



December 18, 2025

Adam Noelting
Metropolitan Transportation Commission/Association of
Bay Area Governments
375 Beale Street, Suite 800
San Francisco, CA 94105

Delivered via email: eircomments@bayareametro.gov

715 P Street, 15-300
Sacramento, CA 95814

916.445.5511
DELTACOUNCIL.CA.GOV

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**RE: Comments on the Draft Environmental Impact Report,
SCH# 2025010348, for the Draft 2025 Metropolitan
Transportation Plan/Sustainable Communities Strategy (Plan
Bay Area 2050+) for the San Francisco Bay Region**

Dear Adam Noelting:

Thank you for the opportunity to review and comment on the Draft Environmental Impact Report (Draft EIR) for the Metropolitan Transportation Commission/Association of Bay Area Governments' (MTC/ABAG) Draft 2025 Metropolitan Transportation Plan/Sustainable Communities Strategy (Plan Bay Area 2050+). The Delta Stewardship Council (Council) recognizes the objectives of Plan Bay Area 2050+ as described in Plan Bay Area 2050+ and Draft EIR, 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 requirements of the Sacramento-San Joaquin Delta Reform Act of 2009 (Wat. Code, § 85000 et seq., Delta Reform Act.) pertaining to Plan Bay Area 2050+ and provides the Council's comments on the Plan Bay Area 2050+ and Draft EIR.

The Council is an independent state agency established by the Delta Reform Act, charged 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.)

MTC/ABAG's Plan Bay Area 2050+ is a regional transportation plan (RTP) for a nine-county region that includes Alameda, Contra Costa, Marin, Napa, San Francisco, San Mateo, Santa Clara, Solano, and Sonoma Counties and 101 cities located in these counties. Portions of Alameda, Contra Costa, and Solano Counties are located within the Delta.

Delta Reform Act Requirements for Sustainable Communities Strategies

The Delta Reform Act requires metropolitan planning organizations (MPOs) to consult with the Council when preparing an RTP/sustainable communities strategy (SCS) that includes land within the primary and secondary zones of the Delta. (Wat. Code, § 85212.) The Delta Reform Act also requires the Council to review the RTP/SCS for consistency with the Delta Plan and more specifically for 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. (Wat. Code, § 85212.)

The Delta Reform Act then requires MTC/ABAG to provide a draft RTP/SCS to the Council no later than 60 days prior to the adoption of the final regional transportation plan. (Wat. Code, § 85212.)

Council staff and MTC/ABAG staff met for consultation on the Plan Bay Area 2050+ on October 19, 2023. MTC/ABAG submitted its Plan Bay Area 2050+ and Draft EIR to the Council staff on October 20, 2025.

Council's Review and Input on Plan Area 2050+ and the Draft EIR

This section summarizes Council staff's review of and input on Plan Bay Area 2050+. It also summarizes Council staff's comments on the Draft EIR.

1. Consistency with Ecosystem Restoration Needs and Sufficiency of Lands Set Aside

a. Consistency with Restoration Needs

The Delta Plan designates six priority habitat restoration areas (PHRAs) that have the greatest potential for large-scale habitat restoration (Delta Plan, Chapter 4, p. 136-138). Delta Plan Policy **ER P3** (Cal. Code Regs., tit. 23, § 5007.) states that significant adverse impacts to the opportunity to restore habitat must be avoided or mitigated in these areas. (depicted in Cal. Code, Regs., tit. 23, [app. 5](#).) Four PHRAs are located partially or wholly within the Plan Bay Area 2050+ planning area: (1) Suisun Marsh; (2) Cache Slough; (3) Yolo Bypass; and (4) Western Delta PHRA¹.

In our February 14, 2025, comments on the Notice of Preparation (NOP) for the Draft EIR, Council staff identified that Plan Bay Area 2050+ designates locally nominated Priority Conservation Areas (PCAs), which are lands set aside for protection. The Council supports the proposed PCA designation in Cache Slough, which aligns with the Cache Slough PHRA. The Council also supports two additional proposed PCAs located partially within a Delta PHRA: the Delta Recreational Area PCA, which covers the Dutch Slough portion of the Western Delta PHRA; and the Tri-City-County Cooperative Planning Area PCA, which covers the northwestern corner of the Suisun Marsh PHRA. These proposed PCAs complement the existing East Contra Costa County Habitat Conservation Plan/Natural Community Conservation Plan PCA.

Finding: Based on a review of Plan Bay Area 2050+ and the Draft EIR, in compliance

¹ Specifically, the southern and western portions of the Yolo Bypass PHRA and Winter Island and

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Dutch Slough portions of the Western Delta PHRA.

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with Water Code section 85212, Council staff has not identified any inconsistency of Plan Bay Area 2050+ with Delta Plan policy **ER P3**.

b. Sufficiency of Lands Set Aside

Plan Bay Area 2050+ does not specifically address setting aside lands for natural resource protection. MTC/ABAG notes that this is the prerogative of public agencies that approve land use plans and projects, such as a city or county, to include priority development areas aimed at improving transportation, housing, the economy, and environmental issues. However, Plan Bay Area 2050+ incentivizes natural resource protection by encouraging growth in existing population centers and by maximizing the efficiency of the existing transportation network and, therefore, would not physically divide established communities. Plan Bay Area 2050+ core growth approach is to focus growth within existing communities along the established transportation network reflecting the foundational and regional growth pattern established in the original Plan Bay Area (2013), Plan Bay Area 2040 (2017), and Plan Bay Area 2050 (2021). Plan Bay Area 2050+ anticipates that growth geographies will contain 95% of new households and 72% of new jobs. Less than 1% of new development is anticipated to occur outside local urban growth boundaries (Plan Bay Area 2050+ p.11).

Senate Bill 375 (Stats. 2008, ch. 728.) provides California Environmental Quality Act (CEQA) streamlining benefits for certain projects that are consistent with the RTP/SCS land use and transportation pattern. Plan Bay Area 2050+ and the Draft EIR aim to facilitate these CEQA streamlining benefits for qualifying residential, mixed-use, and transit priority projects and sustainable communities projects that are consistent with the general use designation, density, building intensity, and applicable policies specified in the Draft EIR (p.1-20, Table 1-2). Based on the mapped locations in the Draft EIR, the Plan Bay Area 2050+ would provide CEQA streamlining benefits to projects located within portions of Contra Costa and Solano Counties, and cities within them, located within the Delta. Thus, it appears the locations of the High Frequency Transit areas in the Plan Bay Area 2050+ are not likely to result in development in areas within the Delta that are necessary to meet the Delta's ecosystem needs.

Finding: Based on a review of Plan Bay Area 2050+ and the Draft EIR, in compliance

with the Water Code section 85212, Council staff has not identified any inconsistency of Plan Bay Area 2050+ with Delta Plan policy **ER P3**.

2. Consistency with Land Use Pattern and Transportation Investments

a. Land Use Pattern

Delta Plan Policy **DP P1** (Cal. Code Regs., tit.23 § 5010.) places certain limits on new urban development within the Delta. Proposed residential, commercial, and industrial development must be limited to areas that a city or county general plan designates for a specific allowable land use as of the Delta Plan's adoption date of May 16, 2013.

Future development anticipated in Plan Bay Area 2050+ is located in areas designated for future designations. The Draft EIR identifies that portions of Contra Costa, Solano, and Alameda Counties, and portions of cities within them, lie in or partially in the Delta and future actions proposed or funded by local or regional agencies in areas that overlap with the Delta must demonstrate consistency with the Delta Plan if they qualify as "covered actions" (Wat. Code, § 85225.) (Draft EIR p. 3.11-17).

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 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 the implementation of the project. (Wat. Code, § 85225.) The Delta Reform Act exempts from this requirement actions within the secondary zone of the Delta that an MPO determines are consistent with its SCS, provided that the State Air Resources Board has determined the SCS would achieve regional greenhouse gas emission reduction targets. (Wat. Code, § 85057.5, subd. (b)(4).) MTC/ABAG is the MPO for the San Francisco Bay Area Region, which contains portions of the secondary zone of the Delta. Thus, Water Code section 85057.5, subdivision (b)(4), provides MTC/ABAG with a role in shaping the State's Delta Policy.

Council staff's comment letter on the NOP dated February 14, 2025, requested the Draft EIR analyze whether Plan Bay Area 2050+ would include new urban development within the Delta. The Draft EIR acknowledges consistency with Delta Plan Policy DP P1 in the Land Use, Population, and Housing Section 3.11-25.

Regional growth anticipated under Plan Bay Area 2050+ within or adjacent to the Delta would limit residential, commercial, or industrial development to areas that city or county general plans designate for that type of development. The Draft EIR states that:

“Projected development could affect consistency with the Delta Plan adopted by the Delta Stewardship Council if projects could expand urban development within the Delta. To be consistent with Delta Plan Policy DP P1 new residential, commercial, or industrial development is permitted outside the urban boundaries only if it is consistent with the land use designated in the relevant county general plan as of the date of the Delta Plan’s adoption ...”

Finding: Based on a review of Plan Bay Area 2050+ and the Draft EIR, in compliance with Water Code section 85212, Council staff has not identified any inconsistency of Plan Bay Area 2050+ with Delta Plan Policy **DP P1**.

b. Transportation Investments

Plan Bay Area 2050+ does not include transportation investments in rural or urban areas located within the Delta. However, Plan Bay Area 2050+ proposes transportation investments that could shift the entire Bay Area toward more sustainable travel patterns in 2050 and beyond, including investments in pedestrian and bicycle infrastructure that could help commuters to walk and bike to work more easily and enable all residents to enjoy the outdoors. Currently, the nine-county Plan Bay Area 2050+ includes nearly 1 million acres of publicly accessible parks and open space containing networks of trails. The implementation of Plan Bay Area 2050+ could increase the number of residents making use of existing parkland (Draft EIR p.3.13-4). Local jurisdictions strive to ensure that new developments make adequate provisions for new parkland, which would include future proposed transportation projects located within the Delta. These transportation projects would advance Delta Plan recommendation **DP R11** to enhance the region’s recreation opportunities (Draft EIR p. 2-22).

The Delta Plan also recommends providing adequate infrastructure in the Delta. Recommendation **DP P5** calls for infrastructure, such as roads and highways, to meet the needs of development consistent with an SCS. Plan Bay Area 2050+ includes transportation investments potentially located within the Delta, which may include multiple pedestrian- and bike-friendly projects (Plan Bay Area 2050+ p. 71-74).

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Findings: Based on a review of the Plan Bay Area 2050+ and Draft EIR and in compliance with Water Code section 85212, Council staff has not identified any inconsistency of the recommended transportation projects identified in Plan Bay Area 2050+ with Delta Plan recommendations concerning transportation in the Delta.

Closing Comments

Pursuant to Water Code section 85212, Council staff has reviewed and provided advice and input on the Draft EIR and Plan Bay Area 2050+ as outlined in this letter. Council staff has not identified any inconsistency with the Delta Plan. Council staff finds that the two plans are complementary in nature, serving to protect the Delta while promoting sustainable growth and economic vitality in the broader region. Council staff invites MTC/ABAG to continue to engage Council staff following the adoption of the Plan Bay Area 2050+ to coordinate implementation and subsequent plan updates. Please contact Eva Bush at eva.bush@deltacouncil.ca.gov with any questions.

Attachment 1: Suggested edits regarding the Delta Stewardship Council and the Delta Plan.

Sincerely,

Jeff Henderson
Deputy Executive Officer

Attachment 1

Suggested edits regarding the Delta Stewardship Council and the Delta Plan

Deletions are in ~~strike through~~, additions in underline.

Pg 3.5-29 Under heading: Sacramento-San Joaquin Delta Reform Act of 2009

In November 2009, the California Legislature enacted the Sacramento-San Joaquin Delta Reform Act (Delta Reform Act) (California Water Code Section ~~10610~~ 85000 et seq.), also known as Senate Bill (SB) 1 (Stats. 2009, 7th Ex. Sess., ch. 5) (SB X7-1), one of several bills passed at that time related to water supply reliability, ecosystem health, and the Delta. The Delta Reform Act created the Delta Stewardship Council (DSC), charged with developing and adopting the Delta Plan. ...

...

The Delta Reform Act expressly provides that “covered actions” do not include (1) regional transportation plans, such as the proposed plan, and (2) plans, programs, projects, activities (and any infrastructure necessary to support those plans, programs, projects, or activities) within the secondary zone of the Delta that has been determined to be consistent with the proposed plan (California Water Code Section 85057.5). However, DSC reviews any plan that includes land within the Delta zones, whether or not it is a covered action. Metropolitan planning organizations that have a planning area crossing these boundaries are required to follow a consultation procedure with DSC. This procedure includes early coordination to determine consistency of a proposed plan with the Delta Plan. MTC and ABAG consulted with DSC on ~~December 12, 2019, and January 22, 2020~~ October 19, 2023, on the application of the law, the geography under DSC authority, and the policies

established by the DSC, and will follow the Delta Reform Act's consultation requirements. ...

Pg 3.11-25 Under heading: Delta Plan

Portions of Alameda, Contra Costa, and Solano Counties overlap with areas covered by the Delta Plan. The Delta Plan encompasses the Primary and Secondary Zones of the Sacramento–San Joaquin Delta as well as the Suisun Marsh. The boundaries, which are described in Delta Plan Policy DP P1, Locate New Urban Development Wisely (23 CCR Section 5010), are intended to strengthen existing Delta communities while protecting farmland and open space, providing land for ecosystem restoration needs, and reducing flood risk. Delta Plan Policy DP P1 is consistent with the Delta Reform Act (~~PRC Section 29702~~) (Water Code Section 85000 et seq .) and the Delta Protection Act, (PRC Section 29702) which states that one of the basic goals of the State for the Delta is to "[p]rotect, maintain, and, where possible, enhance and restore the overall quality of the Delta environment, including, but not limited to, agriculture, wildlife habitat, and recreational activities." Projected development could affect consistency with the Delta Plan adopted by the Delta Stewardship Council if projects could expand urban development into the Delta. In order to be consistent with Delta Plan Policy DP P1, new residential, commercial, or industrial development is permitted outside the urban boundaries only if it is consistent with the land use designated in the relevant county general plan as of the date of the Delta Plan's adoption (~~January 2019~~ May 16, 2013). ...

Jurisdictions with land in the Primary Zone and Secondary Zones are required ~~by PRC Section 29763~~ to adopt local and regional planning documents that are consistent with general plans with land uses consistent with the goals and the policies in the Delta Plan, subject to review by the Delta Stewardship Council (Water Code Section 85212). Therefore, subsequent projects within the proposed plan that fall within the Delta Plan boundaries would be required to demonstrate consistency with the plan and satisfy mitigation requirements.

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Portions of Alameda, Contra Costa, and Solano Counties overlap with areas covered by the Delta Plan, adopted by the Delta Stewardship Council. The boundaries, which are described in Delta Plan Policy DP P1, Locate New Urban Development Wisely (23 CCR Section 5010), are intended to strengthen existing Delta communities while protecting farmland and open space, providing land for ecosystem restoration needs, and reducing flood risk. Delta Plan Policy DP P1 is consistent with the Delta Reform Act ~~(PRC Section 29702)~~ (Wat. Code, Sect. 85000 et seq.) (Water Code Section 85000 et seq.) and the Delta Protection Act, (PRC Section 29702), which states that one of the basic goals of the State for the Delta is to "[p]rotect, maintain, and, where possible, enhance and restore the overall quality of the Delta environment, including, but not limited to, agriculture, wildlife habitat, and recreational activities."