specific comments on the Draft EIR.

Sincerely,



Bill Emlen, Director
Resource Management
County of Solano

Attachments: Fire Hazard Severity Zones in SRA
Draft Fire Hazard Severity Zones in LRA
Solano County Parks and Recreation Brochure

Response to comment LO218-11

As described in Section 2B of the Draft Program EIR, the Delta Stewardship Council does not propose or contemplate directly authorizing any physical activities. Rather, through the Delta Plan, the Delta Stewardship Council seeks to influence the actions, activities, and/or projects of other agencies, the details of which would be under the jurisdiction and authority of the agencies that will propose them in the future and conduct future environmental review. Without specific details of future projects, it is not possible or appropriate for the EIR to attempt to speculate regarding possible incremental effects that the Delta Plan might have on management of a specific location and resource such as Suisun Marsh. See Master Response 2. The potential water quality impacts of Delta and Suisun Marsh ecosystem restoration on water quality and on adjacent land uses are described in Sections 3, 6, and 7 of the Draft Program EIR.

Response to comment LO218-12

Please refer to Master Responses 3 and 5.

cc: Senator Lois Wolk
Senator Noreen Evans
Assemblymember Mariko Yamada
Solano County Board of Supervisors
Birgitta Corsello, County Administrator
Nancy Huston, Assistant County Administrator
Jim Allan, Agricultural Commissioner/Sealer of Weights and Measures
Cliff Covey, Assistant Director, Resource Management
Jan Vick, Mayor of Rio Vista
David Okita, General Manager, Solano County Water Agency
Mike Hardesty, General Manager, Reclamation District 2068
Steve Chappell, Executive Director, Suisun Resource Conservation District
John Currey, District Manager, Dixon Resource Conservation District
Chris Rose, Executive Director, Solano Resource Conservation District

No comments

- n/a -

Solano County
Chapter and Page Specific Comments
Draft Delta Plan EIR
February 2, 2012

Volume 1

Section 1 - Introduction

- Pages 1-8. "The potential for catastrophic levee failure in the Delta and the risk to its residents and water delivery infrastructure posed by floods, sea level rise, earthquakes, and land subsidence is real and growing." Both the Economic Sustainability Plan and the Delta Protection Commission questioned the validity of this contention. In that context, where is the supporting reference for this statement? LO218-13
- This EIR considers a study period that extends until 2030 (page 1-14). With such a long study period how can the document include accurate evaluations of long term impacts? LO218-14

Section 2A - Proposed Project and Alternatives

- For purposes of commenting on this section, the County reiterates its comments in other parts of the EIR regarding the proposed project and project alternatives. LO218-15
- The alternatives selected do not appear to be a "reasonable range" of alternatives. (See 14 Cal. Code Regs. sec. 15126.6(a).) First, besides the "no project" alternative, there are only four real alternatives presented. Second, two of those provide for increased emphasis on water supplies from the Delta. Lastly, all appear to support the peripheral conveyance of water and the completion of the BDCP, including the Alternative 3 that is supposedly "informed by letters and comments from interests in the Delta." (Page 2A-69, lines 20-21.) How such alternatives "foster informed decision making" is difficult to see. (14 Cal. Code Regs. sec. 15126.6(a).) What about alternatives that focus on local and regional supply development as opposed to capital intensive, traditional water engineering solutions whose time may have passed. LO218-16
- Page 2A-66, line 1: missing word "emphasis" in title. LO218-17

Section 2B - Introduction to Resource Sections

- For purposes of commenting on this section, the County reiterates its comments in other parts of the EIR, including those in Section 2A, Section 5 and Section 6. LO218-18
- Section 2.1: The Delta Plan is intended to assist in "guiding state and local agency actions related to the Delta." (Water Code § 85300(a).) As such, it would seem that non-covered actions, although not subject to the Delta Plan's consistency requirements nonetheless should be a part of any CEQA analysis, as those actions could still be influenced by the Delta Plan. LO218-19
- Page 2B-1, Lines 13-15: Although the connection between the Council's Delta Plan and other agencies' physical actions, activities or projects may be "complex," that does not mean that at least some are not "reasonably foreseeable." (14 Cal. Code Regs. sec. 15144.) Reasonably foreseeable effects are required to be analyzed under CEQA. (Id.) Those do not appear to be here. The EIR plays it safe - inadequately safe. LO218-20

[Type text]

Response to comment LO218-13

The statement on page 1-8 of the Draft Program EIR was based upon information included in the reference cited on Line 17 of that page (Lund et al. 2010). This statement also is consistent with the discussion in Section 2A of the Draft Program EIR based upon the 2009 California Water Plan Update.

Response to comment LO218-14

As described in Master Response 2, many of the projects envisioned by the Delta Plan are likely to be constructed and operational by 2030; accordingly, the EIR addresses those projects' reasonably foreseeable impacts.

Response to comment LO218-15

Comment noted.

Response to comment LO218-16

The Proposed Project and the alternatives recommend completion of the BDCP conveyance planning efforts and do not evaluate BDCP implementation, as described in Master Response 1. The Proposed Project and the alternatives assume development of local and regional water supplies in the Delta and in the areas outside of the Delta that use Delta water, as described in Section 2A of the EIR. See also Master Response 3.

Response to comment LO218-17

Comment noted; the requested change would not affect the evaluation of impacts and determination of significance.

Response to comment LO218-18

Comment noted.

Response to comment LO218-19

The EIR analyzed potential covered actions and non-covered actions, as described in Section 2B of the Draft Program EIR.

Response to comment LO218-20

Please refer to Master Response 2. The No Project Alternative considers reasonably foreseeable plans or projects that have been approved. The

Cumulative Impacts in Section 22 of the EIR include reasonably foreseeable and identifiable plans or projects that are being defined at the time of publication of the Notice of Preparation.

- Section 2.3: In discussing mitigation, the EIR appears to focus on future mitigation to covered actions. But, as noted above, the Delta Plan would likely influence non-covered actions. Should those not be part of the mitigation analysis?
- The tables detailing the proposed project and alternatives provide only two potential facilities or actions. Other facilities or actions are likely to happen, as evidenced by the Economic Sustainability Plan. This should be evaluated by the Delta Plan - and it's EIR.

LO218-21

Section 3 - Water Resources

- Section 3.3: This defines the area for which resources may be affected as:
 - 1) Delta watershed
 - 2) Delta
 - 3) Areas outside the Delta that use Delta water. See comment on 3.4.2 - Thresholds of Significance.

LO218-22

- Sections 3.3.2 & 3.3.3: There is no discussion of surface water reuse, although Table 3-1, page 3-20, identifies this source as the largest component of water supplies in the Sacramento watershed. Like the Delta watershed, Delta water is reused/recaptured to a great extent.

LO218-23

- Section 3.3.3.1: This is a technical issue, but very little flow originates in the Yolo Bypass. The Bypass does convey substantial flow from the Colusa Basin Drain, Cache Creek, Willow Slough, Putah Creek and numerous smaller drainages on the west side of the Bypass. During flood the major flow can originate from the Sacramento River, Fremont Weir, Sacramento Weir and the Sacramento and American Rivers.

LO218-24

- Section 3.3.3.4: 700 million acres is incorrect, the entire state, land and water, is only 104,765,440 acres.

LO218-25

- On page 3-31, it is incorrect to state that Delta water is "exported" to Solano County. Only a portion of the County can be considered as being out of the State Water Project (SWP) Area of Origin. Certainly Rio Vista, Dixon, and Vacaville are not export areas. If the statutory language "or conveniently served by" is applied it is arguable to include all of the North Bay Aqueduct (NBA) service area in the Area of Origin.

LO218-26

- Section 3.3.3.4.1: Lines 5 and 6 -This section fails to note the failure of the SWP to complete construction on a significant portion of its planned storage and available yield in California's north coast region. Contracts were never adjusted for the diminished project yield.

LO218-27

- Section 3.3.3.4.2: Lines 14-20--This section fails to recognize the existence of the North Delta Water Agency Agreement that controls water quality on a year-round basis. The agreement standards are more stringent than D-1641 for portions of the year. This agreement's standards are not subject to alteration without North Delta Water Agency's consent.

LO218-28

- Section 3.3.3.4.4: Lines 17-27--This section is illustrative but incomplete. Operations in Dixon and Vacaville make treated water available for agricultural uses either by land application or discharge from the treatment facility.

LO218-29

- Section 3.3.4.1: Page 3-16, Lines 31-44--Again, very cursory and an incomplete description of the watershed.

LO218-30

Response to comment LO218-21

The mitigation measures are considered for both covered and non-covered actions, as described in Section 2B of the Draft Program EIR. Table 2-4 of the EIR provides a summary of information presented in Section 2A. As discussed in Master Response 2, the Delta Stewardship Council seeks to influence the actions, activities, and/or projects of other agencies, the details of which would be under the jurisdiction and authority of the agencies that will propose them in the future and conduct future environmental review. Without specific details of future projects, it is not possible for the Delta Stewardship Council to develop quantitative thresholds of significance, conduct site-specific quantitative analyses, and design site-specific mitigation measures. Accordingly, this EIR makes a good faith effort to disclose the potentially significant environmental effects of the types of projects that may be encouraged by the Delta Plan. Impacts on each of the potentially affected resources areas are analyzed at a program level in Sections 3 through 21 of the DEIR and RDEIR.

Response to comment LO218-22

Comment noted.

Response to comment LO218-23

Existing water reuse actions are discussed on pages 3-16, 3-22, 3-34, 3-43, 3-51, 3-59, and 3-73 of the Draft Program EIR incorporated as part of this FEIR.

Response to comment LO218-24

The words "Yolo Bypass," have been deleted from Page 3-9, Line 36 of the Draft Program EIR.

Response to comment LO218-25

In response to this comment, please see text change(s) in Section 5 in this FEIR.

Response to comment LO218-26

Comment noted; the requested change would not affect the evaluation of impacts and determination of significance.

Response to comment LO218-27

The current inability to meet long-term contract amounts for the SWP and CVP is discussed on page 2A-86 of the Draft Program EIR.

Response to comment LO218-28

Comment noted; the requested change would not affect the evaluation of impacts and determination of significance.

Response to comment LO218-29

Comment noted; the requested change would not affect the evaluation of impacts and determination of significance.

Response to comment LO218-30

The level of detail is appropriate for the Program EIR, as described in Master Response 2.

- Section 3.3.4.1.2: Putah Creek and Cache Slough are not major contributors to the Sacramento River, except during storm water and flood flows. LO218-31
 - Section 3.3.4.1.4: This section is very incomplete and should be identified as an example. LO218-32
 - Section 3.3.5.2.4: This section fails to recognize the Solano Project as a local water supply. The section does recognize the North Bay Aqueduct (NBA) project. This section appears to inaccurately describe the service area for the NBA. LO218-33
 - Section 3.4: Reduced reliance on the Delta will be difficult if not impossible in most parts of the Delta. LO218-34
 - Section 3.4.2: This section lists three threshold metrics to identify when impacts will be considered **SIGNIFICANT**. The third metric states, "**Substantially change water supply availability to water users located outside the Delta that use Delta water**". (emphasis added) The statutory language is clear when it says "water supply reliability for California", did not exclude the Delta. This is an open challenge to in-Delta water users that rely upon riparian rights, senior water rights, County and Area of Origin Statutes and the Delta Protection Statutes. It also may violate the provisions of the North Delta Water Agency (NDWA) Agreement. Every impact identified in Section 3.4 has the very real probability to have serious and significant effect on the availability and quality of water for in-Delta users. There is no statutory authority in the 2009 legislation for the Delta Plan, to subject in-Delta users to lower protections from project impacts. LO218-35
 - Section 3.4.3.1.1: Changes in reservoir operations and shifting the timing of flows through the Delta must be consistent with D-1641 and the NDWA Agreement, failure to do so will be a **SIGNIFICANT** impact. The NDWA Agreement covers water quality, water quantity, and availability of water elevations in the Delta and SWP drought operations. LO218-36
 - Section 3.4.3.2: USACE has not been receptive to significant changes to its nationwide vegetation policy. The only variance yet secured was for the north Natomas area. That permit required a complete relocation of the levee in order to move the levee away from the tree and scrub vegetation, allowing the USACE the ability to declare the levee vegetation compliant. This is economically impossible for Delta levee maintainers to contemplate. LO218-37
 - Section 3.4.3.2.1: As described salinity increases could violate the contractual obligations of the North Delta Water Agency Agreement LO218-38
 - Section 3.4.3.2.2: Under the North Delta Water Agency Agreement, Department of Water Resources (DWR) is obligated to operate to the stricter water quality criteria of the NDWA Agreement or SWRCB standards. This could result in less water for export. In the event that North Delta or other delta water users would be required to rely on other than surface water supplies this would be difficult as very little groundwater development exists in the Delta, a **SIGNIFICANT** impact. LO218-39
- As previously noted in this chapter there are substantial areas of existing groundwater overdraft in portions of the San Joaquin Valley, encouraging additional dependence on groundwater in those areas will only increase overdraft. The plan offers no substantial evidence that this is a sound water management practice. This should be changed to significant impacts.
- Section 3.4.3.2.3: This has the clear potential to violate the provisions of the NDWA as to water quality and quantity. On its face this is a clear violation the provisions of the NDWA as to water quality and quantity. This conclusion is based on the assumption that sufficient LO218-40

Response to comment LO218-31

Comment noted; the requested change would not affect the evaluation of impacts and determination of significance.

Response to comment LO218-32

The level of detail is appropriate for the Program EIR approach, as described in Master Response 2.

Response to comment LO218-33

Comment noted; the requested change would not affect the evaluation of impacts and determination of significance.

Response to comment LO218-34

As described in Section 2A of the EIR, the Proposed Project and many of the alternatives assume that due to implementation of Delta Plan policies and recommendations (such as WR P1 and ER R1), that water users in the Delta and in areas outside of the Delta that use Delta water would be encouraged to implement water use efficiency and conservation programs, recycled water programs, local water storage, and ocean desalination to reduce reliance on the Delta.

Response to comment LO218-35

In response to this comment, please see text change(s) in Section 5 in this FEIR. The potential for secondary impacts associated with the potential for reduced water supplies for some users is discussed in Master Response 5.

Response to comment LO218-36

The Proposed Project does encourage changes to the SWRCB Bay-Delta Water Quality Control Plan which could lead to changes in future SWRCB decisions that may be different than under D-1641. The potential water resources impacts of those changes are discussed in subsection 3.4.3.2 of the EIR. The Proposed Project does not anticipate changes to the existing agreement for operations of the State Water Project and North Delta Water Agency. The agreement between the State Water Project and the North Delta Water Agency is related to the operations of the State Water Project and designed to maintain specified water quality parameters at specific locations in the north Delta. To maintain that water quality, the State Water Project could modify water releases from Oroville Reservoir

or modify diversions at Banks Pumping Plant. Either of these operations could reduce deliveries of SWP to areas outside the Delta that use Delta water. The Proposed Project anticipates reductions of those deliveries for several reasons, and includes potential actions by users located in those areas in Section 3 of the EIR.

Response to comment LO218-37

Comment noted. Please refer to response to comment LO218-4.

Response to comment LO218-38

As noted in the Draft EIR and RDEIR, it is possible that increased salinity in the western Delta in the summer months could cause adverse impacts to users of Delta water. Future, site-specific environmental analyses conducted at the time such projects are proposed by lead agencies will address project-level impacts. Nonetheless, the EIR conservatively determines that these impacts could be significant.

Response to comment LO218-39

As described in Section 2A of the EIR, the Proposed Project and many of the alternatives assume that due to implementation of Delta Plan policies and recommendations (such as WR P1 and ER R1), that water users in the Delta and in areas outside of the Delta that use Delta water would be encouraged to implement water use efficiency and conservation programs, recycled water programs, local water storage, and ocean desalination to reduce reliance on the Delta. As described in section 3.4.3.2.2 of the Draft EIR and the RDEIR, the potential increase in groundwater extraction in areas outside the Delta that use Delta water would occur in accordance with sustainable groundwater management plans and thus would not result in overdraft of local groundwater supplies.

Response to comment LO218-40

The Draft EIR and RDEIR discuss implementation of locally cost effective and technically feasible local and regional projects to ensure that the total water supply available to in-Delta water users would remain the same or increase as compared to existing conditions. In particular, the EIR anticipates that in general new facilities, water transfers, water use efficiency and conservation programs, and implementation of new local and regional water supplies should offset any reduction in available Delta water attributable to new Delta flow objectives. Secondary impacts (e.g. potential land fallowing) could occur where water users are faced with reduced water deliveries and are unable to develop other water supplies. Please also see Master Response 5.

alternative water supplies are available to mitigate significantly. The Delta Plan has no credible evidence that such supplies exist and that in the event they do exist, they will be available and affordable when needed.

LO218-40

- Section 3.4.3.3.3: This conclusion cannot be applied to in-delta water users as increased exports that alter in-delta flows and salinity gradients do have the potential for SIGNIFICANT in-delta impacts. This violates the statutory co-equal goal of "water supply reliability for California". See comment for 3.4.2 above.

LO218-41

- Section 3.4.3.5: This section proposes a very narrow interpretation of protecting and enhancing the Delta. It appears to be quite selective in focusing on recreation and tourism as protective mechanisms. The statutory language established by the Legislature set several basic goals of the state for the delta including achieving the two coequal goals of providing a more reliable water supply for California and protecting, restoring, and enhancing the Delta ecosystem including the protection of Delta agriculture. In addition, it stated that the coequal goals shall be achieved in a manner that protects and enhances the unique cultural, recreational, natural resource, and agricultural values of the Delta as an evolving place and, importantly, three additional goals:

LO218-42

(1) Protect, maintain, and, where possible, enhance and restore the overall quality of the Delta environment, including, but not limited to, agriculture, wildlife habitat, and recreational activities.

(2) Ensure orderly, balanced conservation and development of Delta land resources.

(3) Improve flood protection by structural and nonstructural means to ensure an increased level of public health and safety. (CWC Sec. 29702)

- Section 3.4.3.5.1: Ignores the other mandates as outlined in the Water Code (CWC Sec. 29702). See above. Boat wakes are a principle cause of erosion in the delta, affecting both levee integrity and water quality and are not considered here. The analysis does not consider recreational and tourism facilities waste treatment needs in the Delta, their feasibility, operation, or costs in this unique environment. Impacts to transportation needs and impacts are also not considered.

LO218-43

- Sections 3.4.3.6 & 3.4.3.6.1: Note that these mitigation measures will only be enforceable on "Covered Actions." There are blanket exemptions for ecosystem restoration and flood control projects in the Plan. Activities outside the Delta are not obligated to these measures and those project impacts are potentially SIGNIFICANT impacts.

LO218-44

Section 5 – Delta Flood Risk

- Section 5.1: The section seems overly restrictive given the statutory provision that extends DSC authority to consider flood control activities outside the delta. Certainly, with the delta figuratively being the bottom of the flood control "funnel" in the California Central Valley, upstream actions advocated in the Delta Plan, i.e. Fremont Weir, fish passage, and timing of bypass flows.

LO218-45

- Section 5.3: There is general inconsistency in the description of the study area. Line 1 indicates "Delta and Suisun Marsh and again in line 15; line 30 adds the Yolo Bypass. The study area should be specific and complete.

LO218-46

- Section 5.3.2: This program was implemented to compensate for public benefits and the interests of the public at large of levees in the Delta. Water Code § 12981-12983.

LO218-47

Response to comment LO218-41

Please refer to the response to comment LO218-40.

Response to comment LO218-42

This is a comment on the project, not on the EIR.

Response to comment LO218-43

Please refer to response to comment LO218-42.

Response to comment LO218-44

Comment noted. As recognized in the RDEIR, the mitigation measures identified in section 3.4.3.6 are mandatory only with respect to covered actions. As a result, it is up to agencies with jurisdiction over non-covered actions to decide whether and how to implement these measures. Accordingly, the EIR conservatively finds that the impacts of non-covered actions could be significant.

Response to comment LO218-45

As described in the Draft EIR, the study area for flood risk and flood management includes reservoirs and flood management improvements along the Sacramento and San Joaquin rivers. However, because the Delta Reform Act includes an objective to "reduce risks to people, property, and state interests in the Delta by effective emergency preparedness, appropriate land uses, and investments in flood protection" (Water Code section 85020(g)), this section of the EIR appropriately focuses on the flood management activities within the Delta.

Response to comment LO218-46

The text on page 5-1, Lines 15 through 17, of the Draft Program EIR describes the fact that the Delta and Suisun Marsh are the primary focus of the analysis; and that the analysis also includes "integration of upstream Delta watershed reservoir and flood management improvements along the Sacramento and San Joaquin rivers" which include the Yolo Bypass.

Response to comment LO218-47

Comment noted; the requested change would not affect the evaluation of impacts and determination of significance.

Reduction of levee failures was the means to protect highly productive agriculture, recreation, fisheries, wildlife environment and the present physical characteristics of the Delta, CWC §12981. The local RD indicates that the repair costs amounted to under \$30 million, not \$90 million.

LO218-47

- Section 5.3.3: It would seem that in-Delta water use is not recognized, only outflow to the Bay and water exported.

LO218-48

- Section 5.3.4: Most project levees are maintained by local Reclamation and Levee Districts not the federal and State agencies.

LO218-49

- Section 5.3.4.1.1: This description of the bypass is wrong. The Bypass extends south of Liberty Island to included lower Egbert Island down to at least Watson Hollow drain approximately 2 miles north of Rio Vista. The acreage should approximate 58,000 acres.

LO218-50

- Section 5.3.4.1.2: Should include in Solano County Upper Egbert, Peters Pocket, Upper Liberty and the Yolano District.

LO218-51

- Section 5.3.4.4: This does not address drainage from upland Delta areas.

LO218-52

- Section 5.3.5.1: "Breaching" is not synonymous with "overtopping." A levee breach is when part of the levee actually breaks away, leaving a large opening for water to flood the land protected by the levee.

LO218-53

- Section 5.3.5.1.2: Rio Vista is not currently in the legal Delta.

LO218-54

- Section 5.3.5.1: This section is largely descriptive, and generally the presentation is accurate and appropriate.

LO218-55

- Section 5.3.7.2.2: Is this DPC goal properly characterized?

LO218-56

- 5.3.7.2.3 40 "Coastal Emergences Act" should be corrected to say "Coastal Emergency Act (Public Law 84-99)"

LO218-57

- Section 5.3.7.2.3: Solano County believes that USACE has the authority to flood fight in agricultural areas protected areas, notwithstanding the text in these two lines. ER 500-1-1 seems to provide broad authority in defining "improved properties", - e.g., public facilities/services and residential/commercial developments.

LO218-58

- Section 5.4.1: This appears to say there is no project on which impacts are to be analyzed unless the suggestions/policies result in another entity undertaking an action.

LO218-59

- Section 5.4.2: This definition of "significant" is very important to defining whether an action, such as habitat development, is to be considered a covered action under the Delta Plan. These five criteria provide little to no effective check against major flood damage or inundation in rural areas of the Delta. There is no measure of crop damage, loss of production capability or impacts to developed agricultural lands that triggers a significant impact determination. These definitions are too permissive and not protective enough of flood management facilities and operations. Examples of consideration not included are: changes in water elevations, changes in the duration of flooding/inundation, changes in velocity and direction of flow in flood channels. The current standard for the Central Valley Flood Protection Board is "NO ADVERSE IMPACT" for projects within Yolo Bypass.

LO218-60

Response to comment LO218-48

Section 5.3.3 addresses the physical levees in the Delta. Water supplies are addressed in Section 3 of the EIR.

Response to comment LO218-49

Comment noted; the requested change would not affect the evaluation of impacts and determination of significance.

Response to comment LO218-50

Comment noted; the requested change would not affect the evaluation of impacts and determination of significance.

Response to comment LO218-51

Comment noted; the requested change would not affect the evaluation of impacts and determination of significance.

Response to comment LO218-52

Drainage from upland areas within the Delta is described on page 5-10, Line 38 of the Draft Program EIR.

Response to comment LO218-53

Comment noted; the requested change would not affect the evaluation of impacts and determination of significance.

Response to comment LO218-54

The northern portion of the City of Rio Vista is located within the legal Delta.

Response to comment LO218-55

Comment noted.

Response to comment LO218-56

The paragraph on page 5-34, Lines 6 through 10, is consistent with the mission statement on the Delta Protection Commission's website.

Response to comment LO218-57

Comment noted; the requested change would not affect the evaluation of impacts and determination of significance.

Response to comment LO218-58

Comment noted.

Response to comment LO218-59

Please refer to Master Response 2.

Response to comment LO218-60

The significance criteria in subsection 5.4.2 of the EIR are related to determination of the level of impact in accordance with CEQA and are not related to identification of a covered action in the Delta Plan (see Section 2 of the Draft Program EIR for "covered action" definition). Due to the programmatic nature of the Delta Plan, it is not possible to determine specific impacts, nor is it appropriate to apply quantitative thresholds of significance in the absence of project-level information regarding specific projects that may be influenced or encouraged by the Delta Plan. See Master Response 2.

- Section 5.4.3.1.1: The Conclusion Section does not distinguish adequately the approximate proportions of impacts between construction and operation phases of the "Proposed Project". The reader could assume that impacts resulting from operation phases of the Proposed Project could be more significant than construction phases, which would be more costly and more of a burden to affected municipalities. LO218-61
- Section 5.4.3.1.2: It appears that the only difference between these two paragraphs is the word "construction" and "operation". It is difficult to understand that there would not be a distinguishable difference between operation and construction phases of the Los Vaqueros Reservoir Expansion Project. Obviously one significant difference would be the construction phase where significant amounts of graded areas are temporarily stabilized using SWPPP BMPs vs the operation phase where all disturbed soils must be permanently stabilized to a minimum measure of 70% or greater. LO218-62
- Section 5.4.3.1.3: While new housing may not result from the Plan, other activities that have impacts on the operation and performance of flood control facilities could result in existing housing being mapped into a 100-year flood hazard area. (This might be better applied to § 5.4.3.1.4). LO218-63
- Section 5.4.3.1.4: See comments above for § 5.4.3.1.4. In addition, it states that construction of new surface water storage project facilities would involve impounding large volumes of water. This section does not distinguish between the proportion of projects which would be true impoundment facilities or other projects which would be considered dam structure facilities. The last paragraph of p. 5-41 implies that all (or most) future proposed facilities which impound large amounts of water would be subject to California DSOD review, which is not always the case for some large impoundments with lower levee height profiles (< 6 feet in height). LO218-64
- Section 5.4.3.2.1: With regard to projects in the Yolo Bypass and Cache Slough Complex, these projects contemplate major realignment, modification or creation of water courses within the Sacramento River Flood Control Project (SRFCP). Fremont Weir modifications are designed to alter river flows. The Yolo Ranch Project has estimated excavating as much 2.2 million cubic yards of material for new aquatic habitat. The proposed realignment of Putah Creek is by its very definition a substantial alteration of existing drainage. These projects are proposed within the Yolo Bypass, the largest feature of the SRFCP. Projects of these magnitudes certainly have the potential of creating **SIGNIFICANT** impacts on the drainage of the immediate area and possibly the entirety of the Sacramento River drainage. LO218-65
- Section 5.4.3.2.2: The projects currently proposed for the Yolo Bypass can very definitely affect existing tributary drainages to the Yolo Bypass. Modifications to the Fremont Weir anticipate modifying the timing and quantity of flows in the Bypass. Putah Creek Realignment proposes to change the flow direction of the eastern portion of the creek. Drainages from the west side of the Bypass and properties immediately adjacent to these new and redirected flows will be affected by changes in the timing, elevations and routing of waters in or as a result of ecosystem restoration projects. This should be a **SIGNIFICANT** impact. LO218-66
- Section 5.4.3.2.3: While new housing may not result from the Plan, ecosystem restoration projects and activities that have impacts on the operation and performance of flood control facilities could result in existing housing being mapped into a 100-year flood hazard area. LO218-67
- Section 5.4.3.2.4: The use of Suisun Marsh levees and their susceptibility to damage as a surrogate for levee conditions in the Delta is inappropriate. Scale and hydraulic conditions LO218-68

Response to comment LO218-61

As described on subsection 5.4.3.1.1 of the Draft Program EIR, the Proposed Project would result in significant adverse impacts during both construction and operations. CEQA does not require that an EIR calculate the relative magnitude of impacts, but rather that it determine whether or not they are significant.

Response to comment LO218-62

Subsection 5.4.3.1.2 addresses the potential for increased runoff from both construction and operations at future locations of facilities encouraged for reliable water supplies. While construction and operations may cause many similar impacts, subject to similar mitigation measures, this analysis also notes examples drawn from other projects such as the City of Huntington Beach's proposed desalination facility that are specific to either the construction or operations phase. See DEIR at 5-40. Section 3 of the EIR addresses water quality impacts in greater detail.

Response to comment LO218-63

Potential flooding impacts to existing structures are addressed in subsection 5.4.3.1.4 of the EIR. As described in Section 2B of the Draft Program EIR and Master Response 2, the Delta Stewardship Council does not propose or contemplate directly authorizing any physical activities, including but not limited to construction or operation of infrastructure or housing. Rather, through the Delta Plan, the Delta Stewardship Council seeks to influence the actions, activities, and/or projects of other agencies, the details of which would be under the jurisdiction and authority of the agencies that will propose them in the future and conduct future environmental review. Accordingly, the EIR does not speculate regarding the project-specific effects on the environment of future projects that the Council will neither construct nor approve.

Response to comment LO218-64

The Proposed Project did not assume a specific proportion of surface water storage projects that would constitute impoundment vs. dam structure facilities, nor does CEQA require that it make such specific assumptions in the absence of project-specific information regarding projects that other agencies will propose and for which those agencies will conduct future environmental review. The last paragraph on page 5-41

provides a summary of the analysis for the Los Vaqueros Reservoir Expansion project, not the Proposed Project.

Response to comment LO218-65

The EIR determined that these types of projects would have significant adverse impacts.

Response to comment LO218-66

The analysis included in subsections 5.4.3.2 of the Draft Program EIR determined that Delta ecosystem restoration projects would create significant adverse impacts to drainage patterns (subsection 5.4.3.2.1), but would not cause runoff to exceed the capacity of drainage facilities (subsection 5.4.3.2.2).

Response to comment LO218-67

Potential flooding impacts to existing structures are addressed in subsection 5.4.3.2.4 of the EIR. See response to Comment LO218-63.

Response to comment LO218-68

The EIR refers to multiple projects that provide evidence regarding this impact, including both the Suisun Marsh Management, Preservation, and Restoration Plan and the North Delta Flood Control and Ecosystem Restoration Project. The EIR also recognizes that these impacts would continue to be significant even with mitigation (page 5-69 of the Draft Program EIR).

in each case are not well correlated. Monitoring will only detect the existence of a potentially significant impact. Monitoring alone will not mitigate a problem once it is identified and, therefore, cannot be a complete mitigation, but only a component of mitigation.

LO218-68

- Section 5.4.3.3.1: This paragraph seems completely out of place here. It discusses water quality issues and provides no nexus to drainage or flood risk reduction. The examples provided appear to be strictly short term, site specific, construction impacts. The comments regarding "treatment plants and facilities to reduce or treat runoff from agricultural areas", aside from the flood risk reduction nexus issue, is wildly speculative in suggesting conventional treatment of agricultural runoff for water quality improvement. Current technology would be unaffordable for this purpose, and would essentially condemn properties without compensation if they can not afford the system. A potential for significant impact on agriculture.

LO218-69

- Section 5.4.3.3.2: See comments for § 5.4.3.3.1 above.

- Section 5.4.3.3.2: The type of projects identified as examples should include ecosystem restoration activities that include water quality improvements. An example, creation of seasonal or year-round wetland projects (i.e. Davis wastewater treatment discharges to created wetlands) can create changes in infiltration rates for both rainfall and flood conveyance. Saturated soil conditions can change both the amount of runoff and the timing and duration of storm/flood water occurrence. Vegetation associated with restoration has a direct and measurable effect on conveyance capacity, water surface elevation and system performance.

LO218-70

- Section 5.4.3.3.3: Projects that create residual drainage or flood impacts to existing drainage or flood control facilities can have the effect of triggering a redesignation of existing housing into a 100-year flood hazard area. There seems to be little recognition that the identification of flood hazard areas is a dynamic condition that changes with new or updated hydrology, technology and local conditions. Projects that drive such changes can be responsible for expanding the flood hazard zone. This section should make this recognition and indicate that potential impacts are considered **SIGNIFICANT**.

LO218-71

- Section 5.4.3.3.4: See comments for § 5.4.3.3.2 and § 5.4.3.3.3 above.

LO218-72

- Section 5.4.3.3.5: See comments for § 5.4.3.3.2, § 5.4.3.3.3 and § 5.4.3.3.4 above.

- Section 5.4.3.4.1: The Sacramento Deep Water Ship Channel does not convey flood waters, and any additional storage resulting from dredging would be insignificant relative to the flood flow at the latitude of Sacramento.

LO218-73

- Section 5.4.3.4.4: This section does not address the possibility of redirected flood risks when viewed a part of the larger Sacramento or San Joaquin Flood Control Projects. Redirected impacts to downstream areas can be expected as upstream regions are modified to provide increased levels of protection, especially in urban areas. Cumulative diminuous impacts can aggregate to measurable and significant downstream impacts. Current USACE practice examines project feasibility using incremental analysis; the State, as local sponsor, accepts this protocol. All projects become "local" within the larger flood control system. Rural downstream areas are unable to share in the upstream benefits and, therefore, must be capable of locally generating a positive cost benefit determination to address such impacts. Current construction costs effectively preclude many local agencies from qualifying projects for State and federal cost sharing, thereby ending a project. This should be considered a **SIGNIFICANT** impact.

LO218-74

Response to comment LO218-69

The EIR determines that these impacts may be significant. The concept of agricultural water treatment to improve water quality is included in the Proposed Project and may interact with drainage patterns, runoff, and flooding. The EIR did not evaluate economic impacts. Please refer to Master Response 2.

Response to comment LO218-70

As noted in Table 2B-1 of the Draft Program EIR, potential facilities or actions to improve water quality may include stormwater treatment facilities. The Draft Program EIR conservatively considered potential stormwater treatment facilities that could result in the greatest adverse impacts during construction and operations. Because the Proposed Project does not direct the construction of specific projects nor would the projects be implemented under the direct authority of the Council, the Proposed Project does not identify specific projects, including the use of wetlands for stormwater treatment.

Response to comment LO218-71

Potential flooding impacts to existing structures are addressed in subsection 5.4.3.3.4 of the EIR. In the absence of specific information about possible future projects, it would be inappropriate for the EIR to speculate about possible impacts resulting from unknown future events or actions.

Response to comment LO218-72

Potential flooding impacts to existing structures are addressed in subsections 5.4.3.3.4 and 5.4.3.3.5 of the EIR and are considered to be significant.

Response to comment LO218-73

The references to the Sacramento River Deep Water Ship Channel Draft Supplemental EIR/EIR were included because this document evaluated impacts associated with dredging.

Response to comment LO218-74

The Proposed Project evaluated technically feasible projects and the impacts associated with implementation of those projects. The EIR did not evaluate economic impacts. Please refer to Master Response 2.

- Section 5.4.3.4.5: Section 5.4.3.4.1 describes the potential for the alteration of the course of rivers and streams or increasing the amount or rate of runoff and identifies such impacts as potentially significant. Section 5.4.3.4.5 would appear to presume that such actions as previously identified would not or could not occur in areas containing structures. Given the lack of clarity in identifying projects or specific project locations, it is equally incapable of making the claim that structures will not be placed or determined to be in a newly created 100-year flood hazard area. This should be a potentially **SIGNIFICANT** impact. LO218-75
- Section 5.4.3.6.1: This section is so broad that all of the potential mitigations can only be assumed to be a less than complete listing of typical mitigation actions. Appropriately, the conclusion is that all mitigations represent a potentially significant action. There appears to be a presumption throughout this section although it is not explicitly stated, that for covered actions, the DSC will be able to compel implementation mitigation that reduces covered action to less-than-significant (page 66, § 5.4.3.6, lines 14-16). This is an example of flawed circular reasoning. It is not, until the end of the section there is recognition that such mitigation may not be possible. (page 5-70, § 5.4.3.6.4, lines 22-26). LO218-76
- Section 5.4.4: The entirety of Chapter 5 contains explicit disclaimers that the DSC and this Plan cannot identify or compel projects, but rather "encourage" such. Given this characterization of the Plan's implementation, and the repetitious identification of current and on-going planning efforts and project development, it is hard to draw the conclusion that the Plan adds any substantive and compelling ability to change the course or add substance to the current multiple agency initiatives. A "bully pulpit" plan without the ability to compel some level of adherence to the plan by the non-delta players is simply a shell without substance. It cannot with any certainty claim that actions will or will occur as a result of the Delta Plan. LO218-77
- Section 5.4.5: Did not analyze alternatives 1 or 2. The EIR simply identifies impacts that are defined as either less-than, the same, or greater than the Proposed Plan. Comments on the appropriate section will be generally applicable to the Alternatives. LO218-78

Section 6 - Land Use and Planning

- In addition to the comments below, it should be noted that Solano County, DWR, and SCWA will be initiating a Land Use and Financial Impact Study in order to define and evaluate potential impacts to the Cache Slough Area resulting from the implementation of this Plan. The Study and its process, which will involve local stakeholders, should help determine the extent of land use impacts associated with the project. LO218-79
- Pg. 6-24, Table 6-2: The Rio Vista airport is located within the land use authority of the City of Rio Vista. The ALUC provides a finding of consistency with the Land Use Compatibility Plan. LO218-80
 - Pg. 6-11, Lines 21-27: The "Marsh" designation has been applied to the Primary Management Area of the Suisun Marsh on the Land Use Diagram. The Secondary Management Area is generally designated "Agriculture." Find out what else we designate in secondary area. LO218-81
 - Pg. 6-30, Industrial/Utilities: The Suisun Marsh does contain the Potrero Hills Landfill. This should be included as an existing use and is expressly grandfathered in by legislation. LO218-82
 - Pg. 6-32, Line 1: Should read, "Rio Vista Municipal Airport and Travis Air Force Base." LO218-83

Response to comment LO218-75

The analysis presented in subsection 5.4.3.4.5 indicates that even if changes to flood management facilities, such as levees, would alter existing drainage patterns or increase runoff (subsection 5.4.3.4.1), there would be no increased flood risk due to the placement of structures due to the project objectives of the flood risk reduction project.

Response to comment LO218-76

The EIR analysis does not indicate that implementation of mitigation measures would result in less than significant impacts. Rather, the EIR states that the impacts are not specifically known at this time and may remain significant.

Response to comment LO218-77

This is a comment on the project, not on the EIR.

Response to comment LO218-78

The analyses of No Project Alternative and Alternatives 1A, 1B, 2, and 3 in the Draft Program EIR did not repeat the impact analysis of the Proposed Project if the impacts would be the same or similar. If the impacts were different, a more detailed discussion was provided. Detailed discussions were provided in the Recirculated Draft Program EIR for the Revised Project.

Response to comment LO218-79

Comment noted.

Response to comment LO218-80

Table 6-2 in the Draft Program EIR has been revised to replace "Solano County Airport Land Use Commission" with "City of Rio Vista," and "Solano County Airport Land Use Commission review procedures" have been changed to "Solano County Airport Land Use Commission provides a finding of consistency."

Response to comment LO218-81

In response to this comment, please see text change(s) in Section 5 in this FEIR..

Response to comment LO218-82

In response to this comment, please see text change(s) in Section 5 in this FEIR.

Response to comment LO218-83

Comment noted; the requested change would not affect the evaluation of impacts and determination of significance.

- Pg. 6-38, Line 16: Eliminate the last sentence.

LO218-#1

- Pg. 6-51/52, Effects of Project Operation: Solano County does not include habitat restoration as an allowed land use in areas designated Agriculture. Further, the General Plan requires mitigation for the conversion of agricultural lands to other uses. Habitat banks require a use permit and are evaluated for potential incompatibility with surrounding land uses.

LO218-#5

Section 9-Air Quality

- Section 9.5.3.6.1 - Mitigation Measure 9-1:

- a. Basic Construction mitigation measures recommended for all proposed projects
 - i. #3 (page 9-39) recommends all visible mud or dirt trucked out onto adjacent public roads to be removed by wet power vacuum street sweeper once per day and prohibits dry sweeping. The use of wet power vacuum street sweeping on dirt and gravel roads may not be feasible to implement. Alternate mitigation to prevent track out of dirt and mud from occurring on dirt and gravel roads is required. This includes recommended additional mitigation measure #6 on page 9-40, which recommends washing of truck tires.
 - ii. #4 (page 9-39) requires all construction vehicle speeds to not exceed 15 mph on unpaved roads. However, much of the roads these vehicles will travel over may be unpaved, and travel distances may be quite long. This mitigation measure does not prescribe a distance from the project for this speed limit to be in effect, but assume it is the entire air management basin. Unsure it is feasible to expect construction trucks not to exceed 15 mph. What is recommended monitoring method and compliance measure to ensure compliance with this requirement?

LO218-#6

- b. Additional Construction Mitigation Measures recommended for projects with construction emissions above thresholds
 - i. #2 (page 9-40) recommends suspension of excavation/grading/demolition activity if wind speed above 20 mph. However, there is inadequate detail to determine how this is to be implemented. Average wind speed over what duration? Where is the measurement in proximity to a large project? What happens to the project site when construction just stops during a high wind event? Perhaps the recommendation should call for a high wind management plan that details action that will be taken to forecast high wind events and detail the preventive action that will be implemented prior to the event. The method of monitoring wind speed to obtain the average and information on how suspension of activity will occur in a manner that will reduce dust generation can also be provided in this plan.
 - ii. #6 (page 9-40) should apply to all construction projects that enter/exit onto dirt roads (as mentioned above for #3 on page 9-39). This condition also needs to include that only exterior of trucks and equipment are to be washed off (no engine degreasing), no detergents or chemicals will be used in the wash water, and off site run off of rinse water shall be prevented.

- Section 9.5.3.6.2 (page 9-41) Mitigation Measure 9-2 – objectionable odors
 - a. Not quite sure what this references back to. It references 9-2a, which cannot be found.

LO218-#7

Response to comment LO218-84

Comment noted; the requested change would not affect the evaluation of impacts and determination of significance.

Response to comment LO218-85

In response to this comment, please see text change(s) in Section 5 in this FEIR.

Response to comment LO218-86

In response to this comment, please see text change(s) in Section 5 of the FEIR.

Response to comment LO218-87

In response to this comment, please see text change(s) in Section 5 of the FEIR.

- b. For large projects in the unincorporated area that may impact downwind jurisdictions, recommend a condition that requires notification of the local jurisdiction, which should include contact numbers for responsible individuals during construction should the local jurisdiction receive complaints.
- c. Need a condition that construction activity may be suspended if odor event occurs until conditions change or alternate management practices are implemented that significantly reduce the odor.
- d. This mitigation measure appears to address construction and facility operation, but provides no mitigation for substantial odor events that may result from natural turnover of shallow marsh areas, resulting in the release of odors.

LO218-87

Section 11 - Geology and Soils

- Page 11-1, section 11.1, Study Area, line 29, There appears to be a missing word or phrase following "...potential geologic..."
- Page 11-5, section 11.3.2.1.1, Peat and Organic Soils, line 5, indicates that organic soils is shown on Figure 11-2; however, Figure 11-2 does not identify any organic soil that is referenced in Table 11-1 (Bay Mud or Delta Mud).
- Page 11-6, Figure 11-2, and Tables 11-1 through 11-5 (pages 11-7 through 11-10), do not appear to correlate together, whereas the legend on Figure 11-2 illustrates Alluvium (Q) and Alluvial Deposits (Qoa) however, Table 11-2 describes 13 types of Alluvium, of which none are indicated with the map unit (Q). It is recommended that the Mapped Geologic Units (Figure 11-2) reference the same geologic units or unit groups referenced in Tables 11-1 through 11-5.
- Page 11-12, lines 11 through 13, described recent earthquakes (1892 Vacaville-Winters event and 1983 Coalinga event) to be associated with the Coast Ranges-Sierran Block (CRSB). Since this is one of the large seismic sources that could impact the Delta, then it should be included in Table 11-8 (page 11-15) to present the probability of activity.
- Page 11-12, line 32, defines Active faults as had surface displacement within the last 11,400 years. Article 3 of the Public Resources Code, Section 3601 (a) defines an "Active fault" is a fault that has had surface displacement within Holocene time (about 11,000 years).
- Page 11-15, Table 11-7. The Cordelia fault and West Napa Fault were identified by the California Geological Survey as Holocene active faults and therefore should be included as seismic sources.
- Page 11-16, line 13, describes the Coast Ranges-Sierran Block (CRSB) as including the West Tracy, Vernalis, Black Butte, and Midway faults. However, the CRSB appears in Figure 11-1 as also including Gordon Valley, Trout Creek, and Mysterious Ridge faults. In addition, page 11-12, lines 11 through 13 described the 1892 Vacaville-Winters event as being associated with the CRSB. Since the CRSB is apparently one of the major seismic sources through the Delta, it should also be included in Table 11-8.
- Page 11-16, line 29, describes the Cascadia Subduction Zone that has a potential for generating large-magnitude earthquakes and therefore cause significant ground shaking in the Delta. Due to the potential concern described, this seismic source should also be included in Table 11-7. In addition, the section did not include discussion regarding the potential impacts associated with Tsunamis.

LO218-88

LO218-89

LO218-90

LO218-91

LO218-92

LO218-93

LO218-94

LO218-95

Response to comment LO218-88

Comment noted; the requested change would not affect the evaluation of impacts and determination of significance.

Response to comment LO218-89

Comment noted; the requested change would not affect the evaluation of impacts and determination of significance.

Response to comment LO218-90

Comment noted; the requested change would not affect the evaluation of impacts and determination of significance.

Response to comment LO218-91

Comment noted; the requested change would not affect the evaluation of impacts and determination of significance.

Response to comment LO218-92

Comment noted; the requested change would not affect the evaluation of impacts and determination of significance.

Response to comment LO218-93

Comment noted; the requested change would not affect the evaluation of impacts and determination of significance.

Response to comment LO218-94

Comment noted; the requested change would not affect the evaluation of impacts and determination of significance.

Response to comment LO218-95

The Cascadia Subduction Zone is described on page 11-16 of the Draft Program EIR. It is not included in Table 11-7 because it is a seismic zone and not a fault with surface expression.

- Page 11-17, lines 27 through 31, discusses blind thrust faults, but indicates that the Pittsburg-Kirby Hills fault, (a strike-slip fault), is mapped crossing the Suisun Marsh. This paragraph discusses blind thrust faults. Therefore, the sentence on the Pittsburg-Kirby Hills fault may fit better in the prior paragraph. LO218-96
- Page 11-22, line 29, The areas Susceptible to Liquefaction should be illustrated on maps and incorporate information based on identified date including the Final Technical Report, April 27, 2010, Collaborative research with URS, Corporation, California Geological Survey: Application of New Liquefaction Hazard Mapping Techniques to the Sacramento-San Joaquin Delta Area. LO218-97
- In general, areas susceptible to landslide, levee failure, and slope instability should be identified on maps to identify areas of concern.
- Page 11-74, lines 7 through 12, for the purpose of groundwater withdraw/extraction, projects should also evaluate potential impacts associated with the drawdown of aquifers and impacts on existing water supply wells.
- Overall for any proposed alternative, project-specific and site-specific geotechnical studies should be conducted to evaluate potential detrimental geologic conditions that could impact the projects, including but not limited to, faults, fractures, slides, and/or discontinuities or other geologic conditions. LO218-98
- Mitigation measures may be site-specific depending the on the findings from the geotechnical and geologic studies.

Section 13 – Mineral Resources

No mineral resource zones (MRZ) of regional or statewide importance (MRZ-2 areas, as described in Appendix D) are within the Delta and the Suisun Marsh. (page 13-2)

The Rio Vista gas field, discovered in the Delta in 1936, is the largest field producing non-associated gas in the state, occupying portions of Sacramento, Solano, and Contra Costa counties. This gas field produced over 12 billion cubic feet of natural gas in 2010 (DOC 2011). Natural gas fields are spread throughout the Delta and Suisun Marsh, but are most concentrated around the Rio Vista gas field in the north-central portion of the Delta, near Rio Vista and Isleton. (page 13-2) LO218-99

- The precise magnitude and extent of project-specific mineral resource-related impacts would depend on the type of action or project being evaluated, its specific location, its total size, and a variety of project- and site-specific factors that are undefined at the time of preparation of this program-level EIR. Project specific impacts would be addressed in project specific environmental studies conducted by the lead agency at the time the projects are proposed for approval. – This does not adequately address any impacts that may occur. (page 13-6) LO218-100
- It is unclear at this time how implementation of the Proposed Project would result in construction and operations of projects, including the location, number, capacity, operational criteria, and methods and duration of construction activities. Because of the uncertainties underlying this program-level assessment, project impacts related to substantial depletion of construction aggregate or cement resources cannot be accurately quantified. (page 13-9) LO218-101

Response to comment LO218-96

Comment noted; the requested change would not affect the evaluation of impacts and determination of significance.

Response to comment LO218-97

Due to the programmatic nature of the EIR and uncertainty of the locations and types of future construction, these issues were discussed in the text as part of the existing conditions, rather than mapped as precise locations.

Response to comment LO218-98

Effects on groundwater aquifers are discussed in Section 3 of the Draft Program EIR. Mitigation Measure 1 requires completion of site-specific geotechnical studies (page 11-74, Lines 20 through 23).

Response to comment LO218-99

Comment noted.

Response to comment LO218-100

Please refer to response to comment LO218-9.

Response to comment LO218-101

Please refer to response to comment LO218-9.

- For the purpose of this program-level assessment, impacts related to depletion of construction-grade mineral resources from one or more of the projects and actions encouraged by the Delta Plan could be significant. (page 13-9)

LO218-102

- In cases where construction demand may exceed the available supply of aggregate, such as construction of large infrastructure projects, it may not be feasible to limit use of aggregate to local sources or use recycled aggregate, and impacts on mineral resources would remain significant and unavoidable. (page 13-12)

LO218-103

- Large-scale projects that are located in the Delta and Suisun Marsh may have significant adverse impacts because producing natural gas wells may be difficult to avoid in many areas, especially in the Rio Vista gas field, which contains a high density of wells. However, even if wells have to be abandoned, they could likely be relocated (and directional drilling could be used if necessary) so that the duration of production loss is minimized. For the purpose of this program-level assessment, impacts related to loss of availability of a locally important mineral resource recovery site delineated on a local general plan, specific plan or other land use plan from one or more of the projects and actions encouraged by the Delta Plan could be significant prior to mitigation. (page 13-11)

LO218-104

- In cases where construction would require modifications or abandonment of oil and gas wells in the Delta and Suisun Marsh, such as construction of large infrastructure projects or ecosystem restoration projects, temporary impacts on mineral extraction sites could occur until well modifications are completed or new wells are developed following abandonment. In most cases, implementation of the above mitigation measures would reduce impacts on locally important mineral resources to a less-than-significant level (page 13-12) – These mitigation measures would result in substantial harm to the oil and gas industry. They suggest abandoning wells and drilling new wells. This is a very expensive and who will be responsible for the expense? This could be a significant impact.

LO218-105

Section 14 – Hazards and Hazardous Materials

- The document repeatedly discusses the potential of wild fires and the CAL Fire Responsibility areas but there is no documentation to allow someone to view these areas located in Solano County. The LRA's are defended by the local Fire Districts and the SRA's are managed by CAL Fire, but the first responders are the local Fire Districts.

LO218-106

- Section 14.4.2.4 Solano County Hazardous Waste: This section should state that Solano County Environmental Health Division is the Certified Unified Program Agency (CUPA) and as such is responsible for the following programs:
 - Facilities that handle, store, use, or dispose of hazardous materials equal to or greater than 55 gallons of a liquid, 200 cubic feet of a gas, and/or 500 pounds of a solid. These facilities are required to file a Hazardous Materials Business Plan to the CUPA. The CUPA inspects approximately 1800 facilities.
 - Facilities that use underground storage tanks for the storage of hazardous materials such as gasoline, diesel, and waste engine oil. These facilities are required to file an application, obtain a permit, and complete monitoring according to state law and regulations. The CUPA inspects these facilities
 - Hazardous waste generators are those facilities that accumulate, manage and dispose of hazardous wastes. The CUPA inspects these facilities
 - Aboveground Petroleum Storage, facilities that store at least 1320 gallons of petroleum products in aboveground containers defined as 55-gallons or greater and must develop a Spill Prevention Control and Countermeasure Plan.

LO218-107

Response to comment LO218-102

The EIR concludes that the potential loss of mineral resources under the Proposed Project could be significant, as described on page 13-11, Line 19.

Response to comment LO218-103

In response to this comment, please see text change(s) in Section 5 in this FEIR.. The EIR concludes that the potential loss of mineral resources under the Proposed Project could be significant as described on page 13-12, Line 13.

Response to comment LO218-104

Please refer to response to comment LO218-102.

Response to comment LO218-105

The EIR concludes that the potential loss of mineral resources under the Proposed Project could be significant as described on page 13-12, Line 13. CEQA does not require analysis of economic impacts or cost-benefit analyses (CEQA Guidelines §§ 15064(e) and 15131).

Response to comment LO218-106

In response to this comment, please see text change(s) in Section 5 in this FEIR..

Response to comment LO218-107

In response to this comment, please see text change(s) in Section 5 in this FEIR..

- Tiered Treatment, facilities that generate hazardous wastes and wish treat this waste to either lessen its hazardous characteristics or change it to non-hazardous waste and must obtain a permit for this activity from the CUPA. LO218-107
- California Accidental Release Prevention Programs are classified as facilities that handle and use extremely hazardous substances such as ammonia or chlorine and are required to submit Risk Management Plan to the CUPA.

- Section 14, Page 14-10: Line 8, Underground Storage Tanks: Revise to state Solano County Environmental Health Division which is a Division of the Department of Resource Management is the CUPA. There are 190 Underground Storage facilities in Solano County. LO218-108

- Line 12, Brownfield Sites: Solano County Department of Resource Management is not responsible for Brownfield sites. Solano County Environmental Health Division has a contract with the State Water Resources Control Board to oversee the cleanup of former underground storage tank facilities and conducts regulatory oversight of other sites through voluntary agreements on cost recovery basis. LO218-109

- Section 14, Page 14-36, Mitigation Measure 14-1 should include a Best Management Practice that whenever practical no hazardous materials shall be stored on site. When storage of hazardous materials on site is necessary, the contractor shall develop a spill contingency plan. This section should state if the contractor stores hazardous materials equal to or greater than 55 gallons, 200 cubic feet, and/or 500 pounds then a Hazardous Materials Business Plan shall be created and sent to the appropriate CUPA. LO218-110

- Pages 14-37, Line 29, there are not reportable quantities in California Law and Regulations with the exception of 42 gallons in the California Water Code. LO218-111

Section 16 - Population and Housing

- Pg. 16-10, Table 16-6: Fairfield's housing numbers are incorrect for 2010. LO218-112
- Pg. 16-21, Lines 29-46: We agree that at a program level analysis, it is difficult to determine the number of impacted housing units from ecosystem restoration. However, much of the restoration is proposed to occur in the Cache Slough area of Solano County. This area is zoned for agricultural uses, including the use of primary residences and farm labor residences. Future flooding and habitat restoration not only will impact or displace many existing living units, but will also prevent future units from being established in the area. It is anticipated that the upcoming Land Use Study proposed by the County, SCWA and the DWR will provide greater detail on this impact. LO218-113

Section 18 - Recreation

- Section 18.3, Solano County Park facilities should be shown on any figures that illustrate the "setting" for park opportunities in the region.

This would include Belden's Landing Water Access Facility, which is a Solano County Park located south of Suisun City, at 3186 Grizzly Island Road, located on Montezuma Slough. Belden's Landing provides a motorized boat launch and fishing pier, and boasts annual attendance of approximately 18,000 boaters and fishermen per year. This is one of only a few public boat launches available into Suisun Marsh and Suisun Bay, from the Solano County side. The attached park brochure shows the location. LO218-114

This would also include Sandy Beach County, also shown on the attached park brochure. Sandy Beach County Park is located at 2333 Beach Drive, just south of the City of Rio Vista,

Response to comment LO218-108

In response to this comment, please see text change(s) in Section 5 in this FEIR..

Response to comment LO218-109

In response to this comment, please see text change(s) in Section 5 in this FEIR..

Response to comment LO218-110

Mitigation Measure 14-1 has been amended to be generally applicable to all agencies and entities. Please see text change(s) in Section 5 of the FEIR.

Response to comment LO218-111

Comment noted. Subsequent projects will incorporate federal, State, and/or local requirements during their respective CEQA process, as appropriate, to address potential impacts, however the measures listed in the EIR sufficiently cover this suggested action.

Response to comment LO218-112

In response to this comment, please see text change(s) in Section 5 in this FEIR...

Response to comment LO218-113

The population and housing impact analysis was completed assuming existing general plan land uses. Specific areas to be considered for expanded floodways or floodplains and ecosystem restoration have not been identified at this time. Due to the agricultural uses of the properties in the areas described in the Proposed Project, it is anticipated that any existing or future housing identified in existing general plans could be accommodated within the existing land uses in the Delta.

Response to comment LO218-114

In response to this comment, please see text change(s) in Section 5 in this FEIR..

on the west side of the Sacramento River. It is a very popular water access park, with a boat launch (popular with jet skiers and fishermen), sand beach, picnic area and campground, which host an annual attendance of over 90,000 visitors.

LO218-114

Further information about the four parks in the Solano County Park system can be found at www.solanocounty.com/parks.

The Solano County Public Works Division also maintains a fishing pier at Hill Slough along Grizzly Island Road, approximately 1 mile south of Suisun City.

- Section 18.4: Based on the vague descriptions of the project and alternatives in the DEIR, it is not possible to adequately assess what impacts might occur at parks within Solano County. Certainly any project-level environmental review that occurs in the future needs to include the following potential changes that could impair park facilities located along waterways. LO218-115
- Changes in the water levels of the Sacramento River and Suisun Marsh (especially Grizzly Slough) could have adverse effects on the park infrastructure (including boat launches, beach, fishing pier, and shoreline protection) that exist at Sandy Beach County Park (Rio Vista) and Belden's Landing Water Access Facility, city launch facilities and private marinas. LO218-116
- Any changes in water levels, salinity, or degradation of water quality need to be analyzed in relation to their possible detrimental effects on game species of fish, especially striped bass and sturgeon. These are important fish populations in the local Solano County fisheries, in the Sacramento River and Suisun Marsh. Any significant effect on these fish populations would have an effect on the viability of parks in these areas, which rely on revenues from fishermen who launch from, and fish from the shorelines of the Solano County Parks, to support operational costs in the parks. LO218-117
- Future vegetation control projects in the Delta should target *Arundo donax* (giant reed) which is a major invasive weed in shoreline parks such as Sandy Beach County Park. Its dense and rapid growth pattern can completely cover a beach or water access area in several months. Projects that work toward eradicating this plant would have beneficial impact on water recreation access. LO218-118

Section 19 – Transportation, Traffic, and Circulation

- General: It is sometimes difficult for the reader to distinguish between construction phases and operation phases of the "Impacts Analysis of Project and Alternatives" and therefore difficult to comment on these phases of the Project. It would be desirable for the Draft Delta Plan to better distinguish impacts, even if hypothetically, in order to help the reader evaluate these alternatives. As the document stands today there appears to be minimal difference between construction and operation phases of work. Solano County would request that all proposed projects be fully mitigated to ensure that the current level of service for transportation facilities is maintained or improved and to ensure improvements are included in the costs of these projects if the current level of service (LOS) of these facilities has already been determined to be inadequate. Solano County would also request that these projects fully mitigate impairments to the public road system due to the increased average daily traffic (ADT) from project construction, operation and permanent changes to the existing traffic flow as a part of these projects. LO218-119
- Section 19.1: Solano County would request that all proposed transportation facilities connecting the Delta and Suisun Marsh to other areas be fully mitigated to a level of less than significant. It appears that these transportation facilities would affect mostly local roads. LO218-120

Response to comment LO218-115

Please refer to response to comment LO218-9.

Response to comment LO218-116

Impacts associated with changes in water flow patterns and elevations are described on pages 18-32 and 18-37 of the Draft Program EIR.

Response to comment LO218-117

Analysis of changes in water flows and elevations are described in Section 4, Biological Resources, of the Draft Program EIR.

Response to comment LO218-118

Arundo donax is addressed in the Proposed Project through the reference to implementation of DFG's Ecosystem Restoration Program's Conservation Strategy for Stage 2 Implementation for the Sacramento-San Joaquin Delta Ecological Management Zone, Section III, Stressors, Non-native Invasive Species. This species also is included in the list of invasive plants in Table 4-3 of the Draft Program EIR.

Response to comment LO218-119

Please refer to response to comment LO218-9. Section 19 of the EIR discusses mitigation measures in Section 19.4.4.6 of the DEIR, which address levels of service and other traffic impacts.

Response to comment LO218-120

In response to this comment, please see text change(s) in Section 5 of the FEIR. This comment reflects a statement of law: impacts must be mitigated to less than significant if feasible.

which already have been determined to have low ADT's with some already in need of improvements.

- Section 19.3.2.1.4: The document does not clearly define the impacts to local roads, particularly unincorporated Solano County. The document identifies a likelihood of increased traffic and a potential to reduce LOS below acceptable levels however it does not identify how the increased traffic will impact the life of the road. Many of Solano County's rural roads have low ADT's (around 300) and a substantial increase significantly decreases road life. This impact needs to be identified in the draft document.
- Section 19.4.4.2.1: A focus should also be placed on construction traffic loads which will lessen the life of existing local roads, such as Grizzley Island Road, and other affected transportation facilities, which will have significant cost impacts and additional burden to the County.
- Section 19.4.4.2.1: It states that the Delta Plan encourages implementation of the Suisun Marsh Habitat Management, Preservation, and Restoration Project, with another reference to the Hill Slough Restoration Project (p. 19-27, lines 33, 34). Grizzley Road is the access point to Hill Slough and this local road is currently identified with structural deficiencies in need of repair. Construction traffic and the associated loads would shorten the service life of a local road already determined to be insufficient in some areas and even when repairs or resurfacing is scheduled for this facility, construction traffic will be detrimental and this impact must be fully mitigated. We would consider additional construction traffic and perhaps additional public traffic to be significant.
- Section 19.4.4.2.1: It states that the SMMPRP EIR has reported that lead agencies have determined no significant impacts on roadways and bridges for a 5,000 - 7,000 acre marsh restoration during operational phases of the project. There is not enough information in this Plan for us to make a determination that is in agreement the lead agencies. Solano County will consider that at least some impacts could result from operation of this or other similar projects in Suisun Marsh.

Section 20 – Utilities and Service Systems

- General: Unsure how the Proposed Project which will place a focus on water availability, flood control protection, and Delta ecosystem protection will result in a need for expanded natural gas production. Better to not associate expanded natural gas production with the Proposed Project and address it in separate projects/EIRs.
- Section 20.3.1.3: Stormwater drainage facilities are already experiencing increased demands and increased permit compliance responsibilities governed by SWRCB. It is important for the Proposed Project to fully mitigate any additional demands required of existing stormwater drainage facilities or future proposed expansion of stormwater drainage facilities. All proposed projects should accommodate new proposed permit conditions related to these facilities (i.e. industrial permits) not yet approved by SWRCB or the California Attorney General.
- Section 20.3.1.4: "waste management facilities" should be corrected to read waste management facilities.
- Section 20.4.3.1.2: NDCERP has more construction activities that SMMPRP should be corrected to read "...activities than the Suisun Marsh..."

Response to comment LO218-121

Please refer to response to comment LO218-9.

Response to comment LO218-122

In response to this comment, please see text change(s) in Section 5 of the FEIR. Also, note that the measure already includes provisions for repair of roads due to construction traffic.

Response to comment LO218-123

Please refer to response to comment LO218-122.

Response to comment LO218-124

The discussion of Impact 19-1b on page 19-29 of the Draft Program EIR discusses the fact that the Suisun Marsh Management, Preservation, and Restoration Plan EIS/EIR found potential impacts on traffic to be less than significant. However, for the purposes of the Delta Plan Draft Program EIR, it was determined that there could be a potential significant impact on traffic from operation of projects encouraged by the Proposed Project and the alternatives.

Response to comment LO218-125

As described on page 20-7, Lines 29-32, of the Draft Program EIR, "Natural gas generation capacity is not addressed further in this section. Review of the types of projects and actions envisioned by the Proposed Project and alternatives indicates that there is little or no potential for the projects or actions to affect demand for natural gas. These types of projects and actions do not use natural gas. Therefore, there would be no impact." Impacts to natural gas production are discussed in Section 13, Mineral Resources.

Response to comment LO218-126

Section 20.3.1.3 provides the environmental setting information for storm drainage facilities. Impact 20-3 (Section 20.4.3.1.3) describes potential impacts to storm drainage facilities, focusing on the quantity of stormwater discharges. Quality impacts are addressed in Impact 3-1a through 3-1e. All projects implemented consistent with the Delta Plan would follow regulations in place at the time of development, including the regulations for stormwater quality control described in Appendix D (for example, see Appendix D Section 1.1.2, Clean Water Act).

Response to comment LO218-127

The sentence on page 20-4, Line 17, of the Draft Program EIR the word "faculties" has been changed to "facilities."

Response to comment LO218-128

On page 20-10, Line 6, of the Draft Program EIR the word "that" has been changed to "than."

- Section 20.4.3.1.2: It states that DWR (2010) found that all potential impacts on utilities associated with the project would be less than significant. With the increase demands on the existing infrastructure for power supply and the past experience with statewide "brown-outs", we would request that additional construction or operation phases of Proposed Projects fully mitigate additional demand on the existing utilities and service systems. LO218-129

Section 21 - Climate Change

- General Comment: Though at the programmatic level of analysis it is difficult to quantify the impact, but it should be noted that significant flooding of the Cache Slough area as a result of ecosystem restoration could negatively impact GHG emission levels. Agricultural vegetation and grasses act to sequester carbon from the atmosphere, thus reducing existing GHG in the air. Flooding of these lands would seem to reduce the carbon sequestration in Solano County. General Plan Policy AG.P-21 stresses "protecting grasslands from conversion to non-agricultural uses" to maintain carbon sequestration. The County's Climate Action Plan incorporates this policy by reference. LO218-130
- Pg. 21-28, Lines 35-40: This paragraph discusses and encourages incorporating mitigation measures on non-covered actions. Since the scope of this EIR only applies to covered actions, it seems that recommendations for non-covered actions is inappropriate and should be removed. LO218-131

Chapter 25 – Comparison of Alternatives

- In general, the analysis in this section is weak. It only restates general conclusions. LO218-132

Appendix D- Section 15.3 under Public Services Regulatory Framework (pages d-148-D-146)

- 15.3 lacks a discussion on local regulation of drinking water systems. Specifically, two local programs should be discussed:
 - a. Local Primacy Agency (LPA) – the Department of Public Health, Division of Drinking Water and Environmental Management may delegate and authorize a local environmental health agency to regulate public small community water systems with 15 to 199 service connections. While Solano County is not an LPA, many counties within the study area are and this should be discussed. LO218-133
 - b. State Small Water Systems – Solano County, and all counties in the study area, do regulate state small water systems. These are water systems that have 5 to 14 service connections.
- There is no discussion of wastewater plants or community systems in this section. It does refer back to Section 1, but section 1 does not discuss local sanitation districts, nor does section 15.3's discussion on LAFCO discuss formation of sanitation districts. This discussion must be expanded. LO218-134

Response to comment LO218-129

The Program EIR is a programmatic document, meaning that project-specific details about future projects that may be encouraged by the Proposed Project or the alternatives are not known with any certainty at this time. One such detail would be the local power connections for new facilities. Site-specific impacts to the power grid for each new project would need to be determined with close coordination with the local utility provider (e.g., Pacific Gas & Electric Company) and possibly with the Public Utilities Commission and Cal-ISO. The level of detail necessary for this type of analysis is not known for purposes of the Delta Plan Program EIR. Please refer to response to comment LO218-9 and Master Response 2.

Response to comment LO218-130

This potential impact is discussed on page 21-6, Lines 35 through 39, of the Draft Program EIR.

Response to comment LO218-131

The EIR addresses future covered and non-covered actions.

Response to comment LO218-132

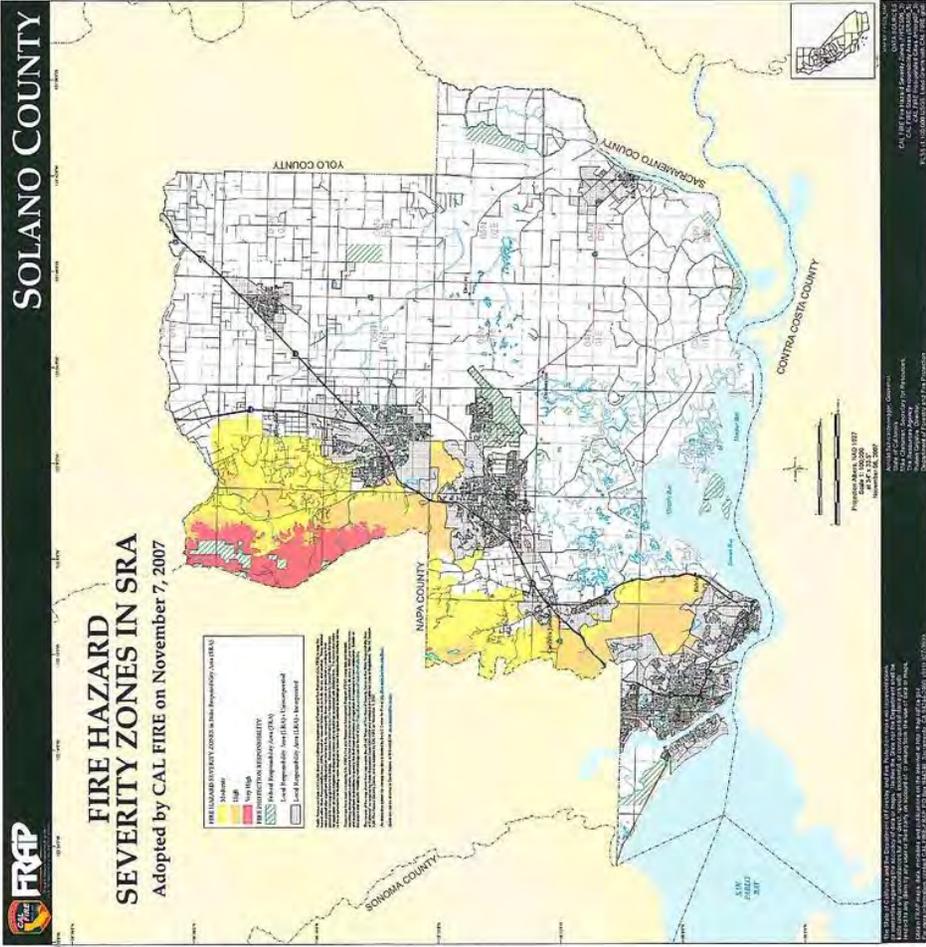
Please see Master Response 3.

Response to comment LO218-133

In response to this comment, please see text change(s) in Section 5 in this FEIR. Because the local primacy agency program is related to the Department of Public Health, the new text was added under state agencies and not under local agencies.

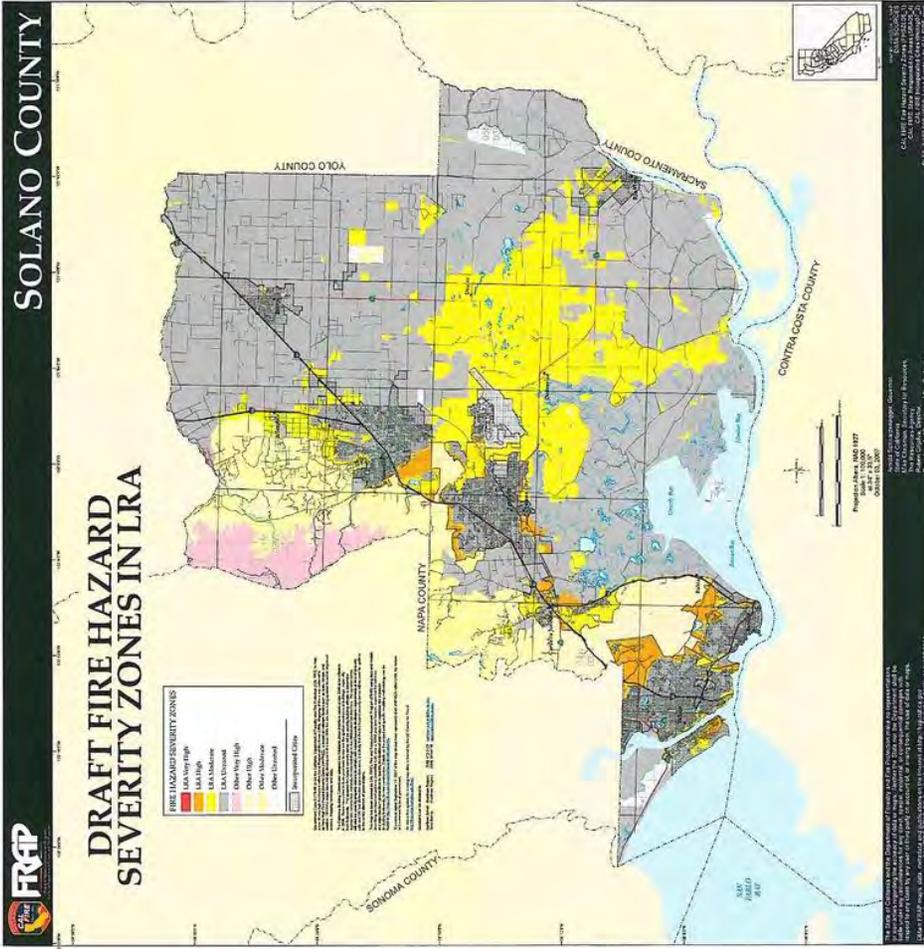
Response to comment LO218-134

The local regulatory framework for wastewater is provided in Appendix D Section 18.3.



No comments

- n/a -



No comments

- n/a -

