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March 4, 2025

Clint Holtzen
Sacramento Area Council of Governments
1415 L Street, Suite 300
Sacramento, CA 95814

Delivered via email: eircomments@sacog.org

RE: Comments on Notice of Preparation of an Environmental Impact Report for the 2025 Metropolitan Transportation Plan/Sustainable Communities Strategy for the Sacramento Region, SCH#2025020168

Dear Clint Holtzen:

Thank you for the opportunity to review and comment on the Sacramento Area Council of Government's (SACOG) Notice of Preparation (NOP) of an Environmental Impact Report (EIR) for the 2025 Metropolitan Transportation Plan/Sustainable Communities Strategy for the Sacramento Region (2025 MTP/SCS). The Delta Stewardship Council (Council) recognizes the objectives of the 2025 MTP/SCS, as described in the NOP, to achieve various federal, state, regional, and local policy objectives related to sustainable development, transportation, and greenhouse gas emission reduction while considering financial, growth, and regulatory constraints. This letter summarizes the requirements of the Sacramento-San Joaquin Delta Reform Act of 2009 (Wat. Code, § 85000 et seq.; Delta Reform Act) pertaining to the 2025 MTP/SCS and provides the Council's comments on the NOP regarding the scope and content of the EIR for the 2025 MTP/SCS.

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The Council is an independent state agency established by the Delta Reform Act. The Delta Reform Act charges the Council with furthering California's coequal goals of providing a more reliable water supply and protecting, restoring, and enhancing the Sacramento-San Joaquin River Delta (Delta) ecosystem. (Wat. Code, § 85054.) The Delta Reform Act further states that the coequal goals are to 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. (Wat. Code, § 85054.) The Council is charged with furthering California's coequal goals for the Delta through the adoption and implementation of the Delta Plan. (Wat. Code, § 85300.)

The Delta Plan contains regulatory policies, which are set forth in California Code of Regulations, title 23, sections 5001 et seq. Through the Delta Reform Act, the Council was granted specific regulatory and appellate authority over certain actions of state or local public agencies that take place in whole or in part in the Delta and Suisun Marsh. (Wat. Code, §§ 85210.) A state or local agency that proposes to undertake a covered action is required to prepare a written Certification of Consistency with detailed findings as to whether the covered action is consistent with the Delta Plan and submit that Certification to the Council prior to initiation of the implementation of the project. (Wat. Code, § 85225.)

Delta Reform Act Requirements for Regional Transportation Plans and Sustainable Communities Strategies

1. Early Consultation

The Delta Reform Act grants the Council specific authority to review and advise local and regional planning agencies regarding the consistency of local and regional planning documents, including sustainable communities strategies (SCS) and alternative planning strategies, with the Delta Plan. (Wat. Code, § 85212.) The Delta Reform Act requires a metropolitan planning organization preparing a regional transportation plan that includes land within the Delta primary or secondary zones to consult with the Council early in the planning process regarding the issues and policy choices relating to the Council's advice. (Wat. Code, § 85212.)

2. Council's Review of the Draft Metropolitan Transportation Plan and Sustainable Communities Strategy

The 2025 MTP/SCS is a plan for the Sacramento region, which includes the counties of El Dorado, Placer, Sacramento, Sutter, Yolo, and Yuba, exclusive of the Tahoe Basin. In addition to early consultation, as described above, Water Code section 85212 of the Delta Reform Act requires SACOG to provide to the Council both of the following:

- a draft SCS or an alternative planning strategy **no later than 60 days prior to the adoption of the final 2025 MTP/SCS.**
- **a concurrent** notice of its submission of the SCS in the same manner as a Certification of Consistency via electronic mail to coveredactions@deltacouncil.ca.gov.

If the Council concludes that the submitted draft SCS or alternative planning strategy is inconsistent with the Delta Plan, the Council will provide to SACOG a written notice of the claimed inconsistency **no later than 30 days prior to the adoption of the final 2025 MTP/SCS.** If SACOG receives a timely written notice of inconsistency from the Council, SACOG's adoption of the final 2025 MTP/SCS must include a detailed response to the Council's notice. (Wat. Code, § 85212.)

Please notify the Council via electronic mail addressed to Eva Bush (Eva.Bush@deltacouncil.ca.gov) when the adoption hearings for the final 2025 MTP/SCS are scheduled. The Council also would welcome a presentation by SACOG staff to the Council on the draft SCS at a future Council meeting prior to the final adoption hearings.

Comment on Scope and Content of EIR for the 2025 MTP/SCS

A state or local agency that proposes to carry out, approve, or fund an action that occurs in whole or in part in the Delta (covered action) is required to first determine whether that proposed action is a covered action and if so, prepare and submit to the Council a written Certification of Consistency with detailed findings as to whether the covered action is consistent with the Delta Plan. (Cal. Code Regs., tit. 23, § 5001, subd. (k); Wat. Code, § 85225.)

Water Code section 85057.5, subdivision (a), states that a covered action is a plan, program, or project, as defined pursuant to the California Environmental Quality Act (CEQA) in Public Resources Code section 21065, that meets all of the following conditions:

- (1) Will occur, in whole or in part, within the boundaries of the Delta or Suisun Marsh.
- (2) Will be carried out, approved, or funded by the state or a local public agency.
- (3) Is covered by one or more provisions of the Delta Plan.
- (4) Will have a significant impact on the achievement of one or both of the coequal goals or the implementation of government-sponsored flood control programs to reduce risks to people, property, and state interests in the Delta

The Delta Reform Act exempts actions within the secondary zone of the Delta that a metropolitan planning organization determines are consistent with its SCS, or alternative planning strategy, and that the State Air Resources Board has determined would achieve regional greenhouse gas emission reduction targets. (Wat. Code, § 85057.5, subd. (b)(4).) SACOG is the metropolitan planning organization for the Sacramento region, which contains portions of the primary and secondary zones of the Delta. Thus, Water Code Section 85057.5, subdivision (b)(4), provides SACOG with a significant role in shaping the state's Delta policy. Although the 2025 MTP/SCS is not a covered action, SACOG should ensure that it is consistent with the Delta Plan, as discussed in greater detail below.

1. Urban Expansion within the Delta

The Council exercises its authority through regulatory policies. (Cal. Code Regs., tit. 23, § 5001 et seq.) Delta Plan Policy **DP P1** (Cal. Code Regs., tit. 23, § 5010.) places certain limits on new urban development within the Delta. New residential, commercial, or industrial development must be limited to areas that city or county general plans designate for that type of development as of the date of the Delta Plan's adoption, May 16, 2013.

The EIR should acknowledge Policy DP P1 in the regulatory setting for the Land Use and Planning section, as well as in the growth inducement discussion. The EIR should document how the 2025 MTP/SCS is consistent with Policy DP P1 and evaluate whether any of the regional growth located within or adjacent to the Delta have the potential to induce residential, commercial, or industrial development that would be inconsistent with DP P1.

The Council also has an interest in recommended transportation projects in the 2025 MTP/SCS that may induce urban expansion or improve or degrade connections to rural areas and that would be inconsistent with DP P1. The EIR should describe what infrastructure, beyond the recommended transportation projects, is necessary to support the SCS or the plans, programs, projects, or activities encompassed within it. (Wat. Code § 85057.5, subd. (b)(4).)

2. Consistency with Ecosystem Restoration Needs

Water Code section 85212 of the Delta Reform Act requires that the Council's input on local and regional planning documents, including an SCS, include, but not be limited to, reviewing both of the following:

- the consistency of local and regional planning documents with the ecosystem restoration needs of the Delta.
- whether the lands set aside for natural resource protection are sufficient to meet the Delta's ecosystem needs.

The Delta Plan designates six priority habitat restoration areas (PHRAs) that have the greatest potential for large-scale habitat restoration. (Cal. Code Regs., tit. 23, app. 5.) Delta Plan Policy **ER P3** (Cal. Code Regs., tit. 23, § 5007.) requires significant adverse impacts to the opportunity to restore habitat be avoided or mitigated in these areas (Cal. Code Regs., tit. 23, app. 5.)

Two PHRAs are located partially or wholly within the 2025 MTP/SCS planning area: the Yolo Bypass and the Cosumnes-Mokelumne Confluence. The consistency of the 2025 MTP/SCS with the ecosystem restoration needs of the Delta is based on the 2025 MTP/SCS's impacts to the opportunity to restore habitat in these PHRAs. The EIR should describe the planned land uses identified in these areas and describe

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how significant adverse impacts to the opportunity to restore habitat in these locations would be avoided or mitigated.

Closing Comments and Next Steps

As SACOG proceeds with development and environmental impact analysis for the 2025 MTP/SCS, the Council invites SACOG to continue to engage Council staff to ensure consistency between the 2025 MTP/SCS and the Delta Plan and to ensure that the two plans are complementary in nature and serve to protect the Delta while promoting sustainable growth and economic vitality in the broader region.

Please contact Eva Bush at Eva.Bush@deltacouncil.ca.gov with any questions.

Sincerely,

A handwritten signature in dark ink, appearing to read "Jeff Henderson", with a long horizontal flourish extending to the right.

Jeff Henderson

Deputy Executive Officer