



**Delta
Stewardship
Council**

A CALIFORNIA STATE AGENCY

715 P Street, 15-300
Sacramento, CA 95814

916.445.5511
DELTACOUNCIL.CA.GOV

CHAIR

Virginia Madueño

MEMBERS

Diane Burgis
Frank C. Damrell, Jr.
Ben Hueso
Julie Lee
Maria Mehranian
Daniel Zingale

EXECUTIVE OFFICER

Jessica R. Pearson

October 19, 2023

Trevor Joseph

Regional Water Authority

2295 Gateway Oaks Drive, Suite 100

Sacramento, CA 95833

Delivered via email: waterbankinfo@rwah2o.org

**RE: Comments on Notice of Preparation of an Environmental
Impact Report for the Sacramento Regional Water Bank, SCH#
2023090528**

Dear Trevor Joseph:

Thank you for the opportunity to review and comment on the Sacramento Regional Water Bank (project) Notice of Preparation (NOP) of an Environmental Impact Report (EIR). The Delta Stewardship Council (Council) recognizes the objective(s) of the project, as described in the NOP, to establish a regional water bank to increase drought resilience, maintain water supply reliability, support long-term groundwater sustainability, adapt to climate change, and contribute to healthy ecosystem functions.

The Council is an independent state agency established by the Sacramento-San Joaquin Delta Reform Act of 2009, codified in Division 35 of the California Water Code, sections 85000-85350 (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. (Water 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. 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 5001-5015. 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 (covered actions). (Wat. Code, §§ 85210, 85225.30.) 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 initiating the implementation of the project. (Wat. Code, § 85225.)

COVERED ACTION DETERMINATION AND CERTIFICATION OF CONSISTENCY WITH THE DELTA PLAN

Based on the project location and scope, as provided in the NOP, the proposed project may meet the definition of a covered action. Water Code section 85057.5(a) states that a covered action is a plan, program, or project, as defined pursuant to Section 21065 of the Public Resources Code that meets all of the following conditions:

(1) Will occur, in whole or in part, within the boundaries of the Delta or Suisun Marsh. Additional details regarding potential environmental impacts forthcoming in the EIR are needed to determine if this project would occur within the boundaries of the Delta or Suisun Marsh.

(2) Will be carried out, approved, or funded by a State or a local public agency. The project would be carried out by Regional Water Authority (RWA), a joint powers authority comprised of public agencies.

(3) Is covered by one of the provisions of the Delta Plan. Additional project details forthcoming in the EIR are needed to determine the applicability of one or more Delta Plan regulatory policies.

Sacramento Regional Water Bank

Trevor Joseph

October 19, 2023

Page 3

(4) Will have a significant impact on 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 project may have a significant impact on achievement of both of the coequal goals.

The state or local public agency approving, funding, or carrying out the project must determine if that project is a covered action and, if so, file a certification of consistency with the Council prior to project implementation. (Wat. Code, § 85225; Cal. Code Regs., tit. 23, § 5001(j)(3).) Additional project description and environmental impact details contained in the forthcoming Draft EIR will be helpful in determining applicable Delta Plan policies supporting this determination.

As RWA proceeds with design, development, and environmental impact analysis of the project, the Council invites RWA to engage Council staff in early consultation to discuss project features and mitigation measures that would promote consistency with the Delta Plan.

More information on covered actions, early consultation, and the certification process can be found on the Council website, <https://coveredactions.deltacouncil.ca.gov>. Council staff are available to discuss issues outlined in this letter as RWA proceeds in the next stages of its project and approval processes. Please contact James Edwards at james.edwards@deltacouncil.ca.gov with any questions.

Sincerely,

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

Jeff Henderson, AICP
Deputy Executive Officer