

ST41 Delta Conservancy

Sacramento-San Joaquin Delta Conservancy comments on Delta Plan Program Draft EIR

Section Number: 1, Introduction

General Comments:

- Unfortunately, this critical section of the document is poorly written making it very difficult to understand what is being proposed and which agency has what responsibilities. The section should be edited extensively to reduce the numerous run-on sentences, overuse of scare quotes and inconsistent capitalization.

ST41-1

Specific Comments

Page; Line No.	Comment, Suggested Addition, or Edit	
1-2; 11	Change (e) to (h) to be consistent with the legislation.	ST41-2
1-2; 37-38	Sentence misstates the Council's charge in the legislation regarding implementing actions; legislation only refers to items in subsection (e) not those under (c) or (d). This misstatement can be read as enlarging the Council's scope than what was originally intended by the legislation.	ST41-3
1-7; 23-24	The sentence on these lines is an example of jargon; state the concept in plain language. I.e., "Historical data from the Delta paints a picture of a place with a rich history of habitat diversity that spanned several over a large area throughout time."	ST41-4
1-7; 45-46	The first sentence does not make sense. Ecosystem restoration is not a sentient being, therefore it cannot seek to restore processes, habitats, or species or be challenged. While it is true that, for example, water seeks its own level, that use of the word has a different meaning than the one used in the first sentence. Agencies (as a collective noun for people) seek and are challenged, or it may be challenging to accomplish ecosystem restoration to restore processes, habitats, and species because of challenges such as (name some examples rather than the catch-all threats and stresses).	ST41-5
1-8; 4	Consider renaming the section. Floods are a threat to Delta communities and uses, but the section implies that recreation, agriculture, and the Economic Sustainability Plan are threats as well?	ST41-6
1-9; 8	What does the term "total Delta" mean?	ST41-7
1-11; 30	Add Public Resources Code sections 32300 through 32381 to the parenthetical because that is where the Delta Conservancy's authority can be found.	ST41-8
1-13, 8	Consider replacing "governance bodies" with "government agencies". Governance is the physical exercise of management power and policy, while government is the instrument (usually collective) that does it. To distinguish the term <i>governance</i> from <i>government</i> : "governance" is what a "government" does.	ST41-9

Response to comment ST41-1

Comment noted.

Response to comment ST41-2

The citation of Water Code sections 85302(c) through (e) is consistent with the legislation.

Response to comment ST41-3

The sentence referred to in the comment on page 1-2, Lines 37 and 38, of the Draft Program EIR refers to Water Code sections 85302 through 85308, not Water Code section 85020 presented on page 1-1, Lines 22 through 28, and page 1-2, Lines 1 through 8.

Response to comment ST41-4

The text referred to in this comment on page 1-7 of the Draft Program EIR is consistent with the information presented in the cited reference; therefore, the sentence referred to in this comment was not modified.

Response to comment ST41-5

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

Response to comment ST41-6

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

Response to comment ST41-7

The term referred to in this comment, "total Delta," is defined on page 1-9, Line 6 of the Draft Program EIR as the area within the Primary and Secondary zones of the Delta.

Response to comment ST41-8

The paragraph referred to in this comment specifically addresses the Delta Reform Act which is not included in the Public Resources Code.

Response to comment ST41-9

The sentence referred to in this comment on page 1-13, Line 8, has not been modified because the wording is consistent with the Delta Reform Act language.

1-13; 9-12	The Delta Conservancy was created to work collaboratively and cooperatively in collaboration and cooperation with local and State governmental agencies and interested parties. It was created to be a primary State agency to implement ecosystem restoration in the Delta, with additional responsibilities to advance environmental protection and the economic well-being of Delta residents. to focus on economic sustainability for the Delta.	ST41-10

Section Number: 2A, Proposed Project and Alternatives

General Comments:

- Poorly written and structured; very repetitive.
- Capitalization issue; e.g., secondary zone or Secondary Zone

ST41-11
ST41-12

Specific Comments

Page; Line No.	Comment, Suggested Addition, or Edit	
2A-5; 25-26	Suggest revising sentence for clarity: To be consistent with the Delta Plan, certain water suppliers that receive water from the Delta are required to comply with the water supply reliability requirements listed in WR P1.	ST41-13
2A-36; 8	Change "development of" to "developing"	ST41-14
36;12	In the Delta Conservancy Interim Strategic Plan, the Delta Conservancy does not identify any strategies that include the participation in regional water resources planning efforts for water supplies. The Conservancy does identify near-term strategies, including participation in regional flood management planning efforts and assisting Delta residents and local entities in identifying, promoting, and communicating water quality needs and issues in the California Water Plan process, to meet our mandates to increase the resilience of the Delta to the effects of natural disasters and protect and improve water quality.	ST41-15
2A-36; 16-17	Change "to accomplish" to "identified in"	ST41-16
2A-56; 15	Add "and the Delta Conservancy" to sentence about funding for Economic Sustainability Plan recommendations. [PRC 32360 (b)(3) states "Funds may be allocated to a separate program within the conservancy for economic sustainability in the Delta." In that same section, the Conservancy is charged with setting up its program consistent with the ESP.]	ST41-17
36;12	In the Delta Conservancy Interim Strategic Plan, the Delta Conservancy does not identify any strategies that include the participation in regional water resources planning efforts for water supplies. The Conservancy does identify near-term strategies, including participation in regional flood management planning efforts and assisting Delta residents and local entities in identifying,	ST41-18

Response to comment ST41-10

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

Response to comment ST41-11

Comment noted.

Response to comment ST41-12

The two instances that the term "secondary zone" was not capitalized in Section 2A (on page 2A-3 of the Draft Program EIR) were because these words were cited from the Delta Reform Act which does not capitalize this term.

Response to comment ST41-13

Comment noted; however the wording on page 2A-5 of the Draft Program EIR was not changed.

Response to comment ST41-14

Comment noted; however the wording on page 2A-36 of the Draft Program EIR was not changed.

Response to comment ST41-15

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

Response to comment ST41-16

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

Response to comment ST41-17

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

Response to comment ST41-18

Please refer to response to comment ST41-15.

	promoting, and communicating water quality needs and issues in the California Water Plan process, to meet our mandates to increase the resilience of the Delta to the effects of natural disasters and protect and improve water quality.	ST41-18
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Section Number: 4 Biological Resources

Specific Comments

Page; Line No.	Comment, Suggested Addition, or Edit	
10;33	The word "temperature" is missing at the end of the first sentence.	ST41-19
88;31-32	In Section 4.4.5.1.3 it states that impacts on fish and wildlife habitat would be the same as those described for sensitive natural communities in Section 4.4.5.1.1, which concludes the overall adverse impacts on sensitive natural communities resulting from Alternative 1A would be greater than those under the Proposed Project. Therefore, the conclusion in Section 4.4.5.1.3 that significant impacts on fish and wildlife habitat under Alternative 1A would be less than under the Proposed Project is not supported.	ST41-20

Section Number: 6 Land Use and Planning

Specific Comments

Page; Line No.	Comment, Suggested Addition, or Edit	
6-49, 39	The Delta Conservancy Strategic Plan is listed as a document that is known to contain potential projects related to ecosystem restoration. The DC Strategic Plan will not identify any specific projects or restoration areas.	ST41-21
6-53, 1	The EIR refers to the "restoration opportunity areas designated in Figure 2-1". Figure 2-1 in the EIR is titled "General Locations of Projects Named in the Proposed or Alternatives" and does not identify any restoration opportunity areas. Figure 2-1 in the 5 th Draft of the Delta Plan is titled "A Nine-step Adaptive Management Framework for the Delta Plan" and does not identify any restoration opportunity areas.	ST41-22
6-58, 2-6	While referencing a project that is contemplated in the Delta Plan, the Sacramento Deep Water Ship Channel and Stockton Deep Water Ship Channel Dredging project, the document alternately refers to both the Army Corps and DWR as the project sponsor. Clarification as to the study author would be appreciated.	ST41-23

Response to comment ST41-19

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

Response to comment ST41-20

In response to this comment on page 4-88, Line 31, of the Draft Program EIR, the word "less" has been has been changed to "greater."

Response to comment ST41-21

This section was not revised in Response to this comment on page 6-49, Line 39, of the Draft Program EIR because the Delta Conservancy Strategic Plan is not listed as a document known to contain potential projects related to ecosystem restoration as indicated in the comment. The Delta Conservancy Strategic Plan is included in the list of bullets of "restoration areas, projects, and programs" named in the Delta Plan (lines 28 and 29). On the following page it is indicated that "The Delta Conservancy Strategic Plan is anticipated to provide a framework that would facilitate ecosystem restoration in the Delta."

Response to comment ST41-22

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

Response to comment ST41-23

The sentence referred to in this comment on page 6-58, Lines 2 through 5, of the Draft Program EIR is referring to the ship channel dredging projects which are being sponsored by the U.S. Army Corps of Engineers and local agencies. The following sentence refers to a separate program that was being developed by DWR at the time of preparation of the Draft Program EIR. However, the requested change would not affect the evaluation of impacts and determination of significance; therefore no changes were made to the EIR.

Section Number: 7 Agriculture and Forestry Resources

Specific Comments

Page; Line No.	Comment, Suggested Addition, or Edit	
29;34-36	The Delta Conservancy Strategic Plan will provide a framework for the ecosystem restoration that the Conservancy will conduct. It is an overstatement to say that the Conservancy Strategic Plan will provide a framework that will facilitate all ecosystem restoration in the Delta. The statement could be modified to state that the Conservancy Strategic Plan will provide a framework for ecosystem restoration that the Conservancy conducts and can be a model for how to conduct restoration in the Delta.	ST41-24
35;18	This sentence suggests that large scale conversion would indirectly affect agriculture and forestland. The work indirectly should be removed from the sentence.	ST41-25
48, 14-16	The opportunities to enhance the Delta presented in these two bullets are very limited. There are many additional opportunities that should be recognized to include, agritourism, wine tasting, cultural/historical tourism, etc..	ST41-26
54, 24-28	This mitigation measure indicates that "limited" ecological restoration is permissible under the Williamson Act. Need to define what is meant by limited. If limited is defined as anything less than full scale conversion to tidal wetlands, this is cannot be considered a mitigation measure.	ST41-27

Section Number: 16 Population and Housing

General Comments:

- **Inconsistencies within the chapter regarding discussion of displacing existing housing or people due to the proposed project. Discussion of all possible outcomes regarding this issue should be clearly outlined on the first page of the chapter within the introductory section.**

Specific Comments

Page; Line No.	Comment, Suggested Addition, or Edit	
16-1;20-22	Text states that it is unlikely the proposed project will displace existing housing or people. This is inconsistent with text on line 31-37.	
16-15;31-37	Text indicates that construction of projects could lead to displacement of existing housing and people and that there is uncertainty because project-level construction and operation details are not available.	ST41-29

Response to comment ST41-24

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

Response to comment ST41-25

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

Response to comment ST41-26

The list referred to in this comment on page 7-48, Line 14, of the Draft Program EIR, includes items that may lead to substantial construction or operational changes to existing conditions that could result in significant adverse impacts to the environment. Implementation of new facilities, such as represented on page 7-48, would support the tourism activities referred to in this comment.

Response to comment ST41-27

In addition to allowing the establishment of agricultural preserves, the Williamson Act allows establishing land preserves to protect open space. Although these land preserves are intended to protect land from urban development, they also are established to protect wildlife habitat, water quality, and other environmental values. According to the California Department of Conservation, the benefits of protecting these resources are "of considerable significance, and not necessarily less" than the benefits of protecting valuable farmland (California Department of Conservation 2007). In response to this comment, please see text change(s) in Section 5 of the FEIR. Also, note that the RDEIR revised this measure.

Response to comment ST41-28

See response to comment ST41-29.

Response to comment ST41-29

As described in subsection 16.4 of the Draft Program EIR, the Proposed Project and the alternatives would not result in significant adverse impacts due to population growth or displacement of existing housing or people due to the nature of the programs encouraged by the Delta Plan. The types of projects encouraged by the Proposed Project and the alternatives would not result in large numbers of new jobs that would result in significant population growth or displacement of housing. Delta ecosystem

restoration and flood risk reduction projects would result in changes in land use; however, these types of projects would occur in rural areas and are not anticipated to result in significant adverse impacts to housing as compared to existing conditions.

Section Number: 19 Transportation, Traffic, and Circulation

Specific Comments

Page; Line No.	Comment, Suggested Addition, or Edit
19-28; 11-12	This statement is incorrect. Please replace with: <i>The Delta Conservancy Strategic Plan, currently under development, will provide strategies for ecosystem restoration and economic development in the Delta, which may include strategies for increasing tourism and recreation in the region. Increases in tourism and recreation may affect transportation in the Delta.</i> ST41-30

Section Number: 23 Bay Delta Conservation Plan

Specific Comments

Page; Line No.	Comment, Suggested Addition, or Edit
27;1	We do not support any suggestion under any alternative that would give the Delta Conservancy the sole responsibility of prioritizing habitat projects suggested by the BDCP. ST41-31
23;13-14	This sentence implies that the Delta Conservancy will have sole responsibility for developing implementation plans for habitat restoration under Alternative 3. While we anticipate developing implementation plans for the restoration we will conduct, there are other agencies that will also be responsible for restoration (DFG, DWR, SFWCA). ST41-32
31, 36-41	This section suggests that BDCP restoration and enhancement activity effects could be temporary and therefore not significant or permanent. This clearly is not the case as once land is converted from agriculture to habitat that conversion is permanent. ST41-33
35, 13-14	This bullet indicates that ecosystem restoration activities could inundate shoreline trails, launching ramps and use areas. We are not aware of any expectation that restoration activities would remove facilities, though it is of course possible that they may. Our expectation is that any restoration would seek to avoid any such impacts, and that restoration conducted by the Delta Conservancy will seek to enhance access and recreation facilities associated with the restored habitat. ST41-34

Response to comment ST41-30

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

Response to comment ST41-31

Comment noted. Alternative 1B reflected recommendations presented in the Draft Alternate Delta Plan-Ag-Urban II Coalition Alternate Delta Plan submitted by the Association of California Water Agencies in a comment letter to the Delta Stewardship Council dated June 10, 2011.

Response to comment ST41-32

It is assumed that this comment refers to page 28, lines 13-14. The language is part of the assumptions for Alternative 3 in the Draft Program EIR and was not changed.

Response to comment ST41-33

The sentence referred to in this comment on page 23-31, Lines 36 through 41, address that some of the impacts could be temporary or permanent. Therefore, this text was not modified.

Response to comment ST41-34

As described on page 2B-2 of the Draft Program EIR, the Delta Stewardship Council does not have the ability to cause a project to occur, but rather seeks to influence it to move forward. How much influence the Council will have is unclear. The Program EIR evaluates, at a program level, the potential impacts of an action that could be encouraged through adoption of the Proposed Project or other alternatives. This is a very conservative approach to environmental review given that the Delta Stewardship Council does not contemplate constructing or operating any facilities through the Delta Plan nor undertaking specific activities to implement the Policies and Recommendations. Accordingly, the EIR identifies potential impacts, such as discussed in this comment, and potential mitigation measures.

Section Number: Section 24, Other CEQA Considerations

Specific Comments

Page; Line No.	Comment, Suggested Addition, or Edit
24; 31-36	We recognize that CEQA requires analysis of growth inducing impacts and considers growth inducing impacts as negative. However, the Delta is currently in need of significant economic development to ensure sustainability. The Delta Conservancy is tasked with both restoration and economic development and we believe that habitat restoration in the Delta can provide significant economic growth opportunities including many new and permanent jobs. Suggest the section be reworded to recognize the need for economic development to maintain a sustainable Delta.

ST41-35

Response to comment ST41-35

Comment noted, however, the specific text to which the comment refers to is not known. The need for economic development in the Delta is addressed in Section 1.3.1.3 of the Draft Program EIR. Please refer to Master Response 2.