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Section 1

Background and Purpose of this Addendum

1.1 Background

In November 2009, the California Legislature enacted Senate Bill X7 1, one of several bills passed at that time related to water supply reliability, ecosystem health, and the Sacramento–San Joaquin Delta and Suisun Marsh (Delta) (Water Code [Wat. Code] section 85058). This new law became effective February 3, 2010 and included the Sacramento–San Joaquin Delta Reform Act of 2009 (Delta Reform Act) codified in Wat. Code Division 35. The Delta Reform Act establishes the Delta Stewardship Council (Council) as an independent agency of the State of California (State) and requires the Council to develop and adopt the Delta Plan, a legally enforceable, comprehensive, long-term management plan for the Delta to achieve the coequal goals (Wat. Code sections 85001(c), 85059, and 85200(a)).

On May 16, 2013, the Council certified the Program EIR (PEIR) for the Delta Plan (State Clearinghouse #2010122028) which analyzed the potential significant impacts of implementing the Delta Plan at a program level of detail and adopted the Delta Plan. The Delta Plan includes 14 policies, which the California Office of Administrative Law approved as regulations in California Code of Regulations (Cal. Code Regs.) title 23, sections 5001 through 5014 in September 2013, after completion of the rulemaking process pursuant to the Administrative Procedure Act. The Council has been implementing the Delta Plan since that time.

Amendments to the Delta Plan have been adopted since 2013. In 2018, the Council adopted three amendments to the Delta Plan:

- ◆ Pursuant to Wat. Code section 85304, “promotion of options for new and improved infrastructure relating to Delta water conveyance, storage, and the operation of both to achieve the coequal goals,” the Council amended Chapter 3 of the Delta Plan. This amendment is referred to as the Conveyance, Storage Systems, and the Operation of Both (CSO) Amendment, and includes an amendment to Delta Plan Recommendation WR R12.

- 1 ♦ Pursuant to Wat. Code sections 85211 and 85308(a) through 85308(d), the
2 Council amended Appendix E of the Delta Plan to include revised output and
3 outcome performance measures. The revised performance measures contain
4 quantified or otherwise measurable targets to be used as indicators of whether
5 the Delta Plan is meeting its objectives. These revisions are referred to as the
6 Performance Measures (PM) Amendment.
- 7 ♦ Pursuant to Wat. Code sections 85305 and 85306, the Council amended
8 Chapter 7 of the Delta Plan by updating and adopting new recommendations and
9 Policy RR P1 regarding strategic investment in Delta levees for the purposes of
10 risk reduction, including a revision of interim Delta Plan policy RR P1. These
11 revisions are referred to as the Delta Levees Investment and Risk Reduction
12 Strategy (DLIS) Amendment.

13 The impacts of these proposed amendments were evaluated in the Delta Plan
14 Amendments PEIR (State Clearinghouse #2017032048). The Council certified the Delta
15 Plan Amendments PEIR and adopted the amendments on April 26, 2018 (2018 PEIR).
16 In addition, 23 CCR 5002 (b)(2) was amended to add the new 2018 mitigation measure,
17 Mitigation Measure 5.2-1.

18 On March 26, 2020, the Council adopted Resolution No. 2020-01 determining not to
19 proceed with the rulemaking process and rescinding Policy RR P1 and accompanying
20 text in the DLIS Amendment due to the need to evaluate updated information regarding
21 the height of levees and island floors based on newly published elevation data by the
22 California Department of Water Resources.

23 The Council now proposes to adopt a revised DLIS Amendment, amend Cal. Code
24 Regs. title 23, section 5001 to update and add definitions for terms used in updated
25 Delta Plan Policy RR P1 and amend Cal. Code Regs. title 23, section 5012,
26 Prioritization of State Investments in Delta Levees and Risk Reduction, to incorporate
27 the proposed updated DLIS Amendment. The Council anticipates initiating the
28 rulemaking process to amend Cal. Code Regs. title 23, section 5012 and section 5001
29 after certification of this EIR Addendum.

30 **1.2 Purpose of the EIR Addendum**

31 According to section 15164(a) of the California Environmental Quality Act (CEQA)
32 Guidelines, the lead agency or a responsible agency shall prepare an addendum to a
33 previously certified EIR if some changes or additions are necessary but none of the
34 conditions described in section 15162 requiring preparation of a subsequent EIR have
35 occurred. Section 15162 of the CEQA Guidelines lists the conditions that would require
36 the preparation of a subsequent EIR rather than an addendum, which are:

- 37 1. Substantial changes are proposed in the project which will require major
38 revisions of the previous EIR or negative declaration due to the involvement of
39 new significant environmental effects or a substantial increase in the severity of
40 previously identified significant effects;

- 1 2. Substantial changes occur with respect to the circumstances under which the
2 project is undertaken which will require major revisions of the previous EIR or
3 negative declaration due to the involvement of new significant environmental
4 effects or a substantial increase in the severity of previously identified significant
5 effects; or
- 6 3. New information of substantial importance, which was not known and could not
7 have been known with the exercise of reasonable diligence at the time of the
8 previous EIR was certified as complete or the negative declaration was adopted,
9 shows any of the following:
 - 10 a. The project will have one or more significant effects not discussed in the
11 previous EIR or negative declaration;
 - 12 b. Significant effects previously examined will be substantially more severe than
13 shown in the previous EIR;
 - 14 c. Mitigation measures or alternatives previously found not to be feasible would
15 in fact be feasible, and would substantially reduce one or more significant
16 effects of the Project, but the project proponents decline to adopt the
17 mitigation measure or alternative; or
 - 18 d. Mitigation measures or alternatives which are considerably different from
19 those analyzed in the previous EIR would substantially reduce one or more
20 significant effects on the environment, but the project proponents decline to
21 adopt the mitigation measure or alternative.

22 This Addendum concludes that the proposed revisions to the DLIS Amendment do not
23 trigger any of the CEQA Guidelines section 15162 conditions described above, and that
24 the preparation of an addendum therefore is appropriate.

Section 2

Revisions to the DLIS Amendment

1
2

3 Levees in the Delta reduce flood risk to people, property, water supply, ecosystems,
4 and infrastructure of statewide importance. Levee failure can cause catastrophic
5 flooding and can potentially cause injury or loss of life, disrupt water supplies, and
6 possibly damage property, infrastructure, and environmental resources of importance to
7 the entire state. Although the state does not currently have a comprehensive method to
8 prioritize its investments in operations, maintenance, and improvement projects for
9 levees in the Delta, the Delta Reform Act directs the Council, in consultation with the
10 Central Valley Flood Protection Board, to recommend such priorities (Water Code
11 Section 85306).

12 When the Delta Plan was adopted by the Council in 2013 it included an interim policy
13 (regulation) (Risk Reduction Policy 1 or RR P1) that was developed to temporarily
14 address requirements of Water Code section 85306. In 2014, the Council began
15 developing a revised RR P1, supported by the DLIS Amendment. From 2014-2017,
16 Council staff collected and used existing data and information from numerous sources
17 to evaluate risks to State interests in the Delta including risks to:

- 18 1. public safety and property (identified using Estimated Annual Damages (EAD)
19 and Estimated Annual Fatalities (EAF),
- 20 2. water supply reliability (identified as 22 Delta islands or tracts providing water
21 supply benefits),
- 22 3. the Delta ecosystem (identified using acres flooded per year), and
- 23 4. the unique attributes of the Delta as an evolving place (identified as legacy
24 communities, prime farmland, and public roadways).

25 During development of the DLIS Amendment, Council staff, developed a DLIS-Decision
26 Support Tool (DST), a computerized tool designed to explore flood risks to state
27 interests on Delta islands and tracts protected by levees. The DLIS-DST combines risk
28 analysis, economics, engineering, and decision-making techniques to assemble a
29 comprehensive investment strategy for Delta levees. Staff used the DLIS-DST to create
30 risk maps that helped inform Council decision-making for an update to RR P1 as part of
31 the 2018 Delta Plan Amendments.

32 Using the DLIS-DST, the Council established a three-tiered priority list– Very-High
33 Priority, High Priority, and Other Priority – for State investments in Delta levee

1 improvements. The priorities provide an ordering of the islands and tracts based on the
2 flood risk for each island or tract and the State interests that the surrounding levees
3 protect. The Council initiated rulemaking for RR P1 based on this work in 2019 then
4 determined not to proceed with the rulemaking process and rescinded Policy RR P1
5 and accompanying text in the DLIS Amendment in March 2020 due to the need to
6 evaluate updated information regarding the height of levees and island floors based on
7 newly published elevation data by the California Department of Water Resources.

8 The following sections describe the proposed DLIS Amendment evaluated in the 2018
9 PEIR, and then describes proposed revisions to the 2018 proposal for an updated DLIS
10 Amendment analyzed in this Addendum to the 2018 PEIR.

11 **2.1 Project Overview**

12 The DLIS Amendment identifies State interests in the Delta that are vulnerable to
13 flooding; defines principles to guide the development and refinement of potential Delta
14 Plan policies and recommendations; and evaluates risks to State interests due to
15 potential levee failure, all for the purposes of attempting to reduce risks to people,
16 property, and State interests in the Delta (Wat. Code section 85305); and to recommend
17 priorities for State investment in levee operation, maintenance, and improvements in the
18 Delta (Wat. Code section 85306). The proposed DLIS Amendment evaluated in the
19 2018 PEIR contained revisions and additions to the policies and recommendations in
20 Chapter 7 of the Delta Plan, including the following:

- 21 ♦ Continue to prepare for Delta Flood emergencies (Recommendation RR R1)
- 22 ♦ Modernize levee information management (Recommendation RR R2)
- 23 ♦ Prioritize investment in Delta levees (Policy RR P1)
- 24 ♦ Update flood management funding strategies (Recommendations RR R3,
25 RR R4, RR R5, RR R6, RR R7)
- 26 ♦ Manage rural floodplains to avoid increased flood risk (Recommendation RR R8)
- 27 ♦ Protect and expand floodways, floodplains, and bypasses
- 28 ♦ Renew assurances of federal assistance for post disaster response
29 (Recommendation RR R12)
- 30 ♦ Limit State liability (Recommendations RR R14 and DP R"XX")

31 The DLIS Amendment also added definitions to the Delta Plan glossary for levee
32 maintenance, levee rehabilitation, and levee improvement.

33 In 2019, before the Council completed the rulemaking process to amend RR P1, new
34 information was published by the Department of Water Resources (DWR) that had the
35 potential to change the Council's proposed prioritization of Delta levee investments. In
36 March 2020, the Council withdrew RR P1 from the rulemaking process to evaluate this
37 new information and any implications it might have on the proposed DLIS. Since then,
38 Council staff has updated data that informs the risk analysis with new topographic

1 information and water surface elevations; consulted with partner agencies, DWR, and
 2 the Central Valley Flood Protection Board (Flood Board) to address comments among
 3 the three agencies on modified preliminary regulatory language; and developed an
 4 update to the Delta levee prioritization based on best available information. Council staff
 5 also addressed comments from State agencies and Delta stakeholders on the draft
 6 regulatory language during the previous rulemaking process.

7 The updated risk analysis shows that improvements in levees would change DLIS
 8 priorities for Delta islands and tracts, moving islands and tracts up and down the priority
 9 tiers (Very-High Priority, High Priority, Other Priority). Proposed revisions to DLIS
 10 Amendment language made in response to the updated risk analysis fall into four
 11 categories:

- 12 ♦ including operations and maintenance as a priority,
- 13 ♦ changes to proposed definitions,
- 14 ♦ changes to the DLIS priority table and map of islands and tracts, and
- 15 ♦ changes to the DWR levee funding reporting requirements.

16 2.2 Revised DLIS Amendment

17 Proposed revisions to the DLIS Amendment include updates and additions to definitions
 18 in Cal. Code Regs. title 23, section 5001 for terms used in updated Policy RR P1, along
 19 with revisions to Policy RR P1 and Cal. Code Regs. title 23, section 5012, Prioritization
 20 of State Investments in Delta Levees and Risk Reduction, to incorporate the updated
 21 DLIS Amendment.

22 Definitions

23 Changes to the Delta Plan glossary for definitions or terms used in updated Policy RR
 24 P1 are shown below:

25 **Levee Maintenance:**

26 ~~Annual or routine levee maintenance is work intended to preserve the levee system in~~
 27 ~~its current condition. Examples of maintenance work include patrols, surveys and~~
 28 ~~inspections, extermination and control of burrowing animals, work on the levee crown to~~
 29 ~~improve access or drainage, removing vegetation or debris, control of seepage and~~
 30 ~~boils, cleaning drains and toe ditches, restoring rock protection, and maintenance of~~
 31 ~~levee-related habit improvements sites.~~

32 **Levee Rehabilitation:**

33 ~~Rehabilitation is levee repair work needed to restore the levee integrity and preserve~~
 34 ~~existing flood risk reduction benefits. Examples of rehabilitation work include raising the~~
 35 ~~levee crown to offset subsidence, flattening waterside slopes, constructing landside~~
 36 ~~berms, and widening levee crowns.~~

1 (v) “High Priority islands or tracts” means the tracts of land listed under “High Priority” in
2 the Table (Delta Levees Investment Strategy Priorities) of Section 5012 of this title and
3 depicted in Appendix P to the Delta Plan.

4 (w) “Levee improvement” means any activity that is not levee operation and
5 maintenance, and that is intended to reduce the probability of flooding or the addition of
6 a feature that did not previously exist. Examples of levee improvements include
7 changing levee geometry to reach a higher level of protection, increasing the height of a
8 levee, providing riprap where none previously existed, and other similar activities. ~~Levee~~
9 improvements are intended to reduce the probability of flooding. An example of a levee
10 improvement would be changing a levee geometry to meet a higher levee standard
11 such as improving a levee to reach a 200-year level of protection.

12 (x) “Levee operation and maintenance” means any activity to retain or maintain the
13 intended functions of flood control facilities and of existing encroachments or needed to
14 keep the system functioning properly. Examples of maintenance activities include
15 mowing, tree and brush trimming and removal, revetment restoration, rodent control,
16 spraying, painting, coating, patching, burning, and other similar activities but does not
17 include any significant excavation or any excavation during flood season.

18 (bb) “Other Priority islands or tracts” means the tracts of land listed under “Other
19 Priority” in the Table (Delta Levees Investment Strategy Priorities) of Section 5012 of
20 this title and depicted in Appendix P to the Delta Plan.

21 (jj) “Very-High Priority islands or tracts” means the tracts of land identified under “Very-
22 High Priority” in the Table (Delta Levees Investment Strategy Priorities) of Section 5012
23 of this title and depicted in Appendix P to the Delta Plan.

24 **RR P1. Prioritization of State Investments in Delta Levees and Risk** 25 **Reduction**

26 Proposed changes to Policy RR P1 are shown in ~~strike through~~ and underline below.
27 Table 1 provides updated priorities to guide State discretionary investments in the
28 improvement and major rehabilitation of Delta levees. These priorities for State
29 investments in Delta levees and risk reduction are depicted in Figure 1.

30 ~~(a) Fund levee maintenance. Funding for levee maintenance shall continue to be~~
31 ~~available throughout the Delta where authorized by Water Code section 12980 et~~
32 ~~seq.~~

33 **(a) Fund levee operation and maintenance.** For the purposes of Water Code
34 Section 85306, State investments in levee operation and maintenance of Delta
35 project levees and nonproject levees shall be prioritized as follows:

36 (1) For project levees, funding should be prioritized to ensure levees are
37 operated and maintained in accordance with Code of Federal Regulations, Title
38 33, Part 208.10, applicable federal Operation and Maintenance manuals, active

1 in federal Public Law 84-99 Rehabilitation Program, and consistent with Central
 2 Valley Flood Protection Board Resolution No. 2018-06 for Acceptable Operation
 3 and Maintenance of the State Plan of Flood Control.

4 (2) For nonproject levees, funding should be prioritized to ensure levees are
 5 operated and maintained to protect the Delta's physical characteristics.

6 ~~(b) Prioritize levee improvements~~ **Delta levees investment strategy**. The priorities
 7 listed in the Table 1 below and depicted in Delta Plan Appendix P dated [XXXX],
 8 which is incorporated herein by this reference as if fully set forth, shall guide State
 9 discretionary investments in the improvement and ~~major rehabilitation~~ of Delta
 10 levees. ~~The California Department of Water Resources' funding decisions are~~
 11 ~~subject to its consideration of the benefits, costs, engineering considerations, and~~
 12 ~~other factors. As the California Department of Water Resources (DWR) selects levee~~
 13 ~~improvement projects for funding through its levee funding programs, it should fund~~
 14 ~~projects at the very high~~ Very-High priority islands or tracts, ~~which are identified in~~
 15 ~~Table 1 and depicted in Delta Plan Appendix P dated [XXXX], which Appendix P is~~
 16 ~~incorporated herein by this reference as if fully set forth.~~ The California Department
 17 ~~of Water Resources funding decisions are subject to its consideration of the benefits,~~
 18 ~~costs, engineering considerations, and other factors.~~ before approving funding
 19 projects at ~~high priority~~ High Priority or ~~other priority~~ Other Priority islands or tracts. If
 20 available funds are sufficient to fully fund levee improvements projects at the ~~very~~
 21 ~~high priority~~ Very-High Priority islands or tracts, then funds for levee improvements
 22 projects or ~~major rehabilitation of levees~~ on high High Priority islands or tracts may
 23 should be provided, funded and after those projects have been fully funded, then
 24 levee improvement projects at ~~other priority~~ Other Priority islands or tracts may be
 25 funded.

26 ~~The Department of Water Resources shall certify projects' consistency with this~~
 27 ~~regulatory policy when its funding decisions are made and shall report annually to~~
 28 ~~the Council about its decisions to award State funds for Delta levee improvements,~~
 29 ~~including the location of each funded improvement, the priority of the affected~~
 30 ~~islands or tracts, the improvements funded, including the relevant levee~~
 31 ~~improvement type, habitat mitigation or enhancement features, estimated reduction~~
 32 ~~in levee fragility, expected reduction in annual fatalities and damages, State funds~~
 33 ~~awarded, and local or federal matching funds~~

34 ~~When DWR's contributions towards levee improvements vary from these priorities, it~~
 35 ~~shall identify how the funding is inconsistent with this guidance, describe why~~
 36 ~~variation from the priorities is necessary, and explain how the funding nevertheless~~
 37 ~~protects lives, property, and the State's interests in water supply reliability and~~
 38 ~~restoration, protection, and enhancement of the Delta ecosystem while considering~~
 39 ~~the Delta's unique agricultural, natural, historic, and cultural values. That~~
 40 ~~determination is subject to review by the Delta Stewardship Council on appeal.~~

1 **Table 1**
 2 **Delta Levees Investment Strategy Priorities**

<p>Very High Priority</p>	<p><u>Bacon Island</u>, Bethel Island, Bishop/DLIS-14 (North Stockton), Brannan-Andrus, Byron Tract, <u>DLIS-19 (Grizzly Slough Area)</u>, <u>DLIS-28</u>, <u>DLIS-33</u>, <u>DLIS-63 (Grizzly Island Area)</u>, <u>Drexler Tract</u>, Central Stockton, Dutch Slough, <u>Hasting Tract</u>, <u>Hotchkiss Tract</u>, <u>Grand Island</u>, Jersey Island, <u>Jones Tract (Upper and Lower)</u>, Maintenance Area 9 North, Maintenance Area 9 South, McCormack-Williamson Tract, <u>McDonald Island</u>, <u>McMullin Ranch</u>, <u>Middle and Upper Roberts Island</u>, <u>New Hope Tract</u>, North Stockton, <u>Paradise Junction</u>, Reclamation District 17, <u>Ryer Island</u>, Sherman Island, <u>Staten Island</u>, <u>Terminous Tract</u>, Twitchell Island, Upper Andrus Island, <u>Victoria Island</u>, <u>Webb Tract</u>, <u>West Sacramento</u>.</p>
<p>High Priority</p>	<p><u>Bacon Island</u>, Bouldin Island, <u>Brack Tract</u>, Bradford Island, <u>Cache Haas Area</u>, <u>Central Stockton</u>, Clifton Court Forebay, <u>DLIS-01 (Pittsburg Area)</u>, <u>DLIS-07 (Knightsen Area)</u>, <u>DLIS-08 (Discovery Bay Area)</u>, <u>DLIS-20 (Yolo Bypass)</u>, <u>DLIS-22 (Rio Vista)</u>, <u>DLIS-26 (Morrow Island)</u>, <u>DLIS-29</u>, <u>DLIS-30</u>, <u>DLIS-31 (Garabaldi Unit)</u>, <u>DLIS-32</u>, <u>DLIS-39</u>, <u>DLIS-41 (Joice Island Area)</u>, <u>DLIS-44 (Hill Slough Unit)</u>, <u>DLIS-55</u>, <u>DLIS-59</u>, DLIS-63 (Grizzly Island Area), <u>Drexler Tract</u>, <u>Egbert Tract</u>, <u>Fabian Tract</u>, <u>Glanville</u>, <u>Grand Island</u>, <u>Hastings Tract</u>, Holland Tract, Honker Bay, Honker Lake Tract*, Hotchkiss Tract, <u>Jones Tract (Lower And Upper)</u>, <u>Kasson District</u>, <u>Libby McNeil</u>, <u>Little Egbert Tract</u>, <u>Lower Roberts Island</u>, Mandeville Island, <u>McDonald Island</u>, <u>Middle & Upper Roberts Island</u>, Mossdale Island, <u>New Hope Tract</u>, <u>Netherlands</u>, Palm-Orwood, <u>Paradise Cut</u>, <u>Paradise Junction</u>, <u>Pearson District</u>, <u>Pescadero District</u>, <u>Rindge Tract</u>, <u>River Junction</u>, <u>Shima Tract</u>, <u>Staten Island</u>, Stewart Tract, <u>Sunrise Club</u>, Terminous Tract, <u>Tyler Island</u>, <u>Union Island East</u>, <u>Veale Tract</u>, <u>Union Island West</u>, <u>Victoria Island</u>, <u>Webb Tract</u>, Walnut Grove, Woodward Island, <u>Yolano</u>.</p>
<p>Other Priority</p>	<p>Atlas Tract, Bixler Tract, Brack Tract, Cache Haas Area, Canal Ranch Tract, Chipps Island, Coney Island, Dead Horse Island, DLIS-01 (Pittsburg Area), <u>DLIS-06 (Oakley Area)</u>, DLIS-07 (Knightsen Area), <u>DLIS-10</u>, <u>DLIS-15</u>, <u>DLIS-17</u>, <u>DLIS-18</u>, DLIS-19 (Grizzly Slough Area), <u>DLIS-25</u>, DLIS-26 (Morrow Island), <u>DLIS-27</u>, DLIS-28, DLIS-29, DLIS-30, DLIS-31 (Garabaldi Unit), DLIS-32, DLIS-33, <u>DLIS-34</u>, <u>DLIS-35</u>, <u>DLIS-36</u>, <u>DLIS-37 (Chadbourne Area)</u>, <u>DLIS-39</u>, <u>DLIS-40</u>, DLIS-41 (Joice Island Area), <u>DLIS-43 (Potrero Hills Area)</u>, DLIS-44 (Hill Slough Unit), <u>DLIS-46</u>, <u>DLIS-47</u>, <u>DLIS-48</u>, <u>DLIS-49</u>, <u>DLIS-50</u>, <u>DLIS-51</u>, <u>DLIS-52</u>, <u>DLIS-53</u>, <u>DLIS-54</u>, DLIS-55, <u>DLIS-56</u>, <u>DLIS-57</u>, DLIS-59, <u>DLIS-62</u>, Drexler Pocket, Egbert Tract, Ehrhardt Club, Empire Tract, Fabian Tract, Fay Island, Glide District, Holt Station, Honker Lake Tract-Kasson District, King Island, <u>Libby McNeil</u>, Lisbon District, Lower Roberts Island, <u>McMullin Ranch</u>, Medford Island, Mein's Landing, Merritt Island, Netherlands, <u>Pearson District</u>, Peters Pocket, Pico-Naglee, Prospect Island, Quimby Island, Randall Island, <u>Rindge Tract</u>, Rio Blanco Tract, <u>River Junction</u>, Rough And Ready Island, <u>Ryer Island</u>, <u>Shima Tract</u>, Shin Kee Tract, Stark Tract, <u>Sunrise Club</u>, Sutter Island, <u>Union Island East</u>, <u>Veale Tract</u>, Venice Island, <u>Walnut Grove</u>, Walthall, <u>West Sacramento</u>, Wetherbee Lake, Winter Island, Wright-Elmwood Tract <u>Yolano</u>.</p>

3
 4 **(c) Annual Report.**

5 (1) The California Department of Water Resources shall submit a written annual
 6 report to the Council, as well as present the report to the Council, on State funds
 7 distributed or provided by the California Department of Water Resources for
 8 levee operation, maintenance, repair, rehabilitation, replacement, and
 9 improvement projects within the legal Delta. At least 45 days prior to the oral
 10 presentation before the Council, the California Department of Water Resources
 11 shall submit the written annual report to the Council and make the report publicly
 12 available.

1 (2) The report shall include:

2 (A) A description of State funds provided for each levee operation,
3 maintenance, repair, rehabilitation, replacement, and improvement program
4 funded during the reporting year;

5 (B) A list of each levee improvement project proposal submitted to the
6 California Department of Water Resources for funding, regardless of whether
7 the California Department of Water Resources awarded funding to the
8 project;

9 (C) A list of the improvement projects awarded funding, the funding level
10 awarded, the local cost share, and the applicable priority of the island or tract
11 from Table 1 in paragraph (b)(1) where the levee improvement project is
12 located;

13 (D) A description, for each awarded project, of changes (when completed) to
14 levee geometry, the specific locations of those changes, and expected
15 changes in the level of flood protection provided or standard achieved;

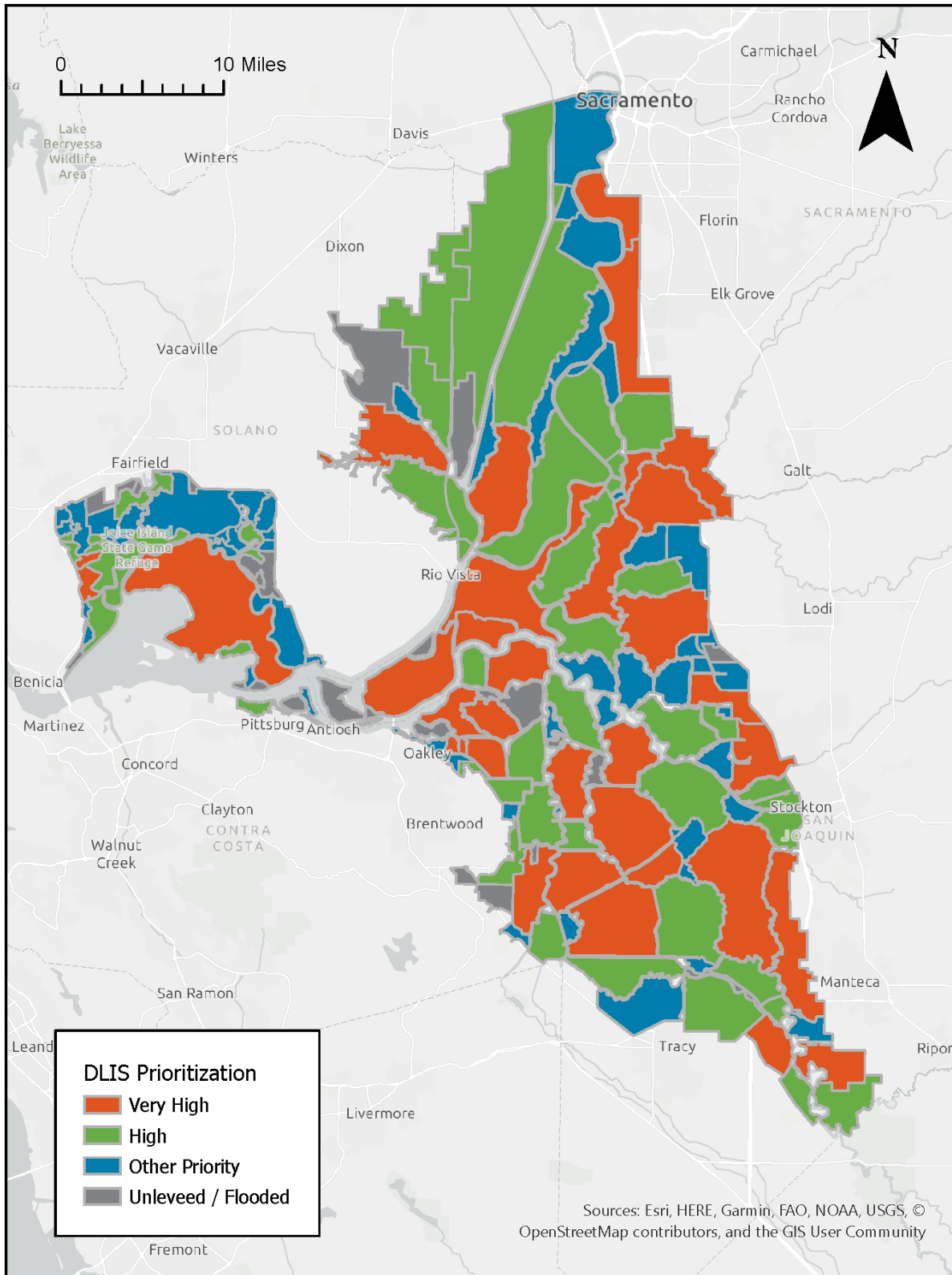
16 (E) If the California Department of Water Resources awards funds for any
17 levee improvement project that is inconsistent with the priorities identified in
18 paragraph (b)(1), the annual report shall identify for each project: how the
19 funding is inconsistent with the priorities, describe why variation from the
20 priorities is necessary, and explain how the funding nevertheless protects
21 lives, property, or other State interests, such as infrastructure, agriculture,
22 water supply reliability, Delta ecosystem, or Delta communities;

23 (F) A summary of the California Department of Water Resources' rationale for
24 levee improvement project proposals submitted, but not awarded funding
25 during the reporting year; and

26 (G) A summary of all previous California Department of Water Resources
27 funded levee improvement project activities completed during the reporting
28 year and location of those activities;

29 (d) For purposes of Water Code section 85057.5(a)(3) and section 5001(j)(1)(E) of
30 this Chapter, this policy covers a proposed action that involves discretionary State
31 investments in the improvement and major rehabilitation of Delta levees Delta flood
32 risk management, including levee operations, maintenance, and improvements.
33 Nothing in this policy establishes or otherwise changes existing levee standards.

1 **Figure 1**
2 **Investment Priorities for Guiding State Discretionary Investments in Levee**
3 **Improvements within the Delta and Suisun Marsh**



4

Section 3

Analysis of Potential Environmental Effects

3.1 Introduction

The 2018 PEIR evaluated potential environmental impacts of the DLIS Amendment in the following resource topics: aesthetics; agricultural and forestry resources; air quality and greenhouse gas emissions; aquatic and terrestrial biological resources; cultural and paleontological resources; energy resources; geology, soils, seismicity, and mineral resources; hazards and hazardous materials; hydrology and water quality; land use and planning; noise; population, employment and housing; recreation; transportation; tribal cultural resources; and utilities and public services. The 2018 PEIR also addressed growth inducing effects, and climate change and resiliency.

The 2018 PEIR (Section 5.1 *Approach to the Environmental Analysis*) describes the approach used to determine the significance of environmental impacts for each resource topic. Because the Council would not propose, construct or operate any projects, each resource topic in the 2018 PEIR addressed the potentially significant impacts of projects that could be approved by other public agencies in response to the DLIS Amendment in the Primary Planning Area (legal boundaries of the Delta). The analysis was based on general types of activities, potential projects, and construction methods that could be implemented as a result of approval of the DLIS Amendment, which could lead to construction and/or operation of:

- ◆ Setback levees
- ◆ Floodway widening
- ◆ Levee maintenance
- ◆ Levee modification and rehabilitation
- ◆ Dredging
- ◆ Stockpiling of materials
- ◆ Subsidence reversal

These issues are reconsidered in this addendum in light of the proposed revisions to the DLIS Amendment. This addendum analyzes whether, with these revisions, implementation of projects in response to the proposed revisions to the DLIS

1 Amendment would result in any new significant impacts or substantially more severe
2 impacts than those identified in the 2018 PEIR.

3 As described in 2018 PEIR Section 5.1 and in Section 1.1 of this addendum, above,
4 mitigation measures were adopted and incorporated into the Delta Plan in order to
5 reduce or avoid the significant environmental impacts of the Delta Plan and apply to
6 covered actions¹ as required by Delta Plan policy G P1(b)(2). In many cases, these
7 mitigation measures, or equally effective feasible measures adopted as part of covered
8 actions, would reduce impacts identified in the 2018 PEIR to a less-than-significant
9 level. However, because the specific locations, scale, and timing of possible future
10 facilities are not known at this time, the specific resources present within the project
11 footprint of construction sites and new facilities in the Primary Planning Area cannot be
12 determined. Factors necessary to identify specific impacts include the design and
13 footprint of future projects, and the type and precise location of construction activities.
14 Therefore, as the 2018 PEIR disclosed, in many cases it is not possible to conclude that
15 significant adverse effects would be avoided or reduced to a less-than-significant level.
16 Furthermore, implementation and enforcement of revised mitigation measures, or
17 equally effective feasible measures, would be within the responsibility and jurisdiction of
18 public agencies other than the Council. Therefore, identified significant impacts would
19 remain significant and unavoidable.

20 For non-covered actions that are constructed and operated in response to the DLIS
21 Amendment in the Primary Planning Area, adoption and enforcement of revised
22 mitigation measures by other public agencies is recommended to reduce potentially
23 significant impacts. However, the Council lacks authority to require other agencies to
24 adopt or enforce mitigation measures for projects that are not covered actions.²
25 Accordingly, for non-covered actions, the 2018 PEIR assumed that potentially
26 significant environmental impacts would be significant and unavoidable, even if feasible
27 mitigation measures are available, as CEQA requires, because they would be within the
28 responsibility and jurisdiction of an agency other than the Council.

29 As a result, for each of the resource topics identified above, impacts associated with
30 implementation of projects in response to the proposed revisions to the DLIS
31 Amendment in the Primary Planning Area were determined to be significant and
32 unavoidable, with the exception of the following specific topics, which were determined
33 to be less than significant:

- 34 ♦ Creation of objectionable odors
- 35 ♦ Exposure of sensitive receptors to substantial pollutant concentrations
36 associated with operations
- 37 ♦ Substantial inefficient, wasteful, or unnecessary long-term consumption of energy
38 or changes to hydropower generation

¹ Covered actions are defined in the Delta Reform Act (Wat. Code section 85057.5(a).)

² For example, if a project is proposed that is not a covered action, the Council cannot require the Delta Plan's mitigation measures be adopted. Of course, other public agencies that have an independent duty under CEQA to identify and adopt feasible mitigation measures for projects and programs.

- 1 ♦ Conflicts with applicable plans, policies, or regulations of local county and/or
- 2 State energy standards that have been adopted for the purpose of improving
- 3 energy efficiency or reducing consumption of fossil fuels
- 4 ♦ Construction and operation crew relocation that results in population growth and
- 5 demand for housing
- 6 ♦ Displacement of substantial numbers of housing or people, necessitating the
- 7 construction of replacement housing elsewhere
- 8 ♦ Exceedance of wastewater treatment requirements, capacity to serve projected
- 9 demand, that would require the construction of new wastewater treatment
- 10 facilities or expansion of existing facilities
- 11 ♦ The construction of new water treatment or distribution facilities or expansion of
- 12 existing facilities

13 Projects implemented in response to the proposed DLIS Amendment would only occur
 14 in the Primary Planning Area; therefore, no impact would occur in the Extended
 15 Planning Area.³

16 **3.2 Effects of Revisions to the DLIS**

17 **Amendment**

18 As described under subsection 3.1 *Introduction*, the analysis in the 2018 PEIR was
 19 based on general types of activities, potential projects, and construction methods that
 20 could result with implementation of projects in response to the DLIS Amendment. The
 21 proposed revisions to the DLIS Amendment include revisions to RR P1 that address:
 22 prioritization of funding of the operation and maintenance of project and non-project
 23 levees; changes to Table 1 and Figure 1 which guides State discretionary investments
 24 in the improvement and rehabilitation of Delta levees for the identified islands and
 25 tracts; definitions of terms; and requirements for levee funding reporting. While the
 26 proposed revisions could affect the timing of potential projects, none of these proposed
 27 revisions would change the location or the range of potential activities or projects
 28 (setback levees, floodway widening, levee maintenance, levee modification and
 29 rehabilitation, dredging, stockpiling of materials, and subsidence reversal projects) or
 30 construction methods that could be undertaken to implement projects in response to the
 31 revised DLIS Addendum. As described in the PEIR, for purposes of ensuring a
 32 conservative analysis of environmental impacts, the PEIR assumes that the Delta Plan
 33 and the Proposed Project are implemented and achieve their desired outcomes,
 34 regardless of whether the outcomes are expressed as policies or recommendations,
 35 and, accordingly, evaluates the potential impacts of types of projects that the Delta
 36 Plan, as a whole and as amended by the Proposed Project, would encourage and
 37 promote in the Primary and Extended Planning Areas.

³ The Extended Planning Area is defined by the watersheds that contribute flows to the Delta (including areas within the Delta watershed upstream of the Delta, and the Trinity River watershed), and areas of California receiving water from or conveyed through the Delta (State Water Project (SWP) and Central Valley Project (CVP) service areas).

1 Therefore, the proposed revisions would not change the conclusions of the 2018 PEIR,
2 result in any new significant impacts, or substantially increase the severity of previously
3 identified impacts. In addition, because the proposed revisions do not alter the
4 underlying impact conclusions, there would be no change in the cumulative effects of
5 the DLIS Amendment. Furthermore, because there would be no change in the type or
6 the location of activities or projects undertaken in response to the DLIS Amendment,
7 there would be no change in the 2018 PEIR growth inducement analysis or climate
8 change and resiliency discussion associated with the DLIS Amendment. As a result,
9 none of the significance conclusions or findings in the 2018 PEIR would be altered, no
10 new significant impact would occur, and none of the previously identified significant
11 impacts would be substantially more severe.

12 **3.3 Conclusion**

13 This addendum documents that the proposed revisions to the DLIS Amendment would
14 not result in any new or substantially more severe significant impacts than those
15 disclosed in the 2018 PEIR. None of the conditions or circumstances that would require
16 preparation of a subsequent or supplemental EIR pursuant to Public Resources Code
17 section 21166 and CEQA Guidelines section 15162 exists as a result of revisions to the
18 DLIS Amendment.

Section 4 References

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3 Delta Stewardship Council (Council). 2018. Delta Plan Amendments Final Program
4 Environmental Impact Report. April 2018.