



Project: Delta Plan Ecosystem Amendment, Delta Stewardship Council
Date Issued: September 27, 2021

NOTICE OF AVAILABILITY

DELTA PLAN ECOSYSTEM AMENDMENT DRAFT PROGRAM ENVIRONMENTAL IMPACT REPORT

Notice is hereby given by the Delta Stewardship Council (Council), as the lead agency pursuant to the California Environmental Quality Act (CEQA), that the Delta Plan Ecosystem Amendment Draft Program Environmental Impact Report (Draft PEIR) is available for public review and comment. This Notice of Availability (NOA) has been prepared for the Draft PEIR, in compliance with Section 15087 of the CEQA Guidelines.

PROJECT DESCRIPTION AND LOCATION

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) (defined in Water Code [Wat. Code] section 85058). This new law took effect on February 3, 2010, and included the Sacramento–San Joaquin Delta Reform Act of 2009 (Delta Reform Act), codified in Wat. Code division 35, section 85000 et seq. 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)). As defined in Wat. Code section 85054:

Coequal goals means the two goals of providing a more reliable water supply for California and protecting, restoring and enhancing the Delta ecosystem. The coequal goals shall 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 adopted the Delta Plan in 2013. The Delta Reform Act requires the Council to review the Delta Plan at least once every 5 years and revise it as the Council deems appropriate (Wat. Code section 85300(c)). When the Delta Plan was adopted, the Council anticipated periodic reviews of the Delta Plan and potential need for updates in response to changing circumstances and conditions in the Delta.

The purpose of the proposed amendment to Chapter 4, *Protect, Restore, and Enhance the Delta Ecosystem*, of the Delta Plan (proposed Ecosystem Amendment or Proposed Project) is to address shifts in how conservation is being planned and implemented in the Delta.

The Proposed Project consists of new and revised Delta Plan policies, recommendations, and performance measures in Chapter 4 of the Delta Plan related to ecosystem protection, restoration, and enhancement in the Delta. In addition, the Proposed Project includes removal of some existing recommendations and performance measures.

Chapter 4 of the Delta Plan implements Wat. Code section 85022(d) and sections 85302(a), 85302(b), 85302(c), 85302(d)(1), 85302(d)(3), and 85302(e), which provide direction on implementing specific measures to promote the coequal goal of protecting, restoring, and enhancing the Delta ecosystem (Wat. Code section 85054) and the inherent objectives of that coequal goal. The coequal goal of protecting, restoring, and enhancing the Delta ecosystem is consistent with the Public Trust Doctrine and, among other things, promotes and protects fishing, recreational, and ecological public trust uses in the Delta watershed.

In addition, pursuant to Wat. Code sections 85211 and 85308(b) through (d), ecosystem performance measures in Appendix E of the Delta Plan enable the Delta Stewardship Council (Council) to track progress in meeting the objectives of the Delta Plan. The Council proposes to amend Delta Plan Appendix E to refine or remove existing performance measures and add new performance measures associated with proposed new and revised policies and recommendations in Chapter 4 of the Delta Plan.

The location of the Proposed Project is the planning area to be considered in the PEIR as defined by the purposes and uses of the Delta Plan, which are described in the Delta Reform Act. The “Primary Planning Area” is the Delta, which is defined in the Delta Reform Act (Wat. Code section 85058) as “the Sacramento–San Joaquin Delta as defined in [Wat. Code] section 12220, and the Suisun Marsh, as defined in section 29101 of the Public Resources Code.” 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 outside the Delta watershed with places of use receiving water from or conveyed through the Delta. The Primary and Extended Planning Areas for the PEIR are shown in Figure 1.



Figure 1. Planning Area for Proposed Delta Plan Ecosystem Amendment

ANTICIPATED SIGNIFICANT ENVIRONMENTAL EFFECTS

The Draft PEIR examines the potential significant environmental effects of the Proposed Project. The Council is not proposing specific projects at specific locations, nor would the proposed amendment require or approve them. The Proposed Project, which is an amendment to the Delta Plan, is a programmatic plan for achieving the coequal goals and the eight inherent objectives in the Delta (Wat. Code section 85020). At a programmatic level, the Draft PEIR reviews the physical environmental effects of potential types and locations of reasonably foreseeable actions taken by others in response to the Proposed Project. It does not provide project-level environmental review for any specific projects because project-level CEQA review would be conducted by the lead agencies for later, specific actions undertaken in response to the Delta Plan's policies, recommendations, and performance measures. The Draft PEIR identifies significant impacts on aesthetics; agriculture and forestry resources; air quality; biological resources (aquatic and terrestrial); cultural resources; geology, soils and mineral resources; greenhouse gas emissions; hazards and hazardous materials; hydrology and water quality; land use and planning; noise; recreation; transportation; tribal cultural resources; utilities and public services; and wildfire. Implementation and enforcement of revised mitigation measures, or equally effective feasible measures, would be within the responsibility and jurisdiction of public agencies other than the Council. Therefore, identified significant impacts in the Draft PEIR would remain significant and unavoidable.

PRESENCE OF LISTED HAZARDOUS MATERIALS SITES

The Primary and Extended Planning Areas contain numerous sites listed on the "Cortese List" of hazardous materials sites (California Government Code Section 65962.5). It is not known what actions taken by others in response to the proposed amendments would be located on a site listed on the Cortese List. Therefore, specific sites cannot be identified at this time, but would be addressed in the CEQA review of specific actions by other agencies in response to the Proposed Project.

WRITTEN COMMENTS

Written comments on the Draft PEIR's environmental analyses are requested and invited from responsible agencies, organizations, and interested parties. The 64-day public review period for this Draft PEIR is Monday, September 27, 2021 through 5:00 p.m. on Tuesday, November 30, 2021. During the public review period, written comments should be postmarked by Tuesday, November 30, 2021 and mailed or emailed to:

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Sacramento, CA 95814
Email Address: ecosystemamendment@deltacouncil.ca.gov

If you are commenting on this Draft PEIR, please use "Delta Plan Ecosystem Amendment PEIR" in the subject line. For comments by agencies and organizations, please include the name of a contact person for your agency or organization. Commenters will be automatically added to the distribution list for future notices and information about the Proposed Project environmental review process.

All comments received, including names and addresses, will become part of the official administrative record and may be available to the public. Commenters may request the Council to withhold contact information from public disclosure, which will be honored to the extent allowable under California law. For the Council to consider withholding contact information, this request must be stated prominently at the beginning of the submitted comments.

PUBLIC MEETING

The Delta Stewardship Council will hold a public hearing to receive comments on the Draft PEIR at the November 18, 2021 Delta Stewardship Council meeting. A meeting notice with information on the time and participation information, including if applicable, an in-person location will be published on the Council's website 10 days prior to the meeting. There will be a remote attendance option via a live webcast at www.deltacouncil.ca.gov. A stenographer will record verbal comments at the public hearing, and written comments will also be accepted.

DRAFT PEIR AND ADDITIONAL INFORMATION

The Draft PEIR is available for public review and download online at <https://deltacouncil.ca.gov/delta-plan/amendments>. To view a physical copy of the Draft PEIR and supporting technical appendices, please email ecosystemamendment@deltacouncil.ca.gov or call (916) 445-5511. Digital copies of the document are available for public review at public library locations listed below during normal business hours. Please note that public libraries may currently be offering limited services due to COVID-19 and members of the public are encouraged to contact the library via telephone prior to their visit.

Sacramento Public Library
828 I Street
Sacramento, California 95814
(916) 264-2700

Cesar Chavez Central Library
605 N. El Dorado Street
Stockton, California 95202
(209) 937-8221

Solano County Library - Rio Vista Library
44 S 2nd Street
Rio Vista, California 94571
(866) 572-7587

Redding Library
1100 Parkview Avenue
Redding, California 96001
(530) 245-7250

Fresno Central Library
2420 Mariposa Street
Fresno, California 93721
(559) 600-7323