

RLO032 SJCOG



S J C O G , I N C .

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January 14, 2013

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THE COUNTY OF
SAN JOAQUIN

Phil Isenberg
Delta Stewardship Council
Recirculated Draft PEIR Comments
980 Ninth Street, Suite 1500
Sacramento, CA 95814

Re: Draft Delta Plan and Programmatic EIR Comment Letter Pertaining to SJMSCP

Dear Chairman Isenberg:

SJCOG, Inc. is the administrator of the San Joaquin County Multi-Species Habitat Conservation and Open Space Plan (SJMSCP). Our staff has continued to be involved with the Delta Plan under the Delta Stewardship Council created by State statute just as we have been with the Bay Delta Conservation Plan (BDCP). After reading the recent Draft Delta Plan and PEIR, our staff continues to have the same concerns previously expressed in our comment letters of May 2011 and January 2012 to Delta Plan staff. RLO032-1

We identified issues in the prior Delta Plan drafts which were again not fully addressed in this Draft Delta Plan nor the PEIR. The continued concerns with the Delta Plan and this draft Delta Plan PEIR are very similar to those our agency has voiced previously to Delta Plan staff and with the concurrent development of the Bay Delta Conservation Plan (BDCP) overlapping parts of San Joaquin County covered by the SJMSCP. They are: RLO032-2

- The unforeseen impacts to the SJMSCP with regards to the federal and state permits being implemented under the existing SJMSCP to balance development and protection of species within San Joaquin County which the Delta Plan drafts have never fully addressed. RLO032-2
- Certain proposed activities and oversight of the Delta Plan, such as the types and extent of restoration in the Delta Plan and BDCP, may have a negative impact on existing preserves and our ability to acquire future preserves within San Joaquin County. RLO032-3

Response to comment RLO032-1

Comment noted. Please see response to commenter's previous letters LO190 and LO217.

Response to comment RLO032-2

Please see response to commenter's previous letter LO190. As described in Section 4 of the EIR, although projects encouraged by the Delta Plan are not likely to conflict with adopted HCPs, NCCPs, or other conservation plans, they could conflict with local policies or ordinances, and are thus considered significant. Future site-specific environmental analyses conducted at the time specific projects are proposed by lead agencies will address those impacts, once sufficient information is available to support such an analysis. HCP/NCCPs being developed were considered as part of the cumulative impacts analysis in Section 22 of the EIR.

Response to comment RLO032-3

Please refer to response to comment RLO032-2.

- Currently, and during the Delta Plan's subsequent updates, the 'Covered Activities' may change or be expanded by the Delta Plan requiring excessive administrative time and costs to the SJMSCP to provide information with compliance. RLO032-4

A further concern our staff had after review of the Draft Delta Plan and PEIR is all the Delta counties which have or are developing HCPs or NCCPs approved by federal and state regulatory agencies are not being automatically considered consistent or exempted from a covered action within the Delta Plan (except for the BDCP).

The SJMSCP plan area covers approximately one-third of the Sacramento-San Joaquin Delta in both the Primary and Secondary Zones. The SJMSCP is a permitted habitat conservation plan containing existing agreements with federal (United States Fish and Wildlife Service) and state (California Department of Fish and Game) agencies including a very complicated Biological Opinion issued with the take permits. These existing agreements are a major difference between SJMSCP and the others under development. Therefore, the SJMSCP (and other implementing plans) should be considered an existing condition and included as such, exempted from "Covered Actions" of the Delta Plan.

The SJMSCP has been diligently fulfilling the terms of the Implementation Agreement and issued federal and state take permits by mitigating for development in San Joaquin County through acquisition of conservation easements and establishment of habitat preserves under an existing conservation strategy which include areas considered under the proposed Delta Plan and the incorporated BDCP. RLO032-5

Therefore, SJCOG, Inc. strongly recommends the following be addressed by any subsequent drafts or documents:

- All aspects of the SJMSCP (present and future) should be incorporated into the Delta Plan as part of the existing baseline conditions similar to the action of the Delta Plan for incorporation of the still developing BDCP (e.g. PEIR Section 2A, 2B, 4 and 23).
- SJCOG, Inc. requests the Delta Plan Staff address ALL potential impacts of the Draft Delta Plan PEIR to the existing SJMSCP fully in the future Final Environmental Impact Report for the Delta Plan (e.g. PEIR Section 2A, 2B, 4 and 23).
- SJCOG, Inc. requests DSC provide equal weight to all Habitat Conservation Plans and Natural Community Conservation Plans with respect to the Sacramento-San Joaquin Delta as provided to the Bay Delta Conservation Plan (e.g. PEIR Section 2B).

Our staff looks forward to working with the Delta Stewardship Council, Delta Plan staff and consultants on the continued development of the final EIR for the Delta Plan to insure a greater likelihood that the Delta Plan and SJMSCP will be complimentary to each other rather than conflicting. RLO032-6

Response to comment RLO032-4

This is a comment on the project, not on the EIR. In addition, and as described in Master Response 1, neither the Delta Plan nor this EIR can expand the definition of covered action beyond what the Legislature has defined because the authority of the Council is governed by the Delta Reform Act.

Response to comment RLO032-5

Please see response to RLO032-2 above.

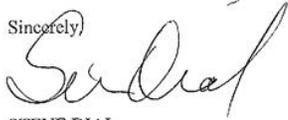
Response to comment RLO032-6

Comment noted.

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RLO032-6
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Please feel free to contact myself or Steven Mayo, Program Manager, on my staff with any comments, concerns or additional needed information regarding the SJMSCP and the continued work on behalf of the county-wide habitat plan in San Joaquin County.

Sincerely,



STEVE DIAL
Deputy Executive Director / Chief Financial Officer

Cc: SJCOG, Inc. Board
Josh Emery, United States Fish and Wildlife Service
Todd Gardner, California Department of Fish and Game
Natalia Orfanos, Delta Coalition

No comments

- n/a -