



DELTA STEWARDSHIP COUNCIL
A California State Agency

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January 17, 2014

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Mr. John Powderly
West Sacramento Area Flood Control Agency
1110 West Capitol Avenue
West Sacramento, CA 95691

RE: Draft Southport Sacramento River Early Implementation Project Environmental Impact Statement/Environmental Impact Report, SCH#2011082069

Dear Mr. Powderly:

Thank you for the opportunity to comment on the draft Southport Sacramento River Early Implementation Project Environmental Impact Statement (EIS)/Environmental Impact Report (EIR). This letter provides comments on the EIR/EIS and content of the environmental information that is relevant to our agency's responsibility in connection with the proposed project.

State law specifically directs the Delta Stewardship Council (DSC) to provide "advice to local and planning agencies regarding the consistency of local and regional planning documents with the Delta Plan" (Water Code Section 85212). The DSC adopted the Delta Plan on May 16, 2013, and the Plan's regulatory policies became effective on September 1, 2013. The Delta Plan, including its policies and recommendations, should be acknowledged in the final EIS/EIR's description of the project's environmental setting. The draft EIS/EIS states that the Southport Sacramento River Early Implementation Project would, "implement flood risk reduction measures along the Sacramento River South Levee in the city of West Sacramento." This project expects to bring regional levees up to standard with Federal and state levee design criteria, as well as provide opportunities for ecosystem restoration and public recreation. The draft EIS/EIR indicates that the considered alternatives may include construction of:

- Adjacent levees.
- Setback levees.
- Slurry cutoff walls.
- Seepage berms.
- Slope flattening.
- Rock Slope protection.
- Erosion site bank stabilization.

"Coequal goals" means the two goals of providing a more reliable water supply for California and protecting, restoring, and enhancing the Delta ecosystem. 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."

— CA Water Code §85054

We recommend the following matters be discussed or acknowledged in the final EIS/EIR:

- **Inconsistencies with the Delta Plan.** The EIS/EIR should discuss any inconsistencies between the project and the Delta Plan, as required by 15125(d) of the CEQA Guidelines.
- **Land Use and Agricultural Resources.** The draft EIS/EIR identifies the potential land use and agricultural resource impacts and provides possible mitigation measures. In Section 3.11.1.1 Regulatory Framework, page 3.11-1 through page 3.11-2, it also recognizes various federal, state, and local regulations. We commend your efforts on coordination and compliance with different federal, state, and local entities and their regulations and recommend including the DSC in this section of the EIR/EIS. The DSC is an independent State agency charged with furthering the achievement of the State's coequal goals and has specific jurisdiction over and regulations related to land use in the secondary zone of the Delta (23 California Code of Regulation (CCR) Section 5010).

For example, the possible alternatives listed in Section 3.11.3 Effects and Mitigation Measures, page 3.11-6 through page 3.11-14 should be verified for consistency with Delta Plan Policy DP P2 (23 CCR Section 5011), which calls for siting flood management infrastructure to avoid or reduce conflicts with local land uses when feasible.

- **Biological Resources.** This draft EIS/EIR provides biological resource impact assessments and identifies "Setback Levee with Slope Flattening" as the Applicant-Preferred Alternative (APA). It also indicates that the City of West Sacramento and West Sacramento Area Flood Control Agency (WSAFCA) have goals to expand and enhance habitat for fish and wildlife, public recreation, and general open space values, and the Southport project provides excellent opportunities to realize these benefits. In the final EIS/EIR, please verify that the project and the possible outcomes will be consistent with policies identified in the Delta Plan. Such policies include Delta Plan Policy ER P2 (23 CCR Section 5006), which calls for restoring habitats at appropriate elevations; and Policy ER P4 (23 CCR Section 5008), which states that levee projects must evaluate and, where feasible, incorporate alternatives, including the use of setback levees, to increase floodplains and riparian habitats.

Other matters for your consideration

In Section 4.2.3.1, Flood Risk-Reduction Projects, on page 4-14 of this draft EIS/EIR, it mentions the Delta Plan and the Delta Plan Programmatic Environmental Impact Report (PEIR), but with out-of-date information. Please update the information to state that the Delta Plan was adopted on May 16, 2013, and its regulatory policies became effective on September 1, 2013. For reference, the latest information about the DSC, Delta Plan, and PEIR can be found on the DSC's web site at <http://www.deltacouncil.ca.gov/>.

The Delta Reform Act specifically established a certification process for compliance with the Delta Plan's regulatory policies (See attachment on Covered Actions for details). According to the Delta

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Reform Act, it is the state or local agency approving, funding, or carrying out the project that must certify consistency with the Delta Plan. This certification is subject to appeal to the DSC. Should you determine the project is a covered action, a way to streamline the process and make full use of the EIR is to include the information and analysis needed to support the certification of Delta Plan consistency within the EIR, including potentially including a draft certification as an appendix to the final EIR.

Please also note that the final PEIR for the Delta Plan includes a Mitigation Monitoring and Reporting Plan that describes the mitigation required for covered actions. If you should determine this project is a covered action, it may be affected by the Delta Plan's Policy GP1 (23 CCR Section 5002(b)(2)), which states, "Covered actions not exempt from CEQA must include applicable feasible mitigation measures identified in the Delta Plan's PEIR or substitute mitigation measures that the proposing agency finds are equally or more effective." Even if the project is not a covered action, we encourage consistency with the Delta Plan's Policies and Recommendations, including Recommendation DP R16, which encourages recreation on public land use. We commend you on proposing to provide West Sacramento residents with recreation opportunities that are compatible with implementation of flood risk-reduction measures.

I encourage you to contact my staff You Chen (Tim) Chao at YouChen.Chao@deltacouncil.ca.gov or (916) 445-0143 with your questions, comments, or concerns. We would like to work with you to ensure the consistency of the Southport Sacramento River Early Implementation Project with the Delta Plan while also avoiding, minimizing or mitigating potential environmental impacts and we look forward to continued coordination between our agencies to further our related efforts. We are available to continue discussions about how to ensure that your project is consistent with the Delta Plan.

Sincerely,



Cindy Messer
Deputy Executive Officer
Delta Stewardship Council

Enclosure