

DELTA STEWARDSHIP COUNCIL

RESOLUTION 2021-1

DETERMINATION OF CEQA EXEMPTION; APPROVAL OF DELTA ADAPTS
VULNERABILITY ASSESSMENT

WHEREAS, the Sacramento-San Joaquin Delta Reform Act of 2009 (Delta Reform Act), Water Code section 85000 *et seq.*, directs the Delta Stewardship Council (Council) to develop an enforceable, comprehensive, long-term management plan for the Sacramento-San Joaquin Delta and the Suisun Marsh (collectively, the Delta); and

WHEREAS, the Delta Reform Act directs that the Delta Plan must further the “coequal goals” (Water Code § 85300); and

WHEREAS, the Delta Reform Act defines the coequal goals to mean the two goals of providing a more reliable water supply for California and protecting, restoring, and enhancing the Delta ecosystem (Water Code § 85054); and

WHEREAS, the Delta Reform Act directs that the coequal goals must 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 (Water Code § 85054); and

WHEREAS, in May 2018, the Council initiated a climate study called Delta Adapts: Creating a Climate Resilient Future, consisting of: 1) a vulnerability assessment and supporting documents to improve understanding of regional vulnerabilities to climate change in order to protect the vital resources the Delta provides to California and beyond, with a focus on State interests and investments, to be followed by 2) an adaptation strategy detailing the strategies and tools available for state, regional, and local governments to use in helping communities and ecosystems thrive in the face of climate change; and

WHEREAS, Council staff has prepared a Vulnerability Assessment with attachments for consideration and approval by the Council, which provides key findings of regional vulnerabilities to climate change-related to changing climate stressors and hazards (i.e., air temperature, precipitation, sea level rise, flooding, and extreme heat), Delta as an evolving place (i.e., people, places, agriculture, recreation, and infrastructure), ecosystems, and water supply reliability; and

WHEREAS, Council staff has prepared the Vulnerability Assessment with attachments by engaging with community and interested stakeholders, as well as local, regional, and state partners, to obtain data and to verify findings; and

WHEREAS, Council staff reviewed methods to prepare and the results of the analyses with a Technical Advisory Committee that is comprised of experts in the Delta system and climate change, and who also guided the technical work; and

WHEREAS, pursuant to the provisions of the California Environmental Quality Act (CEQA), Public Resources Code section 21000 *et seq.* and the Guidelines for Implementation of CEQA (State CEQA Guidelines), California Code of Regulations, title 14, section 15000 *et seq.*, Council staff has independently determined that the Vulnerability Assessment with attachments are exempt from CEQA environmental review pursuant to the following statutory and categorical exemptions:

1. categorical exemption in State CEQA Guidelines section 15306 (Information Collection) which “consists of basic data collection, research, experimental management, and resource evaluation activities which do not result in a serious or major disturbance to an environmental resource; these may be strictly for information gathering purposes, or as part of a study leading to an action which a public agency has not yet approved, adopted or funded,” (CEQA Guidelines section 15306.); the Vulnerability Assessment with attachments is a study that may lead to an action that the Council has not yet approved, adopted, or funded; it has involved data collection and research in the form of consulting with other public agencies, public input, and the input of a Technical Advisory Committee; none of these activities involved or resulted in a disturbance to environmental resources and the Vulnerability Assessment with attachments is exempt from CEQA under CEQA Guidelines Section 15306; and
2. statutory exemption in Public Resources Code section 21102 and State CEQA Guidelines section 15262 (Feasibility and Planning studies) which applies to projects “involving only feasibility or planning studies for possible future actions which the agency . . . has not yet approved, adopted, or funded does not require the preparation of an EIR or negative declaration but does require consideration of environmental factors,” (CEQA Guidelines section 15262.); the Vulnerability Assessment with attachments are exempt from CEQA because it involves only evaluations of scientific climate change information and may lead to recommendations for possible future planning actions (it is the first step in a planning study) that the Council has not yet approved, adopted, or funded; it will not have a legally binding effect on later activities and will not have a significant effect, or any physical effect, on the environment; because this is only the first step of a planning study, there are no environmental factors to consider; and
3. the “common sense exemption” in State CEQA Guidelines section 15161(b)(3), which states “the general rule that CEQA applies only to projects which have a potential for causing a significant effect on the environment. Where it can be seen with a certainty that there is no possibility that the activity in question may have a significant effect on the environment, the activity will not be subject to CEQA,” the Vulnerability Assessment with attachments are exempt from CEQA because it consists of an evaluation of the best available scientific information concerning climate change impacts and vulnerabilities in the Delta and makes findings regarding existing and future climate vulnerabilities in the Delta; as the Vulnerability Assessment involves only the study of evaluations and recommendations for possible future planning actions, the Vulnerability Assessment will not have a significant effect, or any physical effect, on the

environment and is exempt from CEQA under CEQA Guidelines Section 15161(b)(3); and

WHEREAS, the Council has independently reviewed and considered the basis for the statutory and categorical exemptions prior to taking any approval action on the Vulnerability Assessment with attachments, and exercised its independent judgment based on the entire record before it, to determine if the project is exempt from CEQA.

NOW, THEREFORE, BE IT RESOLVED BY THE DELTA STEWARDSHIP COUNCIL THAT:

1. The Council hereby finds the foregoing recitals to be true and correct and incorporates them herein.
2. The Council has exercised its independent judgment, based on the entire record before it, and determines that the Vulnerability Assessment with attachments is exempt from CEQA pursuant to Public Resources Code section 21102 and State CEQA Guidelines sections 15061(b)(3), 15262, and 15306.
3. The Council approves the Vulnerability Assessment with attachments.
4. The Council authorizes and directs the Executive Officer, or her delegee, to incorporate any errata and any other non-substantive, technical changes in the Vulnerability Assessment that are identified at the June 24, 2021 meeting.
5. The Council authorizes and directs the Executive Officer, or her delegee, to take such steps as are necessary to affect the intent of this resolution, including the filing of Notice of Exemption pursuant to CEQA and related actions.

CERTIFICATION

On a motion by Councilmember _____, seconded by Councilmember _____, and a vote of the Council, the foregoing resolution was passed and adopted by the Delta Stewardship Council by the following vote at a regular meeting of the Delta Stewardship Council on June 24, 2021.

Tatayon _____
Damrell _____
Madueño _____
Mehranian _____
Nottoli _____
Smith _____
Zingale _____

Dated: June 24, 2021

Rebecca Barger

Clerk of the Board of the Delta Stewardship Council