



2017 UPDATE

2017 Central Valley Flood Protection Plan Update Scoping Report

July 2016

SCH No. 2010102044

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1.0 Introduction

The *2012 Central Valley Flood Protection Plan* (CVFPP) was prepared by the California Department of Water Resources (DWR) (DWR, 2012a) to reflect a systemwide approach to improve integrated flood management in lands currently protected by existing facilities of the State Plan of Flood Control (SPFC). Primary authorization for the CVFPP originates in Senate Bill 5, also known as the Central Valley Flood Protection Act of 2008 (Act), resulting in specific requirements described in California Water Code Sections 9600 through 9625. The Act also requires that the CVFPP be updated every 5 years. The 2012 CVFPP specified that the first update is due in 2017. To this end, DWR is currently preparing the 2017 CVFPP Update to describe refinements to flood protection activities included in the 2012 CVFPP.

In accordance with the California Environmental Quality Act (CEQA) (California Public Resources Code Section 21000 et seq.) and its implementing regulations, Title 14 California Code of Regulations, Section 15000 et seq. (CEQA Guidelines), DWR, acting as the lead agency, certified the *2012 CVFPP Consolidated Final Program Environmental Impact Report* (PEIR) on June 29, 2012 (DWR, 2012b). DWR filed a Notice of Determination with the State Clearinghouse (SCH) on July 2, 2012 (SCH number [No.] 2010102044). The PEIR evaluated potential impacts on the physical environment associated with a broad range of flood protection activities throughout the Central Valley that were included in the 2012 CVFPP, which was adopted by the Central Valley Flood Protection Board (Board).

Consequently, in accordance with CEQA and the CEQA Guidelines, DWR will prepare a Supplemental PEIR for the 2017 CVFPP Update. The Supplemental PEIR will focus its analysis (per CEQA Guidelines Sections 15162 and 15163) on how the 2017 CVFPP Update could result in new significant impacts or a substantial increase in the severity of a significant impact, if there is substantially important new information relating to the CVFPP or its environmental effects, or if there are substantial changes to project circumstances.

This report documents scoping activities that occurred for the 2017 CVFPP Update Supplemental PEIR. The Supplemental PEIR will evaluate potential impacts on the physical environment associated with the Board's adoption of the 2017 CVFPP Update, and subsequent implementation of the 2017 CVFPP Update. Accordingly, DWR released a Notice of Preparation (NOP) on March 18, 2016 (Appendix A), and held a public scoping meeting to obtain input from the public, responsible and trustee agencies, stakeholders, and interested parties. The following sections and appendixes include the CVFPP project description, a summary of CEQA scoping requirements, a description of the NOP, details of the 2017 CVFPP Update Supplemental PEIR scoping process, and comments and responses.

The 2017 CVFPP Update refines the systemwide approach described in the 2012 CVFPP for implementing possible future flood management improvements in the Central Valley, with a focus on lands currently protected by the SPFC. As part of the 2017 CVFPP Update, DWR is incorporating information from multiple supporting efforts, including the Central Valley Flood

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System Conservation Strategy (Conservation Strategy) (DWR, 2015), Basin-Wide Feasibility Studies (BWFSs) and Regional Flood Management Plan.

The updates, and the reasonable range of potential implementation approaches included in the 2012 CVFPP, have been identified by DWR to accomplish the primary and supporting goals of the CVFPP. The primary goal is to reduce the chance of flooding, and damages once flooding occurs; and improve public safety, preparedness, and emergency response through the following:

- Identifying, recommending, and implementing structural and nonstructural projects and actions that benefit lands currently receiving protection from SPFC facilities.
- Formulating standards, criteria, and guidelines to facilitate implementation of structural and nonstructural actions for protecting urban areas and other lands of the Sacramento and San Joaquin River basins and the Sacramento–San Joaquin Delta (Delta).

Supporting goals, program objectives, and statutory objectives are listed in the NOP (Appendix A).

As described in the Consolidated Final PEIR, the CVFPP reflects the State’s vision for modernizing the SPFC to address current challenges and future trends, and to meet CVFPP goals and objectives. Flooding poses different threats to the people, critical infrastructure, and properties associated with the valley’s varied land uses; consequently, the proposed program embodies a differentiated approach to improving flood protection in urban areas, small communities, and rural-agricultural areas. Integrating the conservation and restoration of ecosystem functions and habitats in flood management actions, where feasible, is an important strategy for meeting the objectives of the proposed program. The Supplemental PEIR will discuss a range of individual management actions that could be used to accomplish the program goals and objectives.

2.0 Scoping Process

The process of determining the scope, focus, and content of a CEQA environmental document is known as “scoping.” CEQA promotes early consultation through a scoping process. The CEQA Guidelines (Section 15083) state the following:

Scoping has been helpful to agencies in identifying the range of actions, alternatives, mitigation measures, and significant impacts to be analyzed in depth in an Environmental Impact Report and in eliminating from detailed study issues found not to be important. Scoping has been found to be an effective way to bring together and resolve the concerns of affected federal, state and local agencies, the proponent of the action, and other interested persons including those who might not be in accord with the action on environmental grounds.

An NOP begins the CEQA scoping process. The NOP notifies the Governor’s Office of Planning and Research/State Clearinghouse Unit, responsible and trustee agencies, and stakeholders and interested parties that an environmental document will be prepared. The NOP solicits guidance from these entities as to the scope and content of the information to be included in the document.

In accordance with the CEQA Guidelines (Section 15082(b)), each responsible and trustee agency and the Office of Planning and Research is to provide the lead agency with specific details about the scope and content of the environmental information related to the responsible or trustee agency’s area of statutory responsibility that must be included in the document within 30 days of receiving the NOP.

Scoping meetings are an opportunity for the lead agency to solicit from the responsible and trustee agencies and the public verbal or written comments on the scope and content of the CEQA document. For projects of statewide, regional, or areawide significance, at least one scoping meeting must be held, with notice of that meeting provided to any city or county that borders on a county or city within which the project is located (CEQA Guidelines [Section15082]).

2.1 Notice of Preparation

The NOP for the 2017 CVFPP Update Supplemental PEIR was signed by Mary Jimenez, Chief, Flood Planning Branch, and publically released on March 18, 2016, by the SCH (Appendix A). The NOP was distributed on March 18, 2016, via the Central Valley Flood Management Planning (CVFMP) listserv with a link to the NOP on the CVFMP website.

As mandated under CEQA, the NOP was circulated for a 30-day public review period, beginning on March 18, 2016, and ending on April 18, 2016. Agencies and interested parties were given the opportunity to provide DWR with written comments on the proposed scope and content of the Supplemental PEIR until 5 p.m. on April 18, 2016.

2.2 Scoping Meeting

DWR held a public scoping meeting on April 8, 2016. The public scoping meeting was held from 10 a.m. until 10:45 a.m., on the first floor of the Council Chamber of the Sacramento City Hall at 915 I Street, Sacramento, California, 95814. Agencies and interested parties were given the opportunity to provide oral and written comments on the proposed scope and content of the Supplemental PEIR at the public scoping meeting.

The NOP was published with the SCH and sent via email through the CVFMP listserv, with a link to the NOP on the CVFMP website. The NOP contained information on the location, date, and time of the scoping meeting.

The scoping meeting was attended by 30 individuals and included DWR staff, members of the CVFPP consulting team, and members of the public. Appendix B includes the sign-in sheets from the meeting, and Table 2-1 lists DWR staff and consultants attending the scoping meeting.

Table 2-1. California Department of Water Resources Staff and Consultants at Scoping Meeting

Staff	Affiliation	Staff	Affiliation
Michele Ng	DWR	Mary Jimenez	DWR
Tony Deus	DWR	Laura Hollender	DWR
Wendy Wang	DWR	Lawrence Kerckhoff	DWR
Terri Gaines	DWR	Matt Franck	CH2M
Robin Brewer	DWR	Yassaman Sarvian	CH2M
Andrea Chavez	Edelman	Briana Seapy	Kearns & West

Key:
CH2M = CH2M HILL, Inc.

Meeting attendees were greeted at the door and asked if they would like to sign in and be added to the CVFPP mailing list. Meeting materials handed out to each attendee included an agenda for the meeting and the NOP. In addition, a comment card was made available to each attendee. Appendix B provides copies of these materials.

The scoping meeting was conducted in front of the Board during their regularly schedule workshop meeting. DWR staff gave a presentation to the Board that provided an overview of the 2017 CVFPP planning process, the Supplemental PEIR process, and the scoping process. After the presentation, there was an opportunity for the public to submit comments.

The meeting included a Microsoft PowerPoint presentation (Appendix B) describing the 2017 CVFPP Update and associated CEQA process.

A stenographer was present at the meeting. Meeting attendees were directed to the stenographer to give their comments for the record. A Spanish interpreter was also provided at the meeting. A stenographer prepared a transcript of the scoping meeting presentation (Appendix C).

3.0 Comments and Responses

Written comments on the 2017 CVFPP Update Supplemental PEIR NOP were received by DWR from a variety of agencies and organizations. Before the end of the comment period (April 18, 2016), comments were received from the following state agencies, local agencies, nongovernmental organizations, and private stakeholders:

1. California Department of Fish and Wildlife, Region 2
2. California Department of Transportation, District 3
3. California Farm Bureau Federation
4. Central Valley Regional Water Quality Control Board
5. Conaway Preservation Group
6. Conservation Community (joint letter signed by American Rivers, Trout Unlimited, Audubon California, California Trout, Natural Resources Defense Council, and Sacramento River Preservation Trust)
7. Delta Stewardship Council

Each comment letter is provided as an attachment to this report (Appendix C), with each letter and comment numbered to facilitate responding. In addition, Appendix C includes the transcript of the April 8, 2016, scoping meeting, with additional delineated scoping comments. Responses to each comment are provided in the following sections.

3.1 California Department of Fish and Wildlife

Response to Comment 1-1:

The California Department of Fish and Wildlife (CDFW) references the provisions of CEQA Guidelines Section 15168 that address the use of a program EIR in connection with the approval of future activities or the adoption of future project-level CEQA documents, generally referred to as “tiering.” CDFW specifically recommends that a process be established for considering these issues, emphasizing the need for a site-specific evaluation for projects that may affect sensitive biological resources. CDFW suggests use of an initial study checklist, specifically referencing relevant portions of the PEIR with page and section references, and addressing whether applicable PEIR mitigation measures will be incorporated.

For projects with site-specific impacts that may be significant, but that are not analyzed at a project level of detail in the programmatic EIR, DWR agrees that such an evaluation is likely to be appropriate. DWR notes that the process CDFW is recommending is similar to the initial study and NOP for the supplemental PEIR, with topic-by-topic summaries of the PEIR and the identification of areas requiring additional analysis. A similar format could be useful for the tiering of future project level documents.

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DWR intends to address future activities and CEQA documents as directed by the CEQA Guidelines, in particular Sections 15168(c) and 15168(d). The anticipated use of the PEIR is likely to vary depending on the nature of the subsequent activity or document. For example, for activities that might qualify for a categorical exemption, the PEIR may provide a basis for determining whether there are significant impacts due to unusual circumstances that could prevent reliance on an exemption. For activities addressed through a negative declaration, the PEIR may serve as a source of applicable mitigation measures to avoid significant impacts. For activities addressed through a project level EIR, the PEIR may help to focus the analysis on significant site-specific impacts, as suggested by CDFW. The PEIR may also be relied upon for an analysis of cumulative impacts in connection with future documents, as a source of potentially applicable mitigation measures, and for the evaluation of program level alternatives. DWR will explore the option of establishing a specific procedure for detailed project review as part of Supplemental PEIR development. Regardless, CDFW will continue to be involved in individual project review as a CEQA Responsible and Trustee Agency.

Response to Comment 1-2:

CDFW recommends that the Supplemental PEIR consider various items in the updated environmental setting, including new conservation plans, new data on species and habitat, and updated information about public land ownership. As described in the NOP, DWR intends to update the biological resources evaluation to reflect new information. The items suggested by CDFW will be considered in updating the biological resources information presented in the Supplemental PEIR.

Response to Comment 1-3:

CDFW recommends that the Supplemental PEIR consider various items in the updated impacts analysis. The suggested items are generally consistent with the information already presented in the Consolidated Final PEIR, but includes specific reference to some new items, including new scientific literature on the giant garter snake and newly listed species. As described in the NOP, DWR intends to update the biological resources evaluation to reflect new information. The items suggested by CDFW will be considered in updating the biological resources impact analysis presented in the Supplemental PEIR.

Response to Comment 1-4:

With regard to payment of Fish and Game fees pursuant to Fish and Game Code Section 711.4, DWR will pay the necessary fees as required for a supplemental document at the time the Notice of Determination is filed.

Response to Comment 1-5:

Notification of proposed actions and pending decisions will be sent to CDFW as requested. DWR maintains a master list of stakeholders who are participating in the CVFPP development process, and CDFW (including the listed contact, Gina Ford) is included on the master list.

3.2 California Department of Transportation

Response to Comment 2-1:

The California Department of Transportation (Caltrans) District 3 comment letter references the NOP, stating that there are no changes to previously analyzed transportation and traffic impacts described in the Consolidated Final PEIR. That is true based on current information, and will continue to be monitored as the 2017 CVFPP Update is completed. In the remainder of its comments, Caltrans references key points from prior correspondence.

Response to Comment 2-2:

Future project-level management actions will be reviewed by Caltrans to determine each project's potential to affect the state highway system. DWR maintains a master list of stakeholders who are participating in the CVFPP development process, and Caltrans (including the listed contact, Robert King) is included in the master list.

Response to Comment 2-3:

Caltrans discusses the types of impacts anticipated to occur as a result of sea level rise, and suggests that the CVFPP review potential impacts based on a 200-year water surface analysis. This is consistent with DWR's approach - see Consolidated Final PEIR Sections 3.7 (Climate Change) and 3.13 (Hydrology) for details. The Supplemental PEIR will update this information as needed, but at this time, it is anticipated that the approach described in the Consolidated Final PEIR will remain unchanged.

Response to Comment 2-4:

Caltrans requests copies of models used for the 2017 CVFPP Update. As needed, DWR staff will coordinate with Caltrans to share relevant hydrologic and hydraulic information that may affect the state highway system. At this time, it is expected that the most useful modeling data will be developed as part of future project-level analyses.

Response to Comment 2-5:

The Consolidated Final PEIR references following all relevant laws and regulations in constructing and operating individual management actions carried forward under the CVFPP. This includes preparing traffic management plans where construction may interfere with traffic on the state highway system and local roadways, and working with Caltrans to obtain encroachment permits for all encroachments onto the state highway system.

Response to Comment 2-6:

Notification of proposed actions and pending decisions will be sent to Caltrans as requested. DWR maintains a master list of stakeholders who are participating in the CVFPP development process, and Caltrans (including the listed contact, Robert King) is included in the master list.

3.3 California Farm Bureau Federation

Response to Comment 3-1:

As stated by the California Farm Bureau Federation (Farm Bureau), the Consolidated Final PEIR identified a range of potentially significant and unavoidable impacts on Central Valley agricultural lands and resources. The Farm Bureau states that the Supplemental PEIR process presents an opportunity to reexamine and reassess the PEIR's approach to agricultural impacts in light of new information relating to potential significant impacts and potential changed circumstances. The Farm Bureau then summarizes mitigation measures from the Consolidated Final PEIR, as well as other recent efforts, including the Bay-Delta Conservation Plan, DWR Agricultural Land Stewardship Workgroup, and Feather River Regional Flood Management Plan.

As stated in the NOP, DWR expects that new information on agricultural land conversion will be available (e.g., related to the Conservation Strategy) and will be discussed in the Supplemental PEIR. This new information will be discussed in the Supplemental PEIR, which may result in an opportunity to refine or otherwise update the discussion of farmland impacts and mitigation measures. DWR agrees with the Farm Bureau that the "toolkit" for farmland mitigation has evolved, and information from other environmental documents and programs may be useful in updating the CVFPP farmland mitigation strategy. This new information will be considered in preparing the Supplemental PEIR.

3.4 Central Valley Regional Water Quality Control Board

Response to Comment 4-1:

The Central Valley Regional Water Quality Control Board (RWQCB) references its efforts to develop a mercury total maximum daily load (TMDL) for reservoirs statewide, which is different than the American River TMDL effort described in the Consolidated Final PEIR. The RWQCB states that reservoir operations may be modified in the future to control methylmercury production and achieve appropriate levels of mercury in fish. DWR will consider the extent to which CVFPP implementation may be affected by future adoption of a mercury TMDL, and as necessary, will include relevant information in the Supplemental PEIR.

Response to Comment 4-2:

Notification of proposed actions and pending decisions will be sent to the RWQCB. DWR maintains a master list of stakeholders who are participating in the CVFPP development process, and the RWQCB (including the listed contact, Patrick Morris) is included in the master list.

3.5 Conaway Preservation Group

Response to Comment 5-1:

Conaway Preservation Group describes a potential management action - the Transitory Storage Project - to lower the flood stage in the Yolo Bypass and provide regional flood risk reduction and groundwater recharge benefits. The program description to be included in the Supplemental PEIR will be based on the 2017 CVFPP update, which is still under development. The 2017 CVFPP Update will be formulated based, in part, on input from stakeholders regarding ongoing regional flood management planning efforts. DWR encourages Conaway Preservation Group to continue working with the Lower Sacramento River/Delta North Regional Flood Management Plan team for detailed consideration of the Transitory Storage Project.

Response to Comment 5-2:

Notification of proposed actions and pending decisions will be sent to Conaway Preservation Group as requested. DWR maintains a master list of stakeholders who are participating in the CVFPP development process, and Conaway Preservation Group (including the listed contacts, Jonathon Kors and Jay Punia) is included in the master list.

3.6 Conservation Community

Response to Comment 6-1:

This comment summarizes the Conservation Community comments. Responses to the individual comments are provided below.

Response to Comment 6-2:

The Conservation Community states that the Board should be the lead agency for the preparation of the PEIR, instead of DWR. DWR is an appropriate lead agency because it prepares the CVFPP and all of its supporting documents, and implements a wide variety of flood system improvements in furtherance of the plan, all of which are a part of the “project” pursuant to CEQA that is the subject of the PEIR. The CEQA Guidelines define “project,” as “the whole of an action, which has a potential for resulting in either a direct physical change in the environment, or a reasonably foreseeable indirect physical change in the environment,” Guidelines Section 15378(a). The guidelines further state that: “The term ‘project’ refers to the activity which is being approved and which may be subject to several discretionary approvals by governmental agencies. DWR’s role in relation to the CVFPP and its implementation are described further in the July 23, 2010 lead agency agreement between DWR and the Board. Such an agreement is contemplated by section 15051(d) of the CEQA guidelines. It is worth noting that no party (including the Conservation Community) disputed DWR’s lead agency role in 2012, and that no party other than the Conservation Community has disputed that role for the 2017 update.

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Response to Comment 6-3:

The Conservation Community states that preparation of a supplemental EIR is inappropriate, and that a subsequent EIR is necessary. A supplemental EIR is an appropriate CEQA document pursuant to the steps required to determine whether a supplemental or subsequent EIR is appropriate under CEQA and the CEQA Guidelines. The first step in determining which document is appropriate is an evaluation by the the lead agency regarding whether there are changes in the project, changes in circumstances, and/or new information, that warrant additional environmental review. Pub. Res. Code Section 21166. As reflected in the NOP, DWR has concluded that this step has been satisfied with respect to some of the environmental impacts evaluated in the 2012 PEIR. Once the first step is satisfied, the lead agency needs to determine whether a subsequent EIR, a supplemental EIR, or an addendum is the appropriate level of additional analysis. That determination is covered by several CEQA guidelines, specifically Sections 15162, 15163, and 15164. In this second step, the lead agency determines whether the changes, new information, or changed circumstances will result in new significant impacts, or a substantial increase in the severity of previously identified significant impacts. Here, DWR believes that no new significant impacts will occur beyond those analyzed adequately in the 2012 CVFPP PEIR, and that none of the previously identified significant impacts will be substantially increased.

CEQA Guidelines Section 15162 suggests that this second step can be modified somewhat in the situation where there is new information that demonstrates that there are substantially different or newly feasible alternatives or mitigation measures that would reduce previously identified significant impacts, and that the agency declines to adopt them. DWR intends to propose to the Board, if there are any such alternatives or mitigation measures, that they be adopted.

The third step asks whether the required updates to the EIR involve “major revisions” as compared to “minor changes.” DWR has evaluated this question in the context of the relatively minor, incremental changes that are anticipated in the CVFPP. While it is true that additional detail is now being provided regarding the proposed management actions, as well as in the Conservation Strategy, this detail is consistent with the program reflected in the 2012 CVFPP and is not anticipated to require major changes in the analysis.

The following factors have led DWR to conclude that the 2017 PEIR will only require “minor changes” to the 2012 document, as compared to “major revisions.” First, the NOP concludes that most of the environmental impacts discussed in 2012, such as traffic, air quality, public hazards, and aesthetics, are unaffected and need not be revisited. Second, within the impact areas that are proposed to be addressed, only focused updates are necessary. For example, in the biological resources section only one of the dozens of species addressed – the giant garter snake – requires a material update. Finally, DWR has concluded that a focused supplemental EIR will best support the public information purposes of CEQA, since it will highlight the changes being made rather than dilute those changes through the repetition of extensive, unchanged analysis from the 2012 document. This will be more efficient for both the interested parties and for DWR and the Board.

In any event, there is no procedural difference between a subsequent and a supplemental EIR, with both being subject to the same public review and participation requirements under CEQA

Guidelines Section 15087. CEQA Guidelines Sections 15162(d), and 15163(c). The only difference is in the title of the document. In this regard, as noted in *City of Irvine v. County of Orange* (July 6, 2015) 238 Cal.App.4th 526:

“Two points are salient, though. One, as CEQA Guideline 15162’s “may choose” language shows, the choice to proceed by way of a “supplemental” as distinct from a “subsequent” EIR is a discretionary one with the lead agency, thus tested under a reasonableness standard. Two, as shown recently by *Citizens for a Sustainable Treasure Island v. City and County of San Francisco* (2014) 227 Cal.App.4th 1036, 1047-1048 (Treasure Island), the appropriate judicial approach is to look to the substance of the EIR, not its nominal title. [footnote omitted] (*Accord, California Oak Foundation v. Regents of University of California* (2010) 188 Cal.App.4th 227, 271, fn. 25 [quotation omitted].)”

Finally, the language of Section 15162 is stated in prohibitory terms – “no subsequent EIR shall be prepared for that project unless the lead agency determines, on the basis of substantial evidence in the light of the whole record [that the three steps described above are all satisfied].” As reflected in the NOP and in the discussion above, that is not the situation here. Not only is a subsequent EIR not required, it is prohibited unless DWR were to identify such evidence.

Response to Comment 6-4:

The Conservation Community restates a key CVFPP goal to promote ecosystem function, and states that adopting the Conservation Strategy as part of the 2017 CVFPP Update and configuring alternatives to advance the Conservation Strategy “are essential to comply with the Water Code and avoid or mitigate environmental impacts under CEQA.” As described in the NOP, the Conservation Strategy is an anticipated component of the 2017 CVFPP Update, building upon the Conservation Framework that was included in the 2012 CVFPP and analyzed in the 2012 PEIR. The Supplemental PEIR will consider the new information included in the Conservation Strategy and, as needed, will identify how the Conservation Strategy can contribute to the reduction of significant or potentially significant environmental impacts. Regarding alternatives, see Response to Comment 6-7.

Response to Comment 6-5:

The Conservation Community states that the PEIR must consider cumulative impacts. It should be noted that cumulative impacts were analyzed in 2012 PEIR, including impacts resulting from past actions such as the design, construction and maintenance of the flood control system. That analysis (along with the rest of the 2012 PEIR) was unchallenged. The 2017 Supplemental PEIR will include an updated cumulative impacts analysis as appropriate, based upon new information or potentially significant new impacts that may result from the 2017 CVFPP Update.

Response to Comment 6-6:

The Conservation Community addresses the scope of new information, including new information contained in the Conservation Strategy, in the context of subsequent CEQA review and alternatives analysis. These topics are addressed in Responses to Comments 6-3, 6-4, and 6-7. In general, new information developed for hydraulics and flood risk reduction will be considered in the Supplemental PEIR, but based on available information (discussed in the NOP

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and in Response to Comment 6-3) it does not appear that a subsequent CEQA document is required.

Response to Comment 6-7:

The Conservation Community states that the CVFPP must consider alternatives to achieve the multiple benefits required under the Water Code and that the PEIR must consider alternatives that would avoid or minimize impacts. The Conservation Community also states that the feasibility of the Enhanced Flood System Capacity alternative should be reconsidered in light of current funding sources and new information.

As noted in the comment, the CVFPP is required to meet multiple objectives, including those described in Water Code Sections 9614 and 9616, and the 2017 Update will comply with these requirements. The 2012 PEIR addressed this, in part, through evaluation of the Enhanced Flood System Capacity alternative, which included increased floodplain restoration and other habitat improvements. The alternative was not adopted largely due to the fact that only a small fraction of the funding required to implement the alternative is foreseeably available, and the potential for obtaining adequate funding for the alternative is extremely low. This situation has not materially changed and therefore, the alternative will not be included in the 2017 Update.

More generally, as stated in the NOP, the 2017 Supplemental PEIR will analyze how the Update could result in new impacts or a substantial increase in the severity of a significant impact, or if there is substantially important new information relating to the CVFPP or its environmental effects. In the event that the 2017 CVFPP update results in new significant impacts or a substantial increase in the severity of a significant impact, or if new information arises which leads to such results, the 2017 Supplemental PEIR will consider appropriate alternatives and mitigation measures in compliance with CEQA. It is currently anticipated that such additional analysis will focus on the areas that the NOP identified for further evaluation. For example, updated mitigation measures may be appropriate to respond to new scientific understandings of the giant garter snake and/or specific elements of the Conservation Strategy.

3.7 Delta Stewardship Council

Response to Comment 7-1:

The Delta Stewardship Council (Council) references its prior engagement with the draft Conservation Strategy and requests a copy of the final Conservation Strategy when it is publicly released. DWR maintains a master list of stakeholders who are participating in the CVFPP development process, and the Council (including the listed contact, Jessica Davenport) is included in the master list.

Response to Comment 7-2:

The Council summarizes the Consolidated Final PEIR consistency analysis based on the 2012 interim draft Delta Plan, and states that the final Delta Plan went into effect in September 2013 – subsequent to the adoption of the CVFPP and Consolidated Final PEIR. Therefore, the Council

requests that the Supplemental PEIR address consistency with the (final) Delta Plan policies and recommendations.

As stated in the NOP, DWR assumes that some land use plans may have been updated and will require consideration in the Supplemental PEIR. DWR will review the Delta Plan in comparison to the Consolidated Final PEIR, and as needed, will provide new information in the Supplemental PEIR.

Response to Comment 7-3:

The Council states that actions subject to Delta Plan regulations must document use of best available science, and that ecosystem restoration projects must include adequate provisions for implementation of adaptive management.

The 2017 CVFPP Update is based on the best available science, and the Conservation Strategy includes provisions for adaptive management. As needed, DWR will consult with staff from the Delta Science Program to ensure adequate documentation is provided as required by the Delta Plan.

Response to Comment 7-4:

The Council describes the Delta Plan floodplain restoration vision for priority restoration areas including the Yolo Bypass, and states that habitat restoration activities must be consistent with the Delta Plan.

As described in Response to Comment 7-2, DWR will review the Delta Plan in comparison to the Consolidated Final PEIR, and as needed, will provide new information. This includes the potential for restoration of seasonally inundated floodplains to result in higher loading of methylmercury.

Response to Comment 7-5:

The Council describes the potential for activities to result in new introductions of, or improved habitat conditions for, non-native invasive species, and states that this impact can be mitigated using measures included in the Delta Plan PEIR.

As described in Response to Comment 7-2, DWR will review the Delta Plan in comparison to the Consolidated Final PEIR, and as needed, will consider the adequacy of nonnative invasive species mitigation measures included in the Consolidated Final PEIR.

Response to Comment 7-6:

The Council addresses the potential for agricultural land conversion from flood risk reduction and ecosystem restoration projects, and recommends working closely with appropriate Delta counties and the Delta Protection Commission to ensure that adequate mitigation is provided.

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As stated in the NOP, DWR expects that new information on agricultural land conversion will be available (e.g., related to the Conservation Strategy) and will be discussed in the Supplemental PEIR. Also see Response to Comment 3-1.

Response to Comment 7-7:

The Council describes Delta Plan Policy RR P1 regarding the prioritization of state investments in Delta flood risk management. The program description to be included in the Supplemental PEIR will be based on the 2017 CVFPP Update, which is still under development. The 2017 CVFPP Update will be formulated based, in part, on input from stakeholders in ongoing regional flood management planning efforts. DWR encourages the Council to continue working with the Lower Sacramento River/Delta North Regional Flood Management Plan team for detailed consideration of Delta Plan Policy RR P1 consistency.

Response to Comment 7-8:

The Council summarizes Delta Plan Recommendation DP R11 regarding recreation opportunities. As described in Response to Comment 7-2, DWR will review the Delta Plan in comparison to the Consolidated Final PEIR, and as needed, will consider the need to update the recreation impacts analysis in the Consolidated Final PEIR.

The Council also summarizes Delta Plan Recommendations RR R8 and RR R8 regarding specific flood management improvements, such as bypasses and setback levees within the Delta and Delta watershed. As described in Response to Comment 7-7, DWR encourages the Council to continue working with the Lower Sacramento River/Delta North Regional Flood Management Plan team for detailed consideration of Delta Plan Policy consistency.

Response to Comment 7-9:

The Council states that actions not exempt from CEQA and subject to Delta Plan regulations must include applicable feasible mitigation measures consistent with those identified in the Delta Plan PEIR or substitute mitigation measures that are equally or more effective. The Council specifically references Delta Plan PEIR measures for invasive species management; in-kind habitat replacement, restoration, or enhancement; and agricultural land preservation through conservation easements. Based on the information presented in the Consolidated Final PEIR and what is likely to be included in the 2017 CVFPP Update, DWR believes that CVFPP mitigation requirements are consistent with Delta Plan PEIR mitigation measures. However, as described in Response to Comment 7-2, DWR will review the Delta Plan (and its PEIR) in comparison to the Consolidated Final PEIR, and as needed, will provide new information in the Supplemental PEIR.

Response to Comment 7-10:

Notification of proposed actions and pending decisions will be sent to the Council. DWR maintains a master list of stakeholders who are participating in the CVFPP development process, and the Council (including the listed contact, Jessica Davenport) is included in the master list.

3.8 Scoping Meeting Transcript

Response to Comment 8-1:

See response to Comment 1-1.

Response to Comment 8-2:

For a discussion of Lead Agency assignment, see response to Comment 6-2.

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4.0 References

California Department of Water Resources (DWR). 2012a. 2012 CVFPP Consolidated Final Program Environmental Impact Report. June 29.

California Department of Water Resources (DWR). 2012b. 2012 Central Valley Flood Protection Plan.

California Department of Water Resources (DWR). 2015. Central Valley Flood System Conservation Strategy. Draft. January.

DWR. *See* California Department of Water Resources.

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5.0 Acronyms

Act	Central Valley Flood Protection Act of 2008
Board	Central Valley Flood Protection Board
Caltrans	California Department of Transportation
CDFW	California Department of Fish and Wildlife
CEQA	California Environmental Quality Act
CEQA Guidelines	California Environmental Quality Act, California Public Resources Code, Section 21000 et seq. and its implementing regulations, Title 14 California Code of Regulations, Section 15000 et seq.
CH2M	CH2M HILL, Inc.
Conservation Strategy	Central Valley Flood System Conservation Strategy
Council	Delta Stewardship Council
CVFMP	Central Valley Flood Management Planning
CVFPP	Central Valley Flood Protection Plan
Delta	Sacramento–San Joaquin Delta
DWR	California Department of Water Resources
Farm Bureau	California Farm Bureau Federation
No.	number
NOP	Notice of Preparation
PEIR	2012 CVFPP Consolidated Final Program Environmental Impact Report
RWQCB	Central Valley Regional Water Quality Control Board
SCH	State Clearinghouse
SPFC	State Plan of Flood Control
TMDL	total maximum daily load

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Appendix A: Notification Materials

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**NOTICE OF PREPARATION
SUPPLEMENTAL PROGRAM ENVIRONMENTAL IMPACT REPORT
2017 CENTRAL VALLEY FLOOD PROTECTION PLAN UPDATE
State Clearinghouse Number: 2010102044**

To: Governor's Office of Planning and Research/State Clearinghouse Unit,
Responsible and Trustee Agencies, and Stakeholders and Interested Parties

From: California Department of Water Resources

Date: March 18, 2016

Subject: Announcing the following:

1. Notice of Preparation of a Supplemental Program Environmental Impact Report for the 2017 Central Valley Flood Protection Plan Update
2. Public Scoping Meeting to be held:
April 8, 2016, from 10 a.m. – 12 p.m., 1st Floor Council Chamber of the Sacramento City Hall at 915 I Street, Sacramento, CA, 95814
3. Public Scoping Comments due by April 18, 2016

INTRODUCTION

The 2012 Central Valley Flood Protection Plan (CVFPP) was prepared by the California Department of Water Resources (DWR) to reflect a systemwide approach to improve integrated flood management in lands currently protected by existing facilities of the State Plan of Flood Control (SPFC). Primary authorization for the CVFPP originates in Senate Bill 5, also known as the Central Valley Flood Protection Act of 2008 (Act), resulting in specific requirements described in California Water Code (CWC) Sections 9600 through 9625. The Act also requires that the CVFPP be updated every 5 years. The 2012 CVFPP specified that the first update is due in 2017. To this end, DWR is currently preparing the 2017 CVFPP Update to describe refinements to flood protection activities included in the 2012 CVFPP.

In accordance with the California Environmental Quality Act (CEQA) (California Public Resources Code Section 21000 et seq.) and its implementing regulations, Title 14 California Code of Regulations, Section 15000 et seq. ("CEQA Guidelines"), DWR, acting as the lead agency, certified the 2012 CVFPP Consolidated Final Program Environmental Impact Report (PEIR) on June 29, 2012. DWR filed a Notice of Determination with the State Clearinghouse on July 2, 2012 (State Clearinghouse No. 2010102044). The PEIR evaluated potential impacts on the physical environment associated with a broad range of flood protection activities throughout the Central Valley that were included in the 2012 CVFPP, which was adopted by the Central Valley Flood Protection Board (Board).

Consequently, in accordance with CEQA and the CEQA Guidelines, DWR will prepare a Supplemental PEIR for the 2017 CVFPP Update. The Supplemental PEIR will focus its analysis (per CEQA Guidelines Sections 15162 and 15163) on how the 2017 CVFPP Update could result in new significant impacts or a substantial increase in the severity of a significant impact, if there is substantially important new information relating to the CVFPP or its environmental effects, or if there are substantial changes with respect to the circumstances under which the project is undertaken. Pursuant to a Lead Agency Agreement [per CEQA Guidelines Section 15051(d)], DWR is the lead agency, as defined in CEQA and the CEQA Guidelines, and the Board is a responsible agency.

The CVFPP is required to meet multiple objectives, including those described in CWC Sections 9614 and 9616. According to the proposed schedule, DWR will submit the Draft 2017 CVFPP Update to the Board by January 1, 2017. The Board will review the documents and, after consideration and if appropriate, adopt the 2017 CVFPP Update by July 2017. Before adoption of the 2017 CVFPP Update, the Board and DWR will hold joint hearings on the 2017 CVFPP Update and the Supplemental PEIR. The CVFPP will continue to be updated every 5 years.

PURPOSE OF THE NOTICE OF PREPARATION

In accordance with CEQA Guidelines Section 15082, DWR has prepared this Notice of Preparation (NOP) to notify the Governor's Office of Planning and Research/State Clearinghouse Unit, responsible and trustee agencies, and stakeholders and interested parties that a Supplemental PEIR will be prepared for the 2017 CVFPP Update. This NOP is soliciting guidance from these entities as to the scope and content of the environmental information to be included in the Supplemental PEIR.

To assist the agencies in preparing their responses, this NOP provides the following information:

- Location of the proposed project.
- Brief description of the proposed project.
- Statement of the potential environmental effects of the proposed project.

The location, description, and potential environmental effects of the proposed project are presented in the following sections of this NOP. An Environmental Checklist is included as an attachment. This Environmental Checklist summarizes the analysis of each environmental impact in the 2012 CVFPP PEIR, identifies project changes, new information and/or changed circumstances that may require additional analysis, and briefly describes the proposed scope of that analysis. For most topics, the analysis expected to be unchanged and no new analysis is proposed. For all topics proposed for additional analysis, only minor additions or changes would be necessary to make the 2012 CVFPP PEIR adequately apply to 2017 CVFPP Update, and a supplemental EIR is therefore appropriate under CEQA Guidelines Section 15163.

This NOP also announces the date and location of a public scoping meeting to facilitate public input.

PROJECT LOCATION

Consistent with legislative directive (Senate Bill 5, 2007), the CVFPP focuses on improving public safety and reducing flood damages on lands protected by facilities of the SPFC, while also considering lands subject to flooding under current facilities and operation of the Sacramento-San Joaquin River Flood Management System; this area is known as the Systemwide Planning Area. The project location also includes the watersheds that are tributaries to the Central Valley and the Sacramento-San Joaquin Delta (including Suisun Marsh). The project area is shown on Exhibit 1.

PROJECT DESCRIPTION

The 2017 CVFPP Update builds on and refines the systemwide approach described in the 2012 CVFPP for implementing possible future flood management improvements in the Central Valley with a focus on lands currently protected by the SPFC. As part of the 2017 CVFPP Update, DWR is incorporating the Central Valley Flood System Conservation Strategy (Conservation Strategy) and including refinement of Basin-Wide Feasibility studies and integration of Regional Flood Management Planning activities. These updates, and the reasonable range of potential implementation approaches included in the 2012 CVFPP, have been identified by DWR to accomplish the primary goal, supporting goals, and statutory objectives of the CVFPP, as follows.

Primary Goal

Improve Flood Risk Management – Reduce the chance of flooding, and damages once flooding occurs, and improve public safety, preparedness, and emergency response through the following:

- Identifying, recommending, and implementing structural and nonstructural projects and actions that benefit lands currently receiving protection from facilities of the SPFC.
- Formulating standards, criteria, and guidelines to facilitate implementation of structural and nonstructural actions for protecting urban areas and other lands of the Sacramento and San Joaquin River basins and the Delta.

Supporting Goals

Improve Operations and Maintenance – Reduce systemwide maintenance and repair requirements by modifying the flood management systems in ways that are compatible with natural processes, and adjust, coordinate, and streamline regulatory and institutional standards, funding, and practices for operation and maintenance, including significant repairs.

Promote Ecosystem Functions – Incorporate flood management system improvements that integrate the recovery and restoration of key physical processes, self-sustaining ecological functions, native habitats, and species.

Improve Institutional Support – Develop stable institutional structures, coordination protocols, and financial frameworks that enable effective and adaptive integrated flood management (designs, operations and maintenance, permitting, preparedness, response, recovery, land use, and development planning).

Promote Multi-Benefit Projects – Describe flood management projects and actions that also contribute to broader integrated water management objectives identified through other programs.

Program Objectives

Maximize Flood Risk Reduction Benefits within the Practical Constraints of Available Funds – Ensure that technically feasible and cost-effective solutions are implemented to maximize the flood risk reduction benefits given the practical limitations of available funding, and provide a feasible, comprehensive, and long-term financing plan for implementing the plan.

Update the CVFPP – Complete steps necessary to develop and update the CVFPP in 2017, or such other date as may be provided by the Legislature.

Statutory Objectives

California Water Code Section 9616 states that the CVFPP shall include a description of both structural and nonstructural means for improving the performance and elimination of deficiencies of levees, weirs, bypasses, and facilities and, whenever feasible, meet multiple objectives including each of the following.

- Reduce the risk to human life, health, and safety from flooding, including protection of public safety infrastructure.
- Expand the capacity of the flood management system in the Sacramento–San Joaquin Valley to either reduce flood flows or convey floodwaters away from urban areas.
- Link the flood protection system with the water supply system.
- Reduce flood risks in currently non-urbanized areas.
- Increase the engagement of local agencies willing to participate in improving flood protection, ensuring a better connection between State flood protection decisions and local land use decisions.
- Improve flood protection for urban areas to the urban level of flood protection.
- Promote natural dynamic hydrologic and geomorphic processes.
- Reduce damage from flooding.
- Increase and improve the quantity, diversity, and connectivity of riparian, wetland, floodplain, and shaded riverine aquatic habitats, including the agricultural and ecological values of these lands.
- Minimize flood management system operations and maintenance requirements.
- Promote the recovery and stability of native species' populations and overall biotic community diversity.
- Identify opportunities and incentives for expanding or increasing use of floodway corridors.
- Provide a feasible, comprehensive, and long-term financing plan for implementing the CVFPP.
- Identify opportunities for reservoir reoperation in conjunction with groundwater flood storage.

POTENTIAL ENVIRONMENTAL EFFECTS

Pursuant to CEQA Guidelines Sections 15162 and 15163, the Supplemental PEIR will focus its analysis on how the 2017 CVFPP Update could result in new significant impacts or a substantial increase in the severity of a significant impact, if there is substantially important new information relating to the CVFPP or its environmental effects, or if there are substantial changes with respect to the circumstances under which the project is undertaken. In this regard, the Supplemental PEIR will provide a program-level analysis that considers the broad environmental effects of the project refinements provided in the 2017 CVFPP Update.

The 2012 CVFPP PEIR identified significant unavoidable impacts for near-term management activities (NTMA) and long-term management activities (LTMA) associated with land use and planning; potentially significant and unavoidable impacts for NTMA and LTMA associated with agriculture and farmland resources, air quality, biological resources, and cultural and historic resources; and potentially significant and unavoidable impacts for LTMA associated with mineral resources and transportation and traffic. These significant unavoidable and potentially significant and unavoidable impacts were disclosed in the Finding of Fact and Statement of Overriding Considerations adopted by DWR when certifying the 2012 CVFPP PEIR. Potential NTMA and LTMA impacts were also considered for aesthetics; climate change and greenhouse gas emissions; energy; groundwater resources; hazards and hazardous materials; hydrology; noise; population, employment, and housing; public services; recreation; utilities and service systems; and water quality. Impacts for these resource areas were determined to be less than significant or less than significant with mitigation.

The 2012 CVFPP PEIR can be viewed at the DWR Central Valley Flood Management Planning Program website, which can be accessed using the following link:

<http://www.water.ca.gov/cvfmp/2012cvfpp.cfm>

As part of this NOP, an Environmental Checklist was prepared and is included as an attachment. The Environmental Checklist specifies that the analysis of the Supplemental PEIR will be based on the 2012 CVFPP PEIR and that potential impacts of the 2017 CVFPP Update are expected to be substantially consistent with those previously identified. Hence, limited additional analysis sections will be included consistent with the requirements of CEQA for preparing a Supplemental PEIR.

The 2017 CVFPP Update may have new circumstances involving new or more severe effects on agricultural and forestry resources, aquatic biological resources, and terrestrial biological resources, or may include substantially important new information under which the project is undertaken, and expanded environmental evaluation will be prepared for these resource areas. The Supplemental PEIR will also identify feasible approaches and mitigation measures, in alignment with the Conservation Strategy, to reduce significant or potentially significant environmental impacts that were not identified in the 2012 CVFPP PEIR. DWR intends to carry the mitigation measures identified in the 2012 CVFPP PEIR forward as part of the Supplemental PEIR. In addition, the PEIR will provide a consistency determination with the environmental justice policy of the California Natural Resources Agency, and will address any growth-inducing impacts and any potential significant irreversible changes to the environment.

The Supplemental PEIR will be used by the Board for the proposed adoption of the 2017 CVFPP Update. DWR will rely on the Supplemental PEIR for planning and flood protection implementation activities. In addition, cities and counties within the Sacramento-San Joaquin Valley [as defined in California Government Code Section 65007 (g)] are required by California Government Code Sections 65302.9 and 65860.1 to amend their general plans and zoning ordinances to contain specific information related to the CVFPP. These cities and counties may rely, at least in part, on the Supplemental PEIR. Other responsible and trustee agencies may use the Supplemental PEIR in their decision-making processes.

PUBLIC SCOPING MEETINGS

DWR will conduct a public scoping meeting during the 30-day NOP public review period to inform interested parties about the proposed project and to present responsible and trustee agencies and the public with an opportunity to provide comments on the scope and content of the Supplemental PEIR.

Meeting attendees will have the opportunity to provide oral and/or written comments. The meeting locations will be accessible to persons with disabilities, and a court reporter and Spanish interpreter will be available. Individuals needing special assistive devices will be accommodated to the extent possible; for more information, please contact Michele Ng, 916 574-2371 at least 48 hours before the meeting.

PROVIDING COMMENTS ON THE NOTICE OF PREPARATION

This NOP will be circulated for a 30-day public review period, as mandated under CEQA, beginning March 18, 2016, and ending on April 18, 2016. Interested parties may provide oral and/or written comments on the proposed scope and content of the Supplemental PEIR at the public scoping meetings or may provide written comments directly to DWR. **Written comments on the NOP must be provided to DWR no later than 5 p.m. on April 18, 2016.**

Agencies that will use the Supplemental PEIR when considering permits, authorizations, or other approvals for the proposed project should provide the name of a contact person. Comments provided by e-mail should include the name and address of the sender and state "2017 CVFPP Update Supplemental PEIR NOP Scoping Comments" in the subject line. Please send all written and/or e-mail comments on the NOP to:

Michele Ng, P.E.
California Department of Water Resources
3464 El Camino Avenue, Room 200
Sacramento, CA 95821
E-mail: SPEIR_2017_Comments@water.ca.gov



Mary Jimenez, P.E.
California Department of Water Resources

Attachments

Environmental Checklist Form



Exhibit 1

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Environmental Checklist

Aesthetics

Checklist Questions Would the Project:	Where Checklist Question Analyzed in 2012 CVFPP Consolidated Final PEIR	Do Proposed Changes Involve New or Substantially More Severe Significant Impacts?	Do New Circumstances Involve New or Substantially More Severe Significant Impacts?	Does Substantially Important New Information Require New Analysis or Verification?	Does Checklist Question Require Further Analysis in Supplemental PEIR?
a. Have a substantial adverse effect on a scenic vista?	Impacts VIS-1 thru VIS-3 and Impact VIS-5 (NTMA and LTMA)	No	No	No	No
b. Substantially damage scenic resources, including, but not limited to, trees, rock outcroppings, and historic buildings within a state scenic highway?	Impacts VIS-1 thru VIS-3 and Impact VIS-5 (NTMA and LTMA)	No	No	No	No
c. Substantially degrade the existing visual character or quality of the site and its surroundings?	Impacts VIS-1 thru VIS-3 and Impact VIS-5 (NTMA and LTMA)	No	No	No	No
d. Create a new source of substantial light or glare which would adversely affect day or nighttime views in the area?	Impact VIS-4 (NTMA and LTMA)	No	No	No	No

Analysis

- a. Would the project have a substantial adverse effect on a scenic vista?**
- b. Would the project substantially damage scenic resources, including, but not limited to, trees, rock outcroppings, and historic buildings within a state scenic highway?**
- c. Would the project substantially degrade the existing visual character or quality of the site and its surroundings?**

The 2012 Central Valley Flood Protection Plan (CVFPP) Consolidated Final Program Environmental Impact Report (PEIR) determined that changes in scenic vistas, scenic resources, and existing visual character could result from construction activities, conveyance-related management activities, storage-related management activities, and other activities. Impacts were determined to be less than significant due to the nature and extent of the activities and standard practices, such as restoration of construction sites. The activities considered in the 2017 CVFPP Update are expected to be similar to the activities analyzed in the PEIR, and therefore, the potential for impacts on scenic vistas, scenic resources, and existing visual character is expected to be unchanged.

d. Would the project create a new source of substantial light or glare which would adversely affect day or nighttime views in the area?

The PEIR determined that new sources of light from near-term and long-term management activities could affect daytime or nighttime views in areas where artificial lighting is limited or nonexistent. Mitigation Measure VIS-4 (NTMA and LTMA) was adopted to establish and require conformance to lighting standards and to prepare and implement a lighting plan. With implementation of this measure, the impacts would be less than significant. The potential for light and glare impacts and the effectiveness of the prescribed mitigation are expected to be unchanged from what was analyzed in the PEIR.

Agriculture and Forest Resources

Checklist Questions Would the Project:	Where Checklist Question Analyzed in 2012 CVFPP Consolidated Final PEIR	Do Proposed Changes Involve New or Substantially More Severe Significant Impacts?	Do New Circumstances Involve New or Substantially More Severe Significant Impacts?	Does Substantially Important New Information Require New Analysis or Verification?	Does Checklist Question Require Further Analysis in Supplemental PEIR?
a. Convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance (Farmland), as shown on the maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency, to non-agricultural use?	Impacts AG-1 thru AG-3 (NTMA and LTMA)	No	No	Yes	Yes
b. Conflict with existing zoning for agricultural use, or a Williamson Act contract?	Impacts AG-1 thru AG-3 (NTMA and LTMA)	No	No	Yes	Yes
c. Conflict with existing zoning for, or cause rezoning of, forest land (as defined in Public Resources Code (PRC) Section 12220(g) or timberland (as defined in PRC Section 4526), or timberland zoned Timberland Production (as defined by Government Code section 51104(g))?	Impacts AG-4 and AG-5 (NTMA and LTMA)	No	No	No	No
d. Result in the loss of forest land or conversion of forest land to non-forest use?	Impacts AG-4 and AG-5 (NTMA and LTMA)	No	No	No	No
e. Involve other changes in the existing environment which, due to their location or nature, could result in conversion of Farmland to non-agricultural use or conversion of forest land to non-forest use?	Impacts AG-1 thru AG-6 (NTMA and LTMA)	No	No	No	No

Analysis

- a. Would the project convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance, as shown on the maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency, to non-agricultural use?**

- b. Would the project conflict with existing zoning for agricultural use, or a Williamson Act contract?**

The PEIR determined that near-term and long-term conveyance-related and other management actions could convert substantial amounts of farmland to non-agricultural use and convert Williamson Act lands to an inconsistent use. Mitigation Measures AG-1 (NTMA and LTMA) and AG-3 (NTMA and LTMA) were adopted to preserve agricultural productivity, coordinate with farmers, and, in some cases, establish conservation easements. These mitigation measures would reduce the extent of potential impacts on farmland and Williamson Act lands, but the PEIR determined that impacts could not be reduced to a less-than-significant level, and the impacts were determined to be significant and unavoidable.

The PEIR determined that impacts from storage-related actions would be less than significant.

The potential for farmland and Williamson Act land impacts from near-term and long-term conveyance-related, storage-related, and other actions is expected to be unchanged from what was analyzed in the PEIR. New information has been developed, however, that is expected to clarify the potential extent of farmland impacts associated with the 2017 CVFPP Update including the Conservation Strategy. The Conservation Strategy provides additional information to the 2012 Conservation Framework (adopted in 2013), which was considered in the PEIR. Therefore, the updates contained in the Conservation Strategy may be considered substantially important new information and could require new analysis and verification. For example, if new details developed in the Conservation Strategy could result in additional or different uses of agricultural lands for conservation, those changes would be evaluated further. Because the Conservation Strategy is expected to be consistent with the predecessor Conservation Framework that was analyzed fully in the PEIR, the revisions are expected to be minor.

- c. Would the project conflict with existing zoning for, or cause rezoning of, forest land (as defined in PRC section 1220(g)) or timberland (as defined in PRC section 4526)?**

- d. Would the project result in the loss of forest land or conversion of forest land to non-forest use?**

Designated timberland would not be affected by the CVFPP, but riparian forest would be affected by near-term and long-term construction-related and other management activities. The PEIR determined that these management actions would result in significant impacts on riparian forest, but the impacts would be mitigated to a less-than-significant level with implementation of Mitigation Measures BIO-T-1a (NTMA and LTMA) and BIO-A-2b (NTMA and LTMA). The PEIR determined that impacts from storage-related actions would be less than significant. The potential for riparian forest impacts and the effectiveness of the prescribed mitigation are expected to be unchanged from what was analyzed in the PEIR.

- e. Would the project involve other changes in the existing environment which, due to their location or nature, could result in the conversion of Farmland to non-agricultural use or conversion of forest land to non-forest use?**

See responses (a) through (d) above – no additional project changes are expected.

Air Quality

Checklist Questions Would the Project:	Where Checklist Question Analyzed in 2012 CVFPP Consolidated Final PEIR	Do Proposed Changes Involve New or Substantially More Severe Significant Impacts?	Do New Circumstances Involve New or Substantially More Severe Significant Impacts?	Does Substantially Important New Information Require New Analysis or Verification?	Does Checklist Question Require Further Analysis in Supplemental PEIR?
a. Conflict with or obstruct implementation of the applicable air quality plan?	Impacts AQ-1 thru AQ-3 (NTMA and LTMA)	No	No	No	No
b. Violate any air quality standard or contribute substantially to an existing or projected air quality violation?	Impacts AQ-1 thru AQ-3 (NTMA and LTMA)	No	No	No	No
c. Result in a cumulatively considerable net increase of any criteria pollutant for which the project region is non-attainment under an applicable federal or state ambient air quality standard (including releasing emissions which exceed quantitative thresholds for ozone (O3) precursors)?	Impacts AQ-4 and AQ-5 (NTMA and LTMA)	No	No	No	No
d. Expose sensitive receptors to substantial pollutant concentrations?	Impact AQ-6 (NTMA and LTMA)	No	No	No	No
e. Create objectionable odors affecting a substantial number of people?	Impact AQ-7 (NTMA and LTMA)	No	No	No	No

Analysis

- a. Would the project conflict with or obstruct implementation of the applicable air quality plan?**
- b. Would the project violate any air quality standard or contribute substantially to an existing or projected air quality violation?**

The PEIR determined that construction of near-term and long-term management activities for conveyance and other components (excluding storage) would result in emissions of criteria pollutant and ozone precursors. These emissions would be generated by construction equipment, onsite generators, material haul trucks, construction worker vehicles, and ground-disturbing activities. Although emissions would occur intermittently and at varying intensities, because the duration, intensity, and location of construction are unknown, emissions could exceed the thresholds of significance established by the applicable air district and are therefore potentially significant. Mitigation Measure AQ-1 (NTMA and LTMA), which includes measures to reduce fugitive dust and exhaust emissions, was adopted to reduce near-term and long-term management activity air quality impacts for conveyance and other components. However, because of the uncertainty of duration, intensity, and location for these construction activities, it is unknown whether construction impacts

would be reduced below established significance thresholds, and impacts are therefore potentially significant and unavoidable.

Proposed near-term and long-term storage management activities focus on operational changes to existing dams rather than improvements to infrastructure. Therefore, air quality impacts associated with storage management activities identified in the PEIR were determined to be less than significant.

The PEIR determined that operation of near-term and long-term management activities for conveyance and other components (excluding storage) would result in emissions of criteria pollutant and ozone precursors. These emissions would be generated by the periodic use of off-road equipment to maintain near-term and long-term management activity infrastructure. Impacts associated with operation of near-term activities were determined to be minimal in the context of existing operational and maintenance activities and less than significant. However, impacts associated with operation of long-term activities, which could include substantial new facilities, such as flood bypasses, could exceed the thresholds of significance established by the applicable air district, and impacts are therefore potentially significant. Mitigation Measure AQ-3 (LTMA), which includes measures to reduce exhaust emissions from vehicles and equipment, was adopted to reduce long-term management activity air quality impacts associated with operations. Nonetheless, the extent to which Mitigation Measure AQ-3 would reduce emissions below established significance thresholds cannot be ensured, and operation impacts associated with long-term management activities are therefore potentially significant and unavoidable.

The activities considered in the 2017 CVFPP Update are expected to be similar to the activities considered in the PEIR, and therefore, the potential air quality impacts associated with implementation of an applicable air quality plan or violation of an air quality standard and the effectiveness of the prescribed mitigation are expected to be unchanged.

c. Would the project result in a cumulatively considerable net increase of any criteria pollutant for which the project region is non-attainment under an applicable federal or state ambient air quality standard (including releasing emissions which exceed quantitative thresholds for ozone precursors)?

As discussed in responses (a) and (b) above, construction of near-term and long-term management activities for conveyance and other components (excluding storage), as determined in the PEIR, would generate emissions of criteria pollutants and ozone precursors that are potentially significant and unavoidable. Mitigation Measure AQ-4 (NTMA and LTMA) was identified to reduce air quality impacts associated with construction of conveyance and other components. However, it was determined that until further information on specific project-level activities is available, the project would result in a potentially significant and unavoidable impact associated with a cumulatively considerable net increase in criteria pollutants.

Air quality impacts associated with near-term and long-term storage management activities identified in the PEIR were determined to be less than significant. Consequently, it was determined that impacts associated with near-term and long-term storage management activities associated with a cumulatively considerable net increase in criteria pollutants would be less than significant.

The activities considered in the 2017 CVFPP Update are expected to be similar to the activities considered in the PEIR, and therefore, the potential air quality impacts associated with a cumulatively considerable net increase in criteria pollutants and the effectiveness of the prescribed mitigation are expected to be unchanged.

d. Would the project expose sensitive receptors to substantial pollutant concentrations?

The PEIR determined that construction and operation of near-term and long-term management activities could expose sensitive receptors to substantial pollutant concentrations of diesel particulate matter (PM), a California Air Resources Board toxic air contaminant. Because of the nature of the proposed activities, including limited exposure periods for sensitive receptors, and the rural setting of larger long-term management activity projects, located away from concentrations of potentially sensitive receptors, impacts related to exposure of sensitive receptors to diesel PM during project construction, operation, and maintenance were determined to be less than significant. The activities considered in the 2017 CVFPP Update are expected to be similar to the activities considered in the PEIR, and therefore, the potential impacts associated with the exposure of sensitive receptors to diesel PM are expected to be unchanged.

The PEIR also determined that construction of near-term and long-term management activities could expose sensitive receptors to substantial concentrations of naturally occurring asbestos (NOA). Specifically, because earth in known NOA areas could be excavated under the program and sensitive receptors could be exposed to unsafe NOA levels, impacts were determined to be potentially significant. Mitigation Measure AQ-6 (NTMA and LTMA) was adopted to safely manage activities in NOA areas; this measure includes preparing and implementing an asbestos dust mitigation plan and an asbestos health and safety program. With implementation of this mitigation measure, potential impacts associated with exposure of sensitive receptors to substantial concentrations of NOA would be reduced to a less-than-significant level. The potential for NOA impacts and the effectiveness of the prescribed mitigation are expected to be unchanged from what was analyzed in the PEIR.

e. Would the project create objectionable odors affecting a substantial number of people?

The PEIR determined that construction and operation of near-term and long-term management activities could generate odors, including diesel exhaust odors, associated with use of off-road equipment. Impacts were determined to be less than significant due to the dispersive nature of diesel exhaust, the nature and extent of activities, and the rural setting of larger long-term management activity projects, which would be located away from concentrations of potential sensitive odor receptors. The activities considered in the 2017 CVFPP Update are expected to be similar to the activities considered in the PEIR, and therefore, the potential impacts associated with the creation of objectionable odors affecting a substantial number of people are expected to be unchanged.

Biological Resources

Checklist Questions Would the Project:	Where Checklist Question Analyzed in 2012 CVFPP Consolidated Final PEIR	Do Proposed Changes Involve New or Substantially More Severe Significant Impacts?	Do New Circumstances Involve New or Substantially More Severe Significant Impacts?	Does Substantially Important New Information Require New Analysis or Verification?	Does Checklist Question Require Further Analysis in Supplemental PEIR?
a. Have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Wildlife or U.S. Fish and Wildlife Service?	Impacts BIO-A-1 thru BIO-A-6, BIO-T-3, and BIO-T-6 thru BIO-T-8 (NTMA and LTMA)	No	Yes	Yes	Yes
b. Have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, and regulations or by the California Department of Fish and Wildlife or U.S. Fish and Wildlife Service?	Impacts BIO-A-1 thru BIO-A-6, BIO-T-1, BIO-T-2, and BIO-T-6 thru BIO-T-8 (NTMA and LTMA)	No	No	Yes	Yes
c. Have a substantial adverse effect on federally protected wetlands as defined by Section 404 of the Clean Water Act (CWA) (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means?	Impacts BIO-T-1 and BIO-T-2 (NTMA and LTMA)	No	No	Yes	Yes
d. Interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites?	Impacts BIO-A-1 thru BIO-A-7, BIO-T-4, and BIO-T-6 thru BIO-T-8 (NTMA and LTMA)	No	No	Yes	Yes
e. Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance?	Impacts BIO-T-5, BIO-T-6, and BIO-T-8 (NTMA and LTMA)	No	No	No	No

Checklist Questions Would the Project:	Where Checklist Question Analyzed in 2012 CVFPP Consolidated Final PEIR	Do Proposed Changes Involve New or Substantially More Severe Significant Impacts?	Do New Circumstances Involve New or Substantially More Severe Significant Impacts?	Does Substantially Important New Information Require New Analysis or Verification?	Does Checklist Question Require Further Analysis in Supplemental PEIR?
f. Conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local or regional habitat conservation plan?	Impact BIO-T-5 (NTMA and LTMA)	No	No	No	No

Analysis

- a. **Would the project have a substantial adverse effect, either directly or through habitat modifications, on any species identified as candidate, sensitive, or special-status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Wildlife or U.S. Fish and Wildlife Service?**
- b. **Would the project have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, or regulations, or by the California Department of Fish and Wildlife or U.S. Fish and Wildlife Service?**
- c. **Would the project have a substantial adverse effect on federally protected wetlands as defined by Section 404 of the CWA (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means?**
- d. **Would the project interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites?**

The PEIR examined potential impacts on terrestrial and aquatic resources from near-term and long-term construction-related activities, reservoir operational criteria changes, vegetation management activities, and other management activities. The PEIR addressed direct impacts, such as potential for mortality and loss of habitat, and indirect impacts associated with water quality degradation from erosion and sedimentation. Some potential impacts were determined to be less than significant (and in some cases beneficial) and would not require mitigation. For other impacts, a suite of mitigation measures was adopted including best practices to avoid and minimize impacts during construction, restoration of riparian habitat functions and values including shaded riverine aquatic habitat, design standards for floodplain habitat, and securing compensatory habitat (e.g., by paying fees or participating in regional conservation programs). Impacts on riparian habitat (including shaded riverine aquatic habitat) associated with levee improvement and maintenance were determined to be significant and unavoidable even with implementation of mitigation measures because full restoration of all habitat functions and values could not be ensured.

The potential for aquatic and terrestrial biological resources impacts from near-term and long-term construction-related activities, reservoir operational criteria changes, vegetation management activities, and other management activities is expected to be unchanged from what was analyzed in the PEIR. New information has been developed, however, that is expected to clarify the potential extent of habitat function and value benefits associated with the 2017 CVFPP Update including the Conservation Strategy. The Conservation Strategy provides additional information to the 2012 Conservation Framework (adopted in 2013), which was considered in the PEIR. Therefore, the

updates contained in the Conservation Strategy may be considered substantially important new information and could require new analysis and verification. For example, new information is available, and included in the Conservation Strategy, regarding the activity patterns for some species such as giant garter snake that was not known at the time the 2012 Conservation Framework was prepared. Therefore, the PEIR mitigation measures for construction avoidance and minimization may require an update. The Conservation Strategy is a means by which potential impacts on biological resources may be resolved through implementation of multi-benefit projects.

- e. **Would the project conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance?**
- f. **Would the project conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan?**

The PEIR determined that near-term and long-term construction activities could conflict with plans and policies for the protection of biological resources. Implementation of Mitigation Measures BIO-T-1a (NTMA), BIO-T-3a (NTMA), BIO-T-3b (NTMA), BIO-T-3c (NTMA), and BIO-T-5b (NTMA) would reduce these impacts to a less-than-significant level. In addition, the PEIR recognizes that participation in and compliance with an existing Habitat Conservation Plan or similar plan may be used in place of these mitigation measures if certain conditions apply. Potential conflicts with plans and policies from reservoir operational criteria changes were determined to be less than significant, and impacts from other management activities were determined to be beneficial. The activities considered in the 2017 CVFPP Update are expected to be similar to the activities analyzed in the PEIR, and therefore, the potential for conflicts with plans and policies for protecting biological resources is expected to be unchanged.

Cultural Resources

Checklist Questions Would the Project:	Where Checklist Question Analyzed in 2012 CVFPP Consolidated Final PEIR	Do Proposed Changes Involve New or Substantially More Severe Significant Impacts?	Do New Circumstances Involve New or Substantially More Severe Significant Impacts?	Does Substantially Important New Information Require New Analysis or Verification?	Does Checklist Question Require Further Analysis in Supplemental PEIR?
a. Cause a substantial adverse change in the significance of a historical resource as defined in §15064.5?	Impact CUL-3 (NTMA and LTMA)	No	No	No	No
b. Cause a substantial adverse change in the significance of an archaeological resource pursuant to §15064.5?	Impacts CUL-1, CUL-2, and CUL-4 (NTMA and LTMA)	No	No	No	No
c. Directly or indirectly destroy a unique paleontological resource or site or unique geologic feature?	Impact GEO-6 (NTMA and LTMA)	No	No	No	No
d. Disturb any human remains, including those interred outside of formal cemeteries?	Impact CUL-5 (NTMA and LTMA)	No	No	No	No

Checklist Questions Would the Project:	Where Checklist Question Analyzed in 2012 CVFPP Consolidated Final PEIR	Do Proposed Changes Involve New or Substantially More Severe Significant Impacts?	Do New Circumstances Involve New or Substantially More Severe Significant Impacts?	Does Substantially Important New Information Require New Analysis or Verification?	Does Checklist Question Require Further Analysis in Supplemental PEIR?
e. Cause a substantial adverse change in the significance of a tribal cultural resource as defined in Public Resources Code §21074?	N/A	No	Yes	Yes	Yes

Analysis

a. Would the project cause a substantial adverse change in the significance of a historical resource as defined in §15064.5?

The PEIR determined that near-term and long-term construction activities could cause an adverse change in the significance of a historical resource, resulting in a potentially significant impact. Mitigation Measures CUL-3a (NTMA and LTMA) and CUL-3b (NTMA and LTMA) were adopted to avoid impacts or mitigate impacts associated with alteration or relocation of historical resources. With implementation of these measures, impacts on historical resources were determined to be less than significant.

The PEIR recognized that there may be rare occurrences where avoiding or altering or relocating historical resources may not be feasible, and the resource would have to be demolished. For these situations, Mitigation Measure CUL-3c (NTMA and LTMA), which includes standards for recording the historical resource, was adopted. However, implementation of Mitigation Measure CUL-3c may not reduce impacts to less than significant, and impacts were determined to be potentially significant and unavoidable.

The activities considered in the 2017 CVFPP Update are expected to be similar to the activities considered in the PEIR, and therefore, the potential impacts on historical resources and the effectiveness of the prescribed mitigation are expected to be unchanged.

b. Would the project cause a substantial adverse change in the significance of an archaeological resource pursuant to §15064.5?

The PEIR determined that near-term and long-term construction activities could cause an adverse change in the significance of a known archaeological resource, resulting in a potentially significant impact. Mitigation Measures CUL-1a (NTMA and LTMA) and CUL-1b (NTMA and LTMA) were adopted to avoid impacts or mitigate impacts on archaeological resources through data recovery. With implementation of these measures, impacts on known archaeological resources were determined to be less than significant.

The PEIR determined that near-term and long-term construction activities could cause an adverse change in the significance of an unknown, previously undiscovered buried archaeological resource, resulting in a potentially significant impact. Mitigation Measure CUL-2 (NTMA and LTMA), which includes immediately halting activities and implementing an accidental discovery plan, was adopted to avoid impacts or mitigate impacts on unknown, previously undiscovered buried archaeological resource. With implementation of this measure, impacts on unknown, previously undiscovered buried archaeological resources were determined to be less than significant.

The PEIR determined that near-term and long-term ground-disturbing construction activities or the demolition or modification of the built environment could cause a significant adverse change to

traditional cultural properties (TCPs). Mitigation Measures CUL-4a (NTMA and LTMA) and CUL-4b (NTMA and LTMA) were adopted to avoid impacts on TCPs, and with implementation of these measures, impacts on TCPs would be reduced to less than significant.

The PEIR recognized that there may be rare occurrences where avoiding TCPs may not be feasible. For these situations, Mitigation Measure CUL-4b (NTMA and LTMA), which includes consultation with Native American communities, was adopted to identify appropriate measures to ameliorate the effects. However, implementation of Mitigation Measure CUL-4b may not reduce impacts to less than significant, and impacts were determined to be potentially significant and unavoidable.

The activities considered in the 2017 CVFPP Update are expected to be similar to the activities considered in the PEIR, and therefore, the potential impacts on archaeological resources and TCPs and the effectiveness of the prescribed mitigation are expected to be unchanged.

c. Would the project directly or indirectly destroy a unique paleontological resource or site or unique geologic feature?

The PEIR determined that near-term and long-term construction activities could affect paleontological resources in areas where ground disturbance occurs in materials approximately 11,000 years old or older. Mitigation Measure GEO-6 (NTMA and LTMA) was adopted to prepare a paleontological resources assessment and implement additional specific avoidance and minimization measures, as needed. With implementation of this measure, the impacts would be less than significant. The potential for paleontological resources impacts and the effectiveness of the prescribed mitigation are expected to be unchanged from what was analyzed in the PEIR.

d. Would the project disturb any human remains, including those interred outside of formal cemeteries?

The PEIR determined that near-term and long-term construction activities could damage or disturb human remains, including Native American burials and those interred outside formal cemeteries, resulting in a potentially significant impact. Mitigation Measures CUL-5a (NTMA and LTMA) and CUL-5b (NTMA and LTMA) were adopted to avoid impacts or mitigate impacts associated with relocation of known cemeteries. With implementation of these measures, impacts on human remains were determined to be less than significant.

The PEIR recognized that construction activities have the potential to result in unanticipated effects on buried human remains where there is no surface indication of their presence. For these situations, Mitigation Measure CUL-5c (NTMA and LTMA), which includes immediately halting activities and contacting the county coroner, was adopted to determine if the remains are Native American, and if so, the most likely descendants will be identified and contacted through coordination with the Native American Heritage Commission. With implementation of this measure, impacts on human remains were determined to be less than significant.

The activities considered in the 2017 CVFPP Update are expected to be similar to the activities considered in the PEIR, and therefore, the potential impacts on human remains and the effectiveness of the prescribed mitigation are expected to be unchanged.

e. Would the project cause a substantial adverse change in the significance of a tribal cultural resource as defined in Public Resources Code §21074?

Assembly Bill (AB) 52 became effective in July 2015, and requires that impacts on tribal cultural resources (TCRs) must be addressed during CEQA review. As defined in Public Resources Code Section 21074, a TCR is a site, feature, place, cultural landscape, sacred place, or object with cultural value to a California Native American tribe that is either on, or eligible for inclusion in, the California Register of Historical Resources or a local historic register, or is a resource that the lead agency, at its discretion and supported by substantial evidence, determines should be treated as a TCR. As

discussed in response (b) above, the California Department of Water Resources (DWR) considered impacts on TCPs in the PEIR, but this analysis does not explicitly meet the requirements of AB 52.

In response to AB 52, DWR is initiating a consultation process with potentially affected tribes to determine the presence of TCRs within the project area. The information obtained through the tribal consultation process may result in new circumstances or substantially important new information that requires new analysis and verification. For example, new information developed in consultation with potentially affected tribes could result in the identification of TCRs. Potential impacts on TCRs that may be identified would not have been evaluated in the PEIR because that review occurred prior to the passing of AB 52. Because of these new circumstances and the potential for substantially important new information, activities considered in the 2017 CVFPP Update will be evaluated for potential impacts on TCRs, including the identification of mitigation or avoidance measures where appropriate.

Energy

Checklist Questions Would the Project:	Where Checklist Question Analyzed in 2012 CVFPP Consolidated Final PEIR	Do Proposed Changes Involve New or Substantially More Severe Significant Impacts?	Do New Circumstances Involve New or Substantially More Severe Significant Impacts?	Does Substantially Important New Information Require New Analysis or Verification?	Does Checklist Question Require Further Analysis in Supplemental PEIR?
a. Cause a substantially inefficient, wasteful, or unnecessary consumption of energy during construction activities?	Impact ENRG-1 (NTMA and LTMA)	No	No	No	No
b. Cause a substantially inefficient, wasteful, or unnecessary consumption of energy during operational and maintenance activities?	Impact ENRG-2 (NTMA and LTMA)	No	No	No	No
c. Cause a substantial reduction in the generation of renewable energy as a result of altered flow releases at hydropower facilities caused by changes in reservoir operations?	Impact ENRG-3 (NTMA and LTMA)	No	No	No	No

Analysis

- a. **Would the project cause a substantially inefficient, wasteful, or unnecessary consumption of energy during construction activities?**
- b. **Would the project cause a substantially inefficient, wasteful, or unnecessary consumption of energy during operational and maintenance activities?**

The PEIR determined that construction of near-term and long-term management activities would require the direct and indirect use of energy resources. Direct energy use involves use of petroleum products and electricity to operate construction, operation, and maintenance equipment, such as trucks and power tools. Indirect energy use involves consuming energy to extract raw materials, manufacture items, and transport the goods necessary for construction, operation, and maintenance activities. These activities would cause irreversible and irretrievable commitments of nonrenewable energy resources, such as gasoline and diesel fuel. Nonetheless, the associated increase in energy

consumption would be temporary for construction and intermittent for operational and maintenance activities. Moreover, it is not anticipated that such energy use would be inefficient, wasteful, or unnecessary. Thus, impacts related to substantially inefficient, wasteful, or unnecessary consumption of energy during construction or operational and maintenance activities were determined to be less than significant, and no mitigation is required. The activities considered in the 2017 CVFPP Update are expected to be similar to the activities considered in the PEIR, and therefore, potential impacts are expected to be unchanged.

c. Would the project cause a substantial reduction in the generation of renewable energy as a result of altered flow releases at hydropower facilities caused by changes in reservoir operations?

The CVFPP includes forecast-based operations at existing reservoirs. Under forecast-based operations, water may be released from reservoirs in anticipation of higher-than-normal precipitation to provide additional room for flood storage. When drier conditions are anticipated, more water is retained to enhance supply. The PEIR determined that near-term and long-term management activities associated with forecast-based reservoir operations could increase the availability of water supply while improving flood protection with either no adverse effect or a beneficial effect on hydropower generation. Thus, impacts related to a substantial reduction in generation of renewable energy associated with CVFPP operations were determined to be less than significant, and no mitigation is required. The activities considered in the 2017 CVFPP Update are expected to be similar to the activities considered in the PEIR, and therefore, potential impacts are expected to be unchanged.

Environmental Justice

Checklist Questions Would the Project:	Where Checklist Question Analyzed in 2012 CVFPP Consolidated Final PEIR	Do Proposed Changes Involve New or Substantially More Severe Significant Impacts?	Do New Circumstances Involve New or Substantially More Severe Significant Impacts?	Does Substantially Important New Information Require New Analysis or Verification?	Does Checklist Question Require Further Analysis in Supplemental PEIR?
a. Cause disproportionate effects on minorities and low-income groups?	Section 6.5: Environmental Justice (NTMA and LTMA)	No	No	Yes	Yes

Analysis

a. Would the project cause disproportionate effects on minorities and low-income groups?

The PEIR used demographic information to determine whether minority populations or low-income populations are present in the area potentially affected by the CVFPP. Impacts determined to be significant and unavoidable, or potentially significant and unavoidable after mitigation, were considered to have the potential to result in disproportionate effects on minorities or low-income populations. Impacts determined to be less than significant before or after mitigation were concluded to not cause disproportionate effects on minorities or low-income populations.

Based on this rationale, the PEIR determined implementing near-term and long-term management activities would result in the following potentially significant and unavoidable environmental justice impacts: reduction in jobs affecting minority and low-income agricultural workers due to conversion of farmland, including land under Williamson Act contracts, to nonagricultural use; disproportionate effects on Native Americans (a minority population) resulting from impacts on TCPs; and reduced availability of known mineral resources affecting minority and low-income miners. With respect to TCPs and mineral resources, the activities considered in the 2017 CVFPP Update are expected to be

similar to the activities considered in the PEIR, and therefore, potential environmental justice impacts are expected to be unchanged. However, new information has been developed from what was analyzed in the PEIR that is expected to clarify the potential extent of farmland impacts associated with the 2017 CVFPP Update Conservation Strategy. The Conservation Strategy provides additional information to the 2012 Conservation Framework (adopted in 2013), which was considered in the PEIR. Therefore, the updates contained in the Conservation Strategy may be considered substantially important new information and could require new analysis and verification, including further evaluation of associated environmental justice impacts. For example, if new details developed in the Conservation Strategy could result in a change in the use of agricultural lands for conservation that was not evaluated in the PEIR, the potential for additional environmental justice impacts associated with the reduction in jobs affecting minority and low-income agricultural workers would be evaluated. Because the Conservation Strategy is expected to be consistent with the predecessor Conservation Framework that was analyzed fully in the PEIR, the revisions are expected to be minor.

For the remaining environmental resource areas, impacts evaluated in the PEIR were determined to be less than significant before or after mitigation and were concluded to not result in an environmental justice impact. The activities considered in the 2017 CVFPP Update are expected to be similar to the activities considered in the PEIR, and therefore, potential environmental justice impacts associated with these remaining environmental resource areas are expected to be unchanged.

Geology and Soils

Checklist Questions Would the Project:	Where Checklist Question Analyzed in 2012 CVFPP Consolidated Final PEIR	Do Proposed Changes Involve New or Substantially More Severe Significant Impacts?	Do New Circumstances Involve New or Substantially More Severe Significant Impacts?	Does Substantially Important New Information Require New Analysis or Verification?	Does Checklist Question Require Further Analysis in Supplemental PEIR?
a. Expose people or structures to potential substantial adverse effects, including the risk of loss, injury, or death involving:					
i) Rupture of a known earthquake fault, as delineated on the most recent Alquist-Priolo Earthquake Fault Zoning Map issued by the State Geologist for the area or based on other substantial evidence of a known fault? Refer to Division of Mines and Geology Special Publication 42.	Impact GEO-1 (NTMA and LTMA)	No	No	No	No
ii) Strong seismic ground shaking?	Impact GEO-1 (NTMA and LTMA)	No	No	No	No
iii) Seismic-related ground failure, including liquefaction?	Impact GEO-1 (NTMA and LTMA)	No	No	No	No

Checklist Questions Would the Project:	Where Checklist Question Analyzed in 2012 CVFPP Consolidated Final PEIR	Do Proposed Changes Involve New or Substantially More Severe Significant Impacts?	Do New Circumstances Involve New or Substantially More Severe Significant Impacts?	Does Substantially Important New Information Require New Analysis or Verification?	Does Checklist Question Require Further Analysis in Supplemental PEIR?
iv) Landslides?	Impact GEO-1 (NTMA and LTMA)	No	No	No	No
b. Result in substantial soil erosion or the loss of topsoil?	Impact GEO-2 (NTMA and LTMA)				
c. Be located on a geologic unit or soil that is unstable, or that would become unstable as a result of the project, and potentially result in onsite or offsite landslide, lateral spreading, subsidence, liquefaction, or collapse?	Impacts GEO- 1 and GEO-3 (NTMA and LTMA)	No	No	No	No
d. Be located on expansive soil, as defined in Table 18-1-B of the Uniform Building Code (1994), creating substantial risks to life or property?	Impact GEO-3 (NTMA and LTMA)	No	No	No	No
e. Have soils incapable of adequately supporting the use of septic tanks or alternative wastewater disposal systems where sewers are not available for the disposal of wastewater?	Impact GEO-4 (NTMA and LTMA)	No	No	No	No

Analysis

- a. **Would the project expose people or structures to potential substantial adverse effects, including the risk of loss, injury, or death involving:**
- i) **Rupture of a known earthquake fault, as delineated on the most recent Alquist-Priolo Earthquake Fault Zoning Map issued by the State Geologist for the area or based on other substantial evidence of a known fault? Refer to Division of Mines and Geology Special Publication 42.**
 - ii) **Strong seismic ground shaking?**
 - iii) **Seismic-related ground failure, including liquefaction?**
 - iv) **Landslides?**

The PEIR determined that exposure of people or structures to geologic hazards would not occur and that overall repair and reconstruction of existing facilities using modern engineering standards and techniques would result in an overall beneficial effect. The activities considered in the 2017 CVFPP Update are expected to be similar to the activities analyzed in the PEIR, and therefore, the potential exposure of people or structures to geologic hazards is expected to be unchanged.

b. Would the project result in substantial soil erosion or the loss of topsoil?

The PEIR determined that near-term and long-term construction and operations and maintenance activities could result in localized soil erosion and inadvertent loss of topsoil. Compliance with existing regulations, however, would effectively limit the potential for erosion and loss of topsoil such that the overall impact would be less than significant. The activities considered in the 2017 CVFPP Update are expected to be similar to the activities analyzed in the PEIR, and therefore, the potential for impacts from soil erosion and loss of topsoil is expected to be unchanged.

c. Would the project be located on a geologic unit or soils that is unstable, or that would become unstable as a result of the project, and potentially result in an onsite or offsite landslide, lateral spreading, subsidence, liquefaction, or collapse?

The PEIR addressed impacts from unstable geologic unit in terms of impact from geologic hazards and expansive soils. See responses (a) and (d).

d. Would the project be located on expansive soil, as defined in Table 18-1-B of the Uniform Building Code (1994), creating substantial risks to life or property?

The PEIR determined that potential risks of infrastructure damage associated with expansive soils could occur. Compliance with existing regulations, however, would effectively limit the potential for damage such that the overall impact would be less than significant. The activities considered in the 2017 CVFPP Update are expected to be similar to the activities analyzed in the PEIR, and therefore, the potential for impacts from expansive soil is expected to be unchanged.

e. Would the project have soils incapable of adequately supporting the use of septic tanks or alternative wastewater disposal systems where sewers are not available for the disposal of wastewater?

The PEIR determined that septic tanks or alternative wastewater disposal systems would not be used for near-term management activities; therefore, no impact would occur. Septic tanks or alternative wastewater disposal systems could be used as part of long-term management activities, but potential impacts would be avoided by complying with existing regulations such that the overall impact would be less than significant. The activities considered in the 2017 CVFPP Update are expected to be similar to the activities analyzed in the PEIR, and therefore, the potential for impacts from septic tanks and alternative wastewater disposal systems is expected to be unchanged.

Greenhouse Gas Emissions

Checklist Questions Would the Project:	Where Checklist Question Analyzed in 2012 CVFPP Consolidated Final PEIR	Do Proposed Changes Involve New or Substantially More Severe Significant Impacts?	Do New Circumstances Involve New or Substantially More Severe Significant Impacts?	Does Substantially Important New Information Require New Analysis or Verification?	Does Checklist Question Require Further Analysis in Supplemental PEIR?
a. Generate greenhouse gas (GHG) emissions, either directly or indirectly, that may have a significant impact on the environment?	Impact CLM-1 (NTMA and LTMA)	No	No	No	No
b. Conflict with any applicable plan, policy, or regulation of an agency adopted for the purpose of reducing the emissions of GHGs?	Impact CLM-1 (NTMA and LTMA)	No	No	No	No

Analysis

a. **Would the project generate GHG emissions, either directly or indirectly, that may have a significant impact on the environment?**

The PEIR determined that construction-related and operational greenhouse gas (GHG) emissions would be generated through implementation of near-term and long-term management activities. In particular, fossil fuel combustion associated with construction equipment and worker and delivery trucks, and operational use of pumps, building heating, cooling, lighting (indirect use of electricity and direct gas use), and worker maintenance trucks, would generate GHG emissions. The PEIR also recognized that implementation of near-term and certain long-term management activities, such as levee repair improvements, would likely reduce future GHG emissions from future flood damage prevention and through carbon sequestration as a result of conservation. Relative to existing conditions, the impacts of the net change in GHG emissions associated with construction and operation of near-term and certain long-term management activities were determined to be less than significant. Nonetheless, Mitigation Measures CLM-1a (NTMA and LTMA) and CLM-1b (NTMA and LTMA), which include considerations for best management practices and alternative/renewable energy, were adopted to further reduce construction and operation GHG emissions.

The PEIR determined that GHG emissions associated with construction and operation of certain long-term management activities, in particular flood bypasses, cannot be estimated because it is unknown which and how many of these actions would be undertaken. Therefore, relative to existing conditions, the impacts of the net change in GHG emissions associated with construction, operation, and maintenance of certain long-term management activities were determined to be too speculative for an evaluation of significance. Nonetheless, in addition to Mitigation Measures CLM-1a (NTMA and LTMA) and CLM-1b (NTMA and LTMA), potential mitigation strategies were identified, including use of carbon credits, carbon sequestration, and conservation, to further address potential GHG emissions impacts.

The activities considered in the 2017 CVFPP Update are expected to be similar to the activities considered in the PEIR, and therefore, the potential impacts associated with the generation of GHG emissions and the effectiveness of the prescribed mitigation are expected to be unchanged.

b. **Would the project conflict with any applicable plan, policy, or regulation of an agency adopted for the purpose of reducing the emissions of GHGs?**

The PEIR determined that construction-related and operational GHG emissions associated with near-term and certain long-term management activities, such as levee repair improvements, would not conflict with or be inconsistent with any current plan to reduce or mitigate GHGs. However, it was determined that GHG emissions associated with construction and operation of certain long-term management activities, in particular flood bypasses, cannot be estimated because it is unknown which and how many of these actions would be undertaken. Therefore, because of the uncertainties associated with determining these GHG emissions, evaluating the consistency of long-term management activities that require construction, operation, and maintenance of conveyance facilities with an applicable plan, policy, or regulation adopted to reduce GHG emissions was determined to be too speculative for an evaluation of significance.

The activities considered in the 2017 CVFPP Update are expected to be similar to the activities considered in the PEIR, and therefore, the potential impacts associated with the potential to conflict with an applicable plan, policy, or regulation of an agency adopted for the purpose of reducing emissions of GHG are expected to be unchanged.

Hazards and Hazardous Materials

Checklist Questions Would the Project:	Where Checklist Question Analyzed in 2012 CVFPP Consolidated Final PEIR	Do Proposed Changes Involve New or Substantially More Severe Significant Impacts?	Do New Circumstances Involve New or Substantially More Severe Significant Impacts?	Does Substantially Important New Information Require New Analysis or Verification?	Does Checklist Question Require Further Analysis in Supplemental PEIR?
a. Create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials?	Impact HHM-1 (NTMA and LTMA)	No	No	No	No
b. Create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment?	Impact HHM-1 (NTMA and LTMA)	No	No	No	No
c. Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school?	Impact HHM-2 (NTMA and LTMA)	No	No	No	No
d. Be located on a site, which is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 and, as a result, would it create a significant hazard to the public or the environment?	Impact HHM-3 (NTMA and LTMA)	No	No	No	No
e. For a project located within an airport land use plan, or where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project result in a safety hazard for people residing or working in the project area?	Impact HHM-4 (NTMA and LTMA)	No	No	No	No
f. For a project within the vicinity of a private airstrip, would the project result in a safety hazard for people residing or working in the project area?	Impact HHM-4 (NTMA and LTMA)	No	No	No	No

Checklist Questions Would the Project:	Where Checklist Question Analyzed in 2012 CVFPP Consolidated Final PEIR	Do Proposed Changes Involve New or Substantially More Severe Significant Impacts?	Do New Circumstances Involve New or Substantially More Severe Significant Impacts?	Does Substantially Important New Information Require New Analysis or Verification?	Does Checklist Question Require Further Analysis in Supplemental PEIR?
g. Impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan?	Impact TRN-4 (NTMA and LTMA)	No	No	No	No
h. Expose people or structures to a significant risk of loss, injury, or death involving wildland fires, including where wildlands are adjacent to urbanized areas or where residences are intermixed with wildlands?	Impact HHM-5 (NTMA and LTMA)	No	No	No	No

Analysis

- a. **Create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials?**
- b. **Create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment?**

Near-term and long-term construction and maintenance activities would involve routinely transporting, using, and storing hazardous materials, with associated risk of releasing hazardous materials into the environment. The PEIR determined that potential impacts would be limited due to compliance with existing regulations, and the overall impact would be less than significant. The activities considered in the 2017 CVFPP Update are expected to be similar to the activities analyzed in the PEIR, and therefore, the potential for hazardous materials impacts is expected to be unchanged.

- c. **Would the project emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school?**

The PEIR examined the potential for near-term and long-term activities to use hazardous materials within one-quarter mile of a school and determined that the possibility could not be discounted. Therefore, the impact was determined to be potentially significant. Mitigation Measure HHM-2 (NTMA and LTMA) was adopted to conduct site-specific analyses to determine the proximity of school sites, notify and consult with affected schools, and implement best practices for pollution control. With implementation of this measure, the impacts would be less than significant. The potential for hazardous emissions impacts and the effectiveness of the prescribed mitigation are expected to be unchanged from what was analyzed in the PEIR.

- d. **Would the project be located on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 and, as a result, would it create a significant hazard to the public or the environment?**

Near-term and long-term construction and maintenance activities could be located on a site containing hazardous materials listed pursuant to Government Code Section 65962.5 (Cortese List). Therefore, the potential to create a significant hazard to the public or the environment was

determined to be a potentially significant impact. Mitigation Measure HHM-3 (NTMA and LTMA) was adopted to search for contaminated sites; locate oil wells, gas wells, and transmission lines; and train construction workers on procedures if hazardous materials are encountered. With implementation of these measures, the impacts would be less than significant. The potential for activities to occur on Cortese List sites and the effectiveness of the prescribed mitigation are expected to be unchanged from what was analyzed in the PEIR.

- e. **For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project result in a safety hazard for people residing or working in the project area?**
- f. **For a project within the vicinity of a private airstrip, would the project result in a safety hazard for people residing or working in the project area?**

Although the near-term and long-term activities are not expected to include tall buildings or structures that could interfere with flight patterns or otherwise affect operations at nearby airports, floodplain and habitat expansions could increase or enhance bird habitat that may be considered hazardous to birds for their potential to collide with aircraft. For this reason, the PEIR determined that impacts would be potentially significant. Mitigation Measure HHM-4 (NTMA and LTMA) was adopted to prepare site-specific impact assessments and coordinate with affected airports to prepare and implement a Wildlife Hazard Management Plan, if necessary. With implementation of this measure, the impacts would be less than significant. The potential for activities to result in airport hazards from bird strikes and the effectiveness of the prescribed mitigation are expected to be unchanged from what was analyzed in the PEIR.

- g. **Would the project impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan?**

This potential impact is evaluated under Transportation/Traffic [see response (e)].

- h. **Would the project expose people or structures to a significant risk of loss, injury, or death involving wildland fires, including where wildlands are adjacent to urbanized areas or where residences are intermixed with wildlands?**

Near-term and long-term construction activities would occur in areas designated as high or very high Fire Hazard Severity Zones. The PEIR determined that potential impacts would be limited due to compliance with existing regulations, and the overall impact would be less than significant. The activities considered in the 2017 CVFPP Update are expected to be similar to the activities analyzed in the PEIR, and therefore, the potential for impacts from wildland fires is expected to be unchanged.

Hydrology and Water Quality

Checklist Questions Would the Project:	Where Checklist Question Analyzed in 2012 CVFPP Consolidated Final PEIR	Do Proposed Changes Involve New or Substantially More Severe Significant Impacts?	Do New Circumstances Involve New or Substantially More Severe Significant Impacts?	Does Substantially Important New Information Require New Analysis or Verification?	Does Checklist Question Require Further Analysis in Supplemental PEIR?
a. Violate any water quality standards or waste discharge requirements (WDR)?	Impacts SWQ-1 thru SWQ-3 (NTMA and LTMA)	No	No	No	No

Checklist Questions Would the Project:	Where Checklist Question Analyzed in 2012 CVFPP Consolidated Final PEIR	Do Proposed Changes Involve New or Substantially More Severe Significant Impacts?	Do New Circumstances Involve New or Substantially More Severe Significant Impacts?	Does Substantially Important New Information Require New Analysis or Verification?	Does Checklist Question Require Further Analysis in Supplemental PEIR?
b. Substantially deplete groundwater supplies or interfere substantially with groundwater recharge such that there would be a net deficit in aquifer volume or a lowering of the local groundwater table level (e.g., the production rate of pre-existing nearby wells would drop to a level which would not support existing land uses or planned uses for which permits have been granted)?	Impacts GRW-3 and GRW-4 (NTMA and LTMA) and Impact GRW-5 (LTMA)	No	No	No	No
c. Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, in a manner which would result in substantial erosion or siltation onsite or offsite?	Impact HYD-1 (NTMA and LTMA)	No	No	No	No
d. Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, or substantially increase the rate or amount of surface runoff in a manner which would result in flooding onsite or offsite?	Impact HYD-2 (NTMA and LTMA)	No	No	No	No
e. Create or contribute runoff water, which would exceed the capacity of existing or planned storm water drainage systems, or provide substantial additional sources of polluted runoff?	Impacts UTL-1 and UTL-2 (NTMA and LTMA)	No	No	No	No
f. Otherwise substantially degrade water quality?	Impacts SWQ-1 thru SWQ-3, and Impacts GRW-1 and GRW-2 (NTMA and LTMA)	No	No	No	No

Checklist Questions Would the Project:	Where Checklist Question Analyzed in 2012 CVFPP Consolidated Final PEIR	Do Proposed Changes Involve New or Substantially More Severe Significant Impacts?	Do New Circumstances Involve New or Substantially More Severe Significant Impacts?	Does Substantially Important New Information Require New Analysis or Verification?	Does Checklist Question Require Further Analysis in Supplemental PEIR?
g. Place housing within a 100-year flood hazard area as mapped on a federal Flood Hazard Boundary or Flood Insurance Rate Map or other flood hazard delineation map?	Impact HYD-3 (NTMA and LTMA)	No	No	No	No
h. Place within a 100-year flood hazard area structures, which would impede or redirect flood flows?	Impact HYD-4 (NTMA and LTMA)	No	No	No	No
i. Expose people or structures to a significant risk of loss, injury, or death involving flooding, including flooding as a result of the failure of a levee or dam?	Impact HYD-4 (NTMA and LTMA)	No	No	No	No
j. Inundation by seiche, tsunami, or mudflow?	Impact HYD-5 and Thresholds Not Evaluated (p. 3.13-81)	No	No	No	No

Analysis

a. Would the project violate any water quality standards or waste discharge requirements, or otherwise substantially degrade water quality?

Near-term and long-term construction activities would involve ground disturbance, with associated potential increases in soil erosion and sedimentation and subsequent water quality degradation. In addition, the PEIR considered the potential for reservoir reoperation to result in water quality degradation. The PEIR determined that potential impacts would be limited due to compliance with existing regulations, and the overall impact would be less than significant.

The PEIR also evaluated the potential for water quality impacts due to the alteration of floodplain inundation patterns and determined that potential impacts were potentially significant because changes in the frequency, areal extent, and duration of floodplain inundation could increase availability and mobilization of contaminants especially in agricultural areas. Impacts were determined to be less than significant with implementation of Mitigation Measure SWQ-3 (NTMA and LTMA), which would require preparation of environmental site assessments before exposing new floodplain areas to inundation.

The activities considered in the 2017 CVFPP Update are expected to be similar to the activities analyzed in the PEIR, and therefore, the potential for water quality impacts is expected to be unchanged.

b. Would the project substantially deplete groundwater supplies or interfere substantially with groundwater recharge such that there would be a net deficit in aquifer volume or a lowering of the local groundwater table level (e.g., the production rate of pre-existing nearby wells would

drop to a level which would not support existing land uses or planned uses for which permits have been granted?

The PEIR evaluated the potential for near-term and long-term projects to deplete groundwater levels as a result of decreased natural recharge, increased pumping, and modification of groundwater flows. Because of the localized nature of potential impacts, the PEIR determined that potential impacts would be less than significant. The activities considered in the 2017 CVFPP Update are expected to be similar to the activities analyzed in the PEIR, and therefore, the potential for groundwater impacts is expected to be unchanged.

In addition, the PEIR evaluated the potential for adverse effects associated with a rise in groundwater elevations resulting from groundwater banking projects. Although groundwater banking is generally beneficial, the PEIR studied the potential for adverse effects such as encroachment of groundwater levels onto the land surface and entrainment of chemicals in the unsaturated zone. Impacts were determined to be potentially significant, and Mitigation Measures GRW-5a (LTMA) and GRW-5b (LTMA) were adopted to develop and implement groundwater management plans and conduct environmental site assessments. With implementation of these measures, the impact was determined to be less than significant. The activities considered in the 2017 CVFPP Update are expected to be similar to the activities analyzed in the PEIR, and therefore, the potential for impacts from groundwater banking is expected to be unchanged.

c. Would the project substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, in a manner which would result in substantial erosion or siltation onsite or offsite?

The PEIR evaluated the potential for increased erosion and sedimentation from modifications to the flood conveyance system. The PEIR determined that potential impacts would be limited due to compliance with existing regulations, and the overall impact would be less than significant. The activities considered in the 2017 CVFPP Update are expected to be similar to the activities analyzed in the PEIR, and therefore, the potential for erosion and sedimentation impacts is expected to be unchanged.

d. Would the project substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, or substantially increase the rate or amount of surface runoff in a manner which would result in flooding onsite or offsite?

The primary purpose of the CVFPP is to improve flood management and thereby reduce the frequency of destructive flood flows and the damage caused by flooding. The PEIR evaluated the potential for program actions to change the existing course of a stream or river, but the overall impact was determined to be less than significant because of the CVFPP purpose and compliance with existing regulations. The activities considered in the 2017 CVFPP Update are expected to be similar to the activities analyzed in the PEIR, and therefore, the potential for flood impacts is expected to be unchanged.

e. Would the project create or contribute runoff water which would exceed the capacity of existing or planned storm water drainage systems or provide substantial additional sources of polluted runoff?

The PEIR evaluated the potential for near-term and long-term program improvements to affect storm drain systems and other utilities and determined that construction-related activities could disrupt utility service or otherwise require the modification or relocation of utility infrastructure. The impact was determined to be potentially significant, but would be reduced to a less-than-significant level by verifying utility locations, coordinating with utility providers, preparing and implementing response plans, and conducting worker training (Mitigation Measure UTL-1 [NTMA and LTMA]). In addition, the PEIR determined that overall improvements to the flood management

system would reduce service disruptions – a beneficial impact. The activities considered in the 2017 CVFPP Update are expected to be similar to the activities analyzed in the PEIR, and therefore, the potential for utility impacts is expected to be unchanged.

f. Would the project otherwise substantially degrade water quality?

Potential degradation of surface water quality is addressed in response (a) above, with additional discussion of potential impacts from erosion and sedimentation in response (c) above. The PEIR also evaluated potential impacts on groundwater quality. Near-term and long-term construction activities would involve ground disturbance, with associated potential for groundwater quality degradation from hazardous materials, such as diesel fuel and oil. The PEIR determined that potential groundwater quality impacts would be limited due to compliance with existing regulations, and the overall impact would be less than significant. In addition, the PEIR considered the potential for reservoir reoperation to result in groundwater quality degradation but determined that the potential impact would be less than significant. The activities considered in the 2017 CVFPP Update are expected to be similar to the activities analyzed in the PEIR, and therefore, the potential for groundwater quality impacts is expected to be unchanged.

g. Would the project place housing within a 100-year flood hazard area as mapped on a federal Flood Hazard Boundary or Flood Insurance Rate Map or other flood hazard delineation map?

The PEIR states that the CVFPP does not include placing housing within a floodplain area and describes other legal requirements regarding floodplain mapping changes in response to the CVFPP. Overall, the potential for impacts was determined to be beneficial. The activities considered in the 2017 CVFPP Update are expected to be similar to the activities analyzed in the PEIR, and therefore, the potential for floodplain impacts is expected to be unchanged.

h. Would the project place within a 100-year flood hazard area structures which would impede or redirect flood flows?

i. Would the project expose people or structures to a significant risk of loss, injury, or death involving flooding, including flooding as a result of the failure of a levee or dam?

The primary purpose of the CVFPP is to improve flood management and thereby reduce the frequency of destructive flood flows and the damage caused by flooding. The PEIR evaluated the potential for program actions to expose people or structures to increased flood risk, but the overall impact was determined to be less than significant because of the CVFPP purpose and compliance with existing regulations. The activities considered in the 2017 CVFPP Update are expected to be similar to the activities analyzed in the PEIR, and therefore, the potential for flood impacts is expected to be unchanged.

j. Would the project result in inundation by seiche, tsunami, or mudflow?

The PEIR determined that tsunamis and mudflows are not a factor in the study area due to its flat topography – no impacts would occur, and the issue was not evaluated further. The potential for seiche impacts was determined to be less than significant because the surface elevation and area of the Delta would not increase. The activities considered in the 2017 CVFPP Update are expected to be similar to the activities analyzed in the PEIR, and therefore, the potential for seiche, tsunami, and mudflow impacts is expected to be unchanged.

Land Use and Planning

Checklist Questions Would the Project:	Where Checklist Question Analyzed in 2012 CVFPP Consolidated Final PEIR	Do Proposed Changes Involve New or Substantially More Severe Significant Impacts?	Do New Circumstances Involve New or Substantially More Severe Significant Impacts?	Does Substantially Important New Information Require New Analysis or Verification?	Does Checklist Question Require Further Analysis in Supplemental PEIR?
a. Physically divide an established community?	Impacts LU-1 thru LU-4 (NTMA and LTMA)	No	No	No	No
b. Conflict with any applicable land use plan, policy, or regulation of an agency with jurisdiction over the project (including, but not limited to the general plan, specific plan, local coastal program, or zoning ordinance) adopted for the purpose of avoiding or mitigating an environmental effect?	Impacts LU-5 thru LU-8 (NTMA and LTMA)	No	No	Yes	Yes
c. Conflict with any applicable habitat conservation plan or natural community conservation plan?	Impact BIO-T-5 (NTMA and LTMA)	No	No	No	No

Analysis

a. Would the project physically divide an established community?

The PEIR evaluated the potential for near-term and long-term conveyance-related, storage-related, and other management activities to physically divide an established community. In addition, the PEIR evaluated the potential for policies associated with the required level of flood protection to physically divide an established community. For these actions, it was determined that there would be no impact or a less-than-significant impact. The activities considered in the 2017 CVFPP Update are expected to be similar to the activities analyzed in the PEIR, and therefore, the potential to physically divide an established community is expected to be unchanged.

b. Would the project conflict with any applicable land use plan, policy, or regulation of an agency with jurisdiction over the project (including, but not limited to, the general plan, specific plan, local coastal program, or zoning ordinance) adopted for the purpose of avoiding or mitigating an environmental effect?

The PEIR reviewed applicable land use plans and policies, including local general plans, specific plans, and zoning ordinances. In this context, the PEIR evaluated the potential for near-term and long-term conveyance-related, storage-related, and other management activities to alter land uses or patterns of land uses that would cause a substantial adverse physical environment effect. In addition, the PEIR evaluated the potential for similar impacts from policies associated with the required level of flood protection. Near-term and long-term impacts from storage-related management activities were determined to be less than significant. The PEIR determined that conveyance-related and other management activities, and associated alterations of land uses or patterns of land uses, could cause a substantial adverse physical environmental effect. Impacts from conveyance-related and other management activities would be mitigated by providing financial

compensation for property loss and relocation assistance and by implementing agricultural mitigation measures (discussed under Agriculture and Forest Resources) and recreation mitigation measures (discussed under Recreation). However, the overall impact would remain significant and unavoidable primarily due to farmland impacts.

The activities considered in the 2017 CVFPP Update are expected to be similar to the activities analyzed in the PEIR, and therefore, the potential for changes in land uses and land use patterns is expected to be mostly unchanged. Nonetheless, approximately 5 years have elapsed since the review of applicable land use plans and policies, including local general plans, specific plans, and zoning ordinances, considered in the PEIR. As part of the Supplemental PEIR, a similar review of applicable plans and policies will be completed. This review may identify new plans or revisions to general plans that could be considered substantially important new information, requiring new analysis and verification. For example, as described under Agriculture and Forest Resources, new information associated with the 2017 CVFPP Update including the Conservation Strategy requires new analysis and verification to clarify the potential extent of farmland impacts. Although this impact is discussed under Land Use and Planning, subsequent analysis will be presented under Agriculture and Forest Resources.

c. Would the project conflict with any applicable habitat conservation plan or natural community conservation plan?

This potential impact is evaluated under Biological Resources [see response (f)].

Mineral Resources

Checklist Questions Would the Project:	Where Checklist Question Analyzed in 2012 CVFPP Consolidated Final PEIR	Do Proposed Changes Involve New or Substantially More Severe Significant Impacts?	Do New Circumstances Involve New or Substantially More Severe Significant Impacts?	Does Substantially Important New Information Require New Analysis or Verification?	Does Checklist Question Require Further Analysis in Supplemental PEIR?
a. Result in the loss of availability of a known mineral resource that would be of value to the region and the residents of the state?	Impact GEO-5 (NTMA and LTMA)	No	No	No	No
b. Result in the loss of availability of a locally-important mineral resource recovery site delineated on a local general plan, specific plan or other land use plan?	Impact GEO-5 (NTMA and LTMA)	No	No	No	No

Analysis

a. Would the project result in the loss of availability of a known mineral resource that would be of value to the region and the residents of the state or result in the loss of availability of a locally-important mineral resource recovery site delineated on a local general plan, specific plan, or other land use plan?

b. Would the project result in the loss of availability of a locally-important mineral resource recovery site delineated on a local general plan, specific plan, or other land use plan?

The PEIR examined the potential for near-term and long-term management activities to affect the availability of mineral resources. Near-term management activities were determined to have a less-than-significant impact on mineral resources due to their temporary nature and existing mineral access restrictions on flood control facilities. Long-term management activities would have similar effects, but some actions (e.g., widening floodways) would encumber new lands within the flood control system and therefore restrict access to mineral resources that may be present. The PEIR determined that this impact was potentially significant. The activities considered in the 2017 CVFPP Update are expected to be similar to the activities analyzed in the PEIR, and therefore, the potential for impacts from soil erosion and loss of topsoil is expected to be unchanged.

Noise

Checklist Questions Would the Project:	Where Checklist Question Analyzed in 2012 CVFPP Consolidated Final PEIR	Do Proposed Changes Involve New or Substantially More Severe Significant Impacts?	Do New Circumstances Involve New or Substantially More Severe Significant Impacts?	Does Substantially Important New Information Require New Analysis or Verification?	Does Checklist Question Require Further Analysis in Supplemental PEIR?
a. Exposure of persons to or generation of noise levels in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies?	Impact NOI-1 and NOI-3 (NTMA and LTMA)	No	No	No	No
b. Exposure of persons to or generation of excessive groundborne vibration or groundborne noise levels?	Impact NOI-2 (NTMA and LTMA)	No	No	No	No
c. A substantial permanent increase in ambient noise levels in the project vicinity above levels existing without the project?	Impact NOI-1 and NOI-3 (NTMA and LTMA)	No	No	No	No
d. A substantial temporary or periodic increase in ambient noise levels in the project vicinity above levels existing without the project?	Impact NOI-1 and NOI-3 (NTMA and LTMA)	No	No	No	No
e. For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project expose people residing or working in the project area to excessive noise levels?	Thresholds Not Evaluated (p. 3.15-21)	No	No	No	No

Checklist Questions Would the Project:	Where Checklist Question Analyzed in 2012 CVFPP Consolidated Final PEIR	Do Proposed Changes Involve New or Substantially More Severe Significant Impacts?	Do New Circumstances Involve New or Substantially More Severe Significant Impacts?	Does Substantially Important New Information Require New Analysis or Verification?	Does Checklist Question Require Further Analysis in Supplemental PEIR?
f. For a project within the vicinity of a private airstrip, would the project expose people residing or working in the project area to excessive noise levels?	Thresholds Not Evaluated (p. 3.15-21)	No	No	No	No

Analysis

a. Exposure of persons to or generation of noise levels in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies?

The PEIR determined that although temporary and short-term management activities involving construction traffic would result in less-than-significant noise impacts, other short-term activities involving construction equipment would result in potentially significant impacts. Mitigation Measures NOI-1 (NTMA), NOI-1a (LTMA), and NOI-1b (LTMA) were adopted to implement noise-reducing construction practices and minimize construction-related traffic noise. However, not all measures listed under Mitigation Measures NOI-1 (NTMA) or NOI-1a (LTMA) would apply to each management action, and the PEIR states that the measures serve only as an overlying mitigation framework whose applicability varies based on the lead agency, location, timing, and nature of each management action. It was determined that implementation of these mitigation measures would reduce noise impacts to a less-than-significant level.

Additionally, the PEIR determined that introducing long-term stationary-source noises under program activities could expose sensitive receptors to noise levels that would exceed acceptable noise standards (both for NTMAs and LTMA) and would be potentially significant. Mitigation Measure NOI-3 (NTMA and LTMA) was adopted to implement design techniques to reduce operational noise to a less-than-significant level. The activities considered in the 2017 CVFPP Update are expected to be similar to the activities considered in the PEIR; therefore, potential exposure of persons or generation of noise levels and the prescribed mitigation are expected to be unchanged.

b. Exposure of persons to or generation of excessive groundborne vibration or groundborne noise levels?

The PEIR determined that heavy-duty truck travel for material transport and use of heavy-duty equipment would cause groundborne noise and vibrations from both near-term and long-term management activities, and groundborne vibration levels would depend on the type of construction equipment used and the operations involved. It was also determined that activities such as pile driving could exceed potential vibration levels and expose receptors to groundborne vibration levels that exceed acceptable and recommended vibration standards. As such, impacts would be potentially significant. Mitigation Measure NOI-2 (NTMA and LTMA) was identified to implement vibration-reducing construction practices. However, not all measures listed would apply to each management action, and the PEIR states that the measures serve only as an overlying mitigation framework whose applicability varies based on the lead agency, location, timing, and nature of each management action. It was determined that implementation of these mitigation measures would reduce groundborne noise and vibrations to a less-than-significant level. The activities considered in the 2017 CVFPP Update are expected to be similar to the activities considered in the PEIR; therefore, potential exposure of persons

or generation of excessive groundborne vibrations or noise levels and the prescribed mitigation are expected to be unchanged.

c. A substantial permanent increase in ambient noise levels in the project vicinity above levels existing without the project?

See response (a) above – no additional project changes are expected.

d. A substantial temporary or periodic increase in ambient noise levels in the project vicinity above levels existing without the project?

See response (a) above – no additional project changes are expected.

e. For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project expose people residing or working in the project area to excessive noise levels?

f. For a project within the vicinity of a private airstrip, would the project expose people residing or working in the project area to excessive noise levels?

The PEIR determined that no homes, businesses, or similar development would be constructed within 2 miles of an airport or private airport strip under the program, although some individual management actions under the program may be located near an airport or private airstrip. Although construction workers could be active in areas exposed to aircraft noise, it would be a temporary exposure and workers would implement standard construction practices. For this reason, implementation of the program would not expose residents or workers in the area to excessive noise levels and the issue was not evaluated further. The activities considered in the 2017 CVFPP Update are expected to be similar to the activities analyzed in the PEIR, and therefore, the potential for exposing residents and workers to excessive noise levels is expected to be unchanged.

Population and Housing

Checklist Questions Would the Project:	Where Checklist Question Analyzed in 2012 CVFPP Consolidated Final PEIR	Do Proposed Changes Involve New or Substantially More Severe Significant Impacts?	Do New Circumstances Involve New or Substantially More Severe Significant Impacts?	Does Substantially Important New Information Require New Analysis or Verification?	Does Checklist Question Require Further Analysis in Supplemental PEIR?
a. Induce substantial population growth in an area, either directly (for example, by proposing new homes and businesses) or indirectly (for example, through extension of roads or other infrastructure)?	Impact PEH-1 (NTMA and LTMA)	No	No	No	No
b. Displace substantial numbers of existing housing, necessitating the construction of replacement housing elsewhere?	Impact PEH-2 (NTMA and LTMA)	No	No	No	No
c. Displace substantial numbers of people, necessitating the construction of replacement housing elsewhere?	Impact PEH-2 (NTMA and LTMA)	No	No	No	No

Analysis

- a. Would the project induce substantial population growth in an area, either directly (for example, by proposing new homes and businesses) or indirectly (for example, through extension of roads or other infrastructure)?**

The PEIR determined that socioeconomic activity related to near-term and long-term program implementation would generate jobs and increased demands for goods and services. The largest program activities would be construction related, and therefore, they would not cause long-term changes in socioeconomic activity. Long-term program activities are likely to generate fewer direct jobs due to limited operational requirements. For these reasons, the PEIR determined that impacts from population growth would be less than significant. The activities considered in the 2017 CVFPP Update are expected to be similar to the activities analyzed in the PEIR, and therefore, the potential for population growth impacts is expected to be unchanged.

- b. Would the project displace substantial numbers of existing housing, necessitating the construction of replacement housing elsewhere?**

- c. Would the project displace substantial numbers of people, necessitating the construction of replacement housing elsewhere?**

The PEIR determined that near-term and long-term program implementation may displace some housing and people, but the number of displacements would be small such that construction of new housing elsewhere would not be required. For this reason, impacts were determined to be less than significant. The activities considered in the 2017 CVFPP Update are expected to be similar to the activities analyzed in the PEIR, and therefore, the potential for impacts from construction of replacement housing is expected to be unchanged.

Public Services

Would the project result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times, or other performance objectives for any of the public services:

	Where Checklist Question Analyzed in 2012 CVFPP Consolidated Final PEIR	Do Proposed Changes Involve New or Substantially More Severe Significant Impacts?	Do New Circumstances Involve New or Substantially More Severe Significant Impacts?	Does Substantially Important New Information Require New Analysis or Verification?	Does Checklist Question Require Further Analysis in Supplemental PEIR?
a. Fire protection?	Impact PS-1 (NTMA and LTMA)	No	No	No	No
b. Police protection?	Impact PS-1 (NTMA and LTMA)	No	No	No	No
c. Schools?	Thresholds Not Evaluated (Section 3.17.3)	No	No	No	No
d. Parks?	Impact PS-1 (NTMA and LTMA)	No	No	No	No

Would the project result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times, or other performance objectives for any of the public services:	Where Checklist Question Analyzed in 2012 CVFPP Consolidated Final PEIR	Do Proposed Changes Involve New or Substantially More Severe Significant Impacts?	Do New Circumstances Involve New or Substantially More Severe Significant Impacts?	Does Substantially Important New Information Require New Analysis or Verification?	Does Checklist Question Require Further Analysis in Supplemental PEIR?
e. Other public facilities?	Impact PS-1 (NTMA and LTMA)	No	No	No	No

Analysis

- a. Fire protection?
- b. Police protection?
- c. Schools?
- d. Parks?
- e. Other public facilities?

For checklist questions (a), (b), (d), and (e), the PEIR determined that the potential for near-term and long-term management activities to require increased fire or police protection services, such as additional officers and equipment, is remote. It was also determined that legally mandated project-specific fire protection programs [29 CFR 1926.150(f)] related to construction activities would negate the need for emergency fire protection services. Therefore, impacts, as related to public facilities, were determined to be less than significant, and no mitigation is required. The potential for impacts on public services is expected to be unchanged from what was analyzed in the PEIR.

For checklist question (c), the PEIR determined that the proposed program does not include components that would result in a demand for school services (e.g. homes), and therefore, it would not result in the need for new construction or physical alteration of schools. Therefore, it was determined the threshold of significance related to schools would not apply to the CVFPP, and the issue was not evaluated further. The activities considered in the 2017 CVFPP Update are expected to be similar to the activities analyzed in the PEIR, and therefore, the potential public service impacts associated with schools are expected to be unchanged.

Recreation

Checklist Questions Would the Project:	Where Checklist Question Analyzed in 2012 CVFPP Consolidated Final PEIR	Do Proposed Changes Involve New or Substantially More Severe Significant Impacts?	Do New Circumstances Involve New or Substantially More Severe Significant Impacts?	Does Substantially Important New Information Require New Analysis or Verification?	Does Checklist Question Require Further Analysis in Supplemental PEIR?
a. Would the project increase the use of existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facility would occur or be accelerated?	Thresholds Not Evaluated (p. 3.18-47)	No	No	No	No
b. Does the project include recreational facilities or require the construction or expansion of recreational facilities which might have an adverse physical effect on the environment?	Impacts REC-1 thru REC-6 (NTMA and LTMA)	No	No	No	No

Analysis

a. Would the project increase the use of existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facility would occur or be accelerated?

The PEIR states that the program does not include development of homes or other land uses that would generate demand for neighborhood and regional parks. Because there would be no impact, the issue was not evaluated further. The activities considered in the 2017 CVFPP Update are expected to be similar to the activities analyzed in the PEIR, and therefore, the potential to increase demands on parks is expected to be unchanged.

b. Does the project include recreational facilities or require the construction or expansion of recreational facilities which might have an adverse physical effect on the environment?

The PEIR determined that near-term and long-term levee projects, conveyance-related management activities, changes in reservoir operational criteria, and some construction activities could affect recreational facilities. Impacts from reservoir reoperation were determined to be less than significant. Impacts from other activities were determined to be potentially significant, and Mitigation Measures REC-1 (NTMA and LTMA), REC-2 (NTMA and LTMA), and REC-4 (NTMA and LTMA) were adopted to mitigate impacts to a less-than-significant level. In addition, the PEIR determined that required reconstruction of recreation sites or access points would have less-than-significant physical effects on the environment due to their small footprint and expected low numbers. The potential for recreation impacts and the effectiveness of the prescribed mitigation are expected to be unchanged from what was analyzed in the PEIR.

Transportation/Traffic

Checklist Questions Would the Project:	Where Checklist Question Analyzed in 2012 CVFPP Consolidated Final PEIR	Do Proposed Changes Involve New or Substantially More Severe Significant Impacts?	Do New Circumstances Involve New or Substantially More Severe Significant Impacts?	Does Substantially Important New Information Require New Analysis or Verification?	Does Checklist Question Require Further Analysis in Supplemental PEIR?
a. Conflict with an applicable plan, ordinance or policy establishing measures of effectiveness for the performance of the circulation system, taking into account all modes of transportation including mass transit and non-motorized travel and relevant components of the circulation system, including but not limited to intersections, streets, highways and freeways, pedestrian and bicycle paths, and mass transit?	Impacts TRN-1 and TRN-2 (NTMA and LTMA)	No	No	No	No
b. Conflict with an applicable congestion management program, including, but not limited to level of service standards and travel demand measures, or other standards established by the county congestion management agency for designated roads or highways?	Impact TRN-2 (NTMA and LTMA)	No	No	No	No
c. Result in a change in air traffic patterns, including either an increase in traffic levels or a change in location that results in substantial safety risks?	Thresholds Not Evaluated (p. 3.19-16)	No	No	No	No
d. Substantially increase hazards due to a design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment)?	Impact TRN-3 (NTMA and LTMA)	No	No	No	No
e. Result in inadequate emergency access?	Impact TRN-4 (NTMA and LTMA)	No	No	No	No
f. Conflict with adopted policies, plans, or programs regarding public transit, bicycle, or pedestrian facilities, or otherwise decrease the performance or safety of such facilities?	Impact TRN-5 (NTMA and LTMA)	No	No	No	No

Analysis

- a. Conflict with an applicable plan, ordinance or policy establishing measures of effectiveness for the performance of the circulation system, taking into account all modes of transportation including mass transit and non-motorized travel and relevant components of the circulation system, including but not limited to intersections, streets, highways and freeways, pedestrian and bicycle paths, and mass transit?**

The PEIR determined that temporary increases in traffic from construction activities would result in potentially significant impacts due to the unknown nature and scale of the program management activities. The PEIR further determined that, with implementation of Mitigation Measure TRN-1 (NTMA and LTMA), transportation impacts from near term management activities would be less than significant. However, impacts from long-term management activities could not be mitigated to a less-than-significant level; therefore, impacts would be potentially significant and unavoidable.

The analysis also determined that removal or temporary disruption of current transportation infrastructure may cause unacceptable traffic conditions and may conflict with applicable plans, ordinances, or policies established by the local transportation agency. Although these situations are expected to be rare, this impact would be potentially significant in the short and long term. Implementation of Mitigation Measure TRN-2 (NTMA and LTMA), which would provide detours for closed or disrupted routes, would reduce impacts from near-term management activities to a less-than-significant level. However, impacts from long-term management activities could not be mitigated to a less-than-significant level; therefore, impacts would be potentially significant and unavoidable.

The activities considered in the 2017 CVFPP Update are expected to be similar to the activities analyzed in the PEIR, and therefore, the potential for construction impacts and conflicts with applicable plans, ordinances, or policies is expected to be unchanged.

- b. Conflict with an applicable congestion management program, including, but not limited to level of service standards and travel demand measures, or other standards established by the county congestion management agency for designated roads or highways?**

As discussed in the PEIR, level of service (LOS) standards established by county congestion management agencies for designated roads or highways regulate long-term traffic increases or changes in traffic patterns resulting from the development of facilities such as businesses and residences. Because construction activities would have a temporary effect on traffic, LOS standards were not considered in the evaluation of construction traffic effects. The activities considered in the 2017 CVFPP Update are expected to be similar to the activities analyzed in the PEIR, and therefore, the potential for conflict with applicable congestion management programs is expected to be unchanged.

- c. Result in a change in air traffic patterns, including either an increase in traffic levels or a change in location that results in substantial safety risks?**

The PEIR determined that the program would not result in changes to air traffic patterns, including an increase in traffic levels or a change in location that results in substantial safety risks. Because air traffic patterns are not expected to be affected by the program, they were not evaluated further. The potential for changes to air traffic patterns, including the increase in traffic levels or changes in location that result in substantial safety risk, is expected to be unchanged from what was analyzed in the PEIR.

d. Substantially increase hazards due to a design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment)?

The PEIR determined that the program would temporarily increase hazards due to construction features and a temporary design feature. Implementation of standard contractor requirements and enforcement of speed limits in construction zones would result in less-than-significant impacts. The activities considered in the 2017 CVFPP Update are expected to be similar to the activities analyzed in the PEIR, and therefore, the potential for increased hazards due to construction activities and a temporary design feature is expected to be unchanged.

e. Result in inadequate emergency access?

The PEIR determined that the program may require the closure or reduction of an emergency response or evacuation route because many of the management actions are connected to levees where response and evacuation routes are limited. This would result in potentially significant impacts. Mitigation Measure TRN-4 (NTMA and LTMA) was adopted to minimize effects of reduction or closure of an emergency response or evacuation route, and as a result, the impacts would be less than significant. The potential for road closures (whether temporary, permanent, or partial) and the effectiveness of the prescribed mitigation are expected to be unchanged from what was analyzed in the PEIR.

f. Conflict with adopted policies, plans, or programs regarding public transit, bicycle, or pedestrian facilities, or otherwise decrease the performance or safety of such facilities?

The PEIR determined that the program may conflict with adopted policies, plans, or programs regarding public transit, bicycle, or pedestrian facilities, but anticipated consultation processes with appropriate local agencies would address conflicts such that impacts would be less than significant. The activities considered in the 2017 CVFPP Update are expected to be similar to the activities analyzed in the PEIR, and therefore, the potential for conflicts with adopted policies, plans, or programs is expected to be unchanged.

Utilities and Service Systems

Checklist Questions Would the Project:	Where Checklist Question Analyzed in 2012 CVFPP Consolidated Final PEIR	Do Proposed Changes Involve New or Substantially More Severe Significant Impacts?	Do New Circumstances Involve New or Substantially More Severe Significant Impacts?	Does Substantially Important New Information Require New Analysis or Verification?	Does Checklist Question Require Further Analysis in Supplemental PEIR?
a. Exceed wastewater treatment requirements of the applicable RWQCB?	Thresholds Not Evaluated (p. 3.20-13) and Impacts UTL-1 and UTL-2 (NTMA and LTMA)	No	No	No	No
b. Require or result in the construction of new water or wastewater treatment facilities or expansion of existing facilities, the construction of which could cause significant environmental effects?	Thresholds Not Evaluated (p. 3.20-13) and Impacts UTL-1 and UTL-2 (NTMA and LTMA)	No	No	No	No

Checklist Questions Would the Project:	Where Checklist Question Analyzed in 2012 CVFPP Consolidated Final PEIR	Do Proposed Changes Involve New or Substantially More Severe Significant Impacts?	Do New Circumstances Involve New or Substantially More Severe Significant Impacts?	Does Substantially Important New Information Require New Analysis or Verification?	Does Checklist Question Require Further Analysis in Supplemental PEIR?
c. Require or result in the construction of new storm water drainage facilities or expansion of existing facilities, the construction of which could cause significant environmental effects?	Thresholds Not Evaluated (p. 3.20-13) and Impacts UTL-1 and UTL-2 (NTMA and LTMA)	No	No	No	No
d. Have sufficient water supplies available to serve the project from existing entitlements and resources, or are new or expanded entitlements needed?	Thresholds Not Evaluated (p. 3.20-13) and Impacts UTL-1 and UTL-2 (NTMA and LTMA)	No	No	No	No
e. Result in a determination by the wastewater treatment provider which serves or may serve the project that it has adequate capacity to serve the project's projected demand in addition to the provider's existing commitments?	Thresholds Not Evaluated (p. 3.20-13) and Impacts UTL-1 and UTL-2 (NTMA and LTMA)	No	No	No	No
f. Be served by a landfill with sufficient permitted capacity to accommodate the project's solid waste disposal needs?	Impact UTL-3 (NTMA and LTMA)	No	No	No	No
g. Comply with federal, state, and local statutes and regulations related to solid waste?	Impact UTL-3 (NTMA and LTMA)	No	No	No	No

Analysis

- a. Exceed wastewater treatment requirements of the applicable RWQCB?**
- b. Require or result in the construction of new water or wastewater treatment facilities or expansion of existing facilities, the construction of which could cause significant environmental effects?**
- c. Require or result in the construction of new storm water drainage facilities or expansion of existing facilities, the construction of which could cause significant environmental effects?**
- d. Have sufficient water supplies available to serve the project from existing entitlements and resources, or are new or expanded entitlements needed?**

e. Result in a determination by the wastewater treatment provider which serves or may serve the project that it has adequate capacity to serve the project’s projected demand in addition to the provider’s existing commitments?

The PEIR determined that the CVFPP would not include new urban uses that would increase the demand for water, wastewater, and stormwater facilities. Because there would be no impact, these issues were not evaluated further. The PEIR also evaluated the potential for near-term and long-term program improvements to affect utilities and determined that construction-related activities could disrupt utility service or otherwise require the modification or relocation of utility infrastructure. The impact was determined to be potentially significant, but would be reduced to a less-than-significant level by verifying utility locations, coordinating with utility providers, preparing and implementing response plans, and conducting worker training (Mitigation Measure UTL-1 [NTMA and LTMA]). In addition, the PEIR determined that overall improvements to the flood management system would reduce service disruptions – a beneficial impact. The activities considered in the 2017 CVFPP Update are expected to be similar to the activities analyzed in the PEIR, and therefore, the potential for utility impacts is expected to be unchanged.

f. Be served by a landfill with sufficient permitted capacity to accommodate the project’s solid waste disposal needs?

g. Comply with federal, state, and local statutes and regulations related to solid waste?

The PEIR evaluated the potential for increased generation of solid waste during near-term and long-term program construction activities and determined that the impact would be less than significant because of the geographic diversity of the projects and because solid waste would not be sent to landfills that do not have sufficient capacity. The activities considered in the 2017 CVFPP Update are expected to be similar to the activities analyzed in the PEIR, and therefore, the potential for landfill impacts is expected to be unchanged.

Mandatory Findings of Significance

Checklist Questions Would the Project:	Where Checklist Question Analyzed in 2012 CVFPP Consolidated Final PEIR	Do Proposed Changes Involve New or Substantially More Severe Significant Impacts?	Do New Circumstances Involve New or Substantially More Severe Significant Impacts?	Does Substantially Important New Information Require New Analysis or Verification?	Does Checklist Question Require Further Analysis in Supplemental PEIR?
a. Have the potential to degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, reduce the number or restrict the range of a rare or endangered plant or animal, or eliminate important examples of the major periods of California history or prehistory?	Impacts BIO-A-1 thru BIO-A-7, BIO-T-1 thru BIO-T-8, and CUL-1 thru CUL-5 (NTMA and LTMA)	No	Yes	Yes	Yes

Checklist Questions Would the Project:	Where Checklist Question Analyzed in 2012 CVFPP Consolidated Final PEIR	Do Proposed Changes Involve New or Substantially More Severe Significant Impacts?	Do New Circumstances Involve New or Substantially More Severe Significant Impacts?	Does Substantially Important New Information Require New Analysis or Verification?	Does Checklist Question Require Further Analysis in Supplemental PEIR?
b. Have impacts that are individually limited, but cumulatively considerable? (“Cumulatively considerable” means that the incremental effects of a project are considerable when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects.)	Chapter 4.0: Cumulative Impacts (NTMA and LTMA)	No	No	Yes	Yes
c. Does the project have environmental effects that will cause substantial adverse effects on human beings, either directly or indirectly?	Impacts AG-1 thru AG-3, AQ-1 thru AQ-7, LU-5 and LU-8, GEO-5, and TRN-1 and TRN-2 (NTMA and LTMA)	No	No	Yes	Yes

Analysis

- a. Does the project have the potential to degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, reduce the number or restrict the range of a rare or endangered plant or animal, or eliminate important examples of the major periods of California history or prehistory?**

The PEIR identified potentially significant and unavoidable impacts for near-term and long-term management activities associated with biological resources and cultural and historical resources. As identified herein, the potential for aquatic and terrestrial biological resources impacts from near-term and long-term construction-related activities, reservoir operational criteria changes, vegetation management activities, and other management activities associated with the 2017 CVFPP Update is expected to be unchanged from what was analyzed in the PEIR. However, new information has been developed that is expected to clarify the potential extent of habitat function and value benefits associated with the 2017 CVFPP Update including the Conservation Strategy, which is a means by which potential impacts on biological resources will be resolved through implementation of multi-benefit projects. In this regard, the Conservation Strategy provides additional information to that which was included in the 2012 Conservation Framework (adopted in 2013) and considered in the PEIR. These updates may be considered substantially important new information and could require new analysis and verification, including review of construction avoidance and minimization measures.

With respect to cultural resources, the activities considered in the 2017 CVFPP Update are expected to be similar to the activities considered in the PEIR, and therefore, the potential impacts related to important examples of the major periods of California history or prehistory and the effectiveness of the prescribed mitigation are expected to be unchanged. However, new information may be identified as part of AB 52 consultation with potentially affected tribes, including the identification

of TCRs. Potential impacts on TCRs that may be identified would not have been evaluated in the PEIR because that review occurred prior to the passing of AB 52. Because of these new circumstances and the potential for substantially important new information, activities considered in the 2017 CVFPP Update will be evaluated for potential impacts on TCRs, including the identification of mitigation or avoidance measures where appropriate.

- b. Does the project have impacts that are individually limited, but cumulatively considerable? (“Cumulatively considerable” means that the incremental effects of a project are considerable when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects.)**

The PEIR reviewed past, present, and probable future projects and used projections from adopted local, regional, or statewide plans or related planning documents that describe or evaluate conditions contributing to cumulative effects. Based on this review, an evaluation of cumulative impacts associated with implementation of near-term and long-term management activities was completed. Although the activities considered in the 2017 CVFPP Update are expected to be similar to the activities considered in the PEIR, approximately 5 years have elapsed since the identification of reasonably foreseeable future projects considered in the PEIR. As part of the Supplemental PEIR, a similar review of reasonably foreseeable future project will be completed. This review may identify new projects that could be considered substantially important new information, requiring new analysis and verification. In addition, new information has been developed that is expected to clarify the potential extent of impacts on farmland resources, aquatic biological resources, and terrestrial biological resources associated with the 2017 CVFPP Update including the Conservation Strategy. These updates may be considered substantially important new information that requires new analysis and verification specific to farmland resources, aquatic biological resources, and terrestrial biological resources and their potential for cumulative impacts.

- c. Does the project have environmental effects that will cause substantial adverse effects on human beings, either directly or indirectly?**

The PEIR identified significant unavoidable impacts for near-term and long-term management activities associated with land use and planning; potentially significant and unavoidable impacts for near-term and long-term management activities associated with agriculture and farmland resources and air quality; and potentially significant and unavoidable impacts for long-term management activities associated with mineral resources and transportation and traffic.

As identified herein, the potential for agriculture and farmland impacts from near-term and long-term conveyance-related, storage-related, and other actions is expected to be unchanged from what was analyzed in the PEIR. New information has been developed, however, that is expected to clarify the potential extent of farmland impacts associated with the 2017 CVFPP Update including the Conservation Strategy. The Conservation Strategy provides additional information to the 2012 Conservation Framework (adopted in 2013), which was considered in the PEIR. Therefore, the updates contained in the Conservation Strategy may be considered substantially important new information and could require new analysis and verification.

With respect to land use and planning, air quality, mineral resources, and transportation and traffic, the activities considered in the 2017 CVFPP Update are expected to be similar to the activities considered in the PEIR, and therefore, the potential impacts related to these resource areas and the effectiveness of the prescribed mitigation are expected to be unchanged.

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Notice of Completion & Environmental Document Transmittal

Mail to: State Clearinghouse, P.O. Box 3044, Sacramento, CA 95812-3044 (916) 445-0613
For Hand Delivery/Street Address: 1400 Tenth Street, Sacramento, CA 95814

SCH #2010102044

Project Title: Supplemental PEIR - 2017 Central Valley Flood Protection Plan Update

Lead Agency: California Department of Water Resources

Contact Person: Michele Ng

Mailing Address: 3464 El Camino Ace, Room 2000

Phone: (916) 574-2371

City: Sacramento

Zip: 95821

County: Sacramento

Project Location: County: _____ City/Nearest Community: _____

Cross Streets: _____ Zip Code: _____

Longitude/Latitude (degrees, minutes and seconds): _____ ° _____ ' _____ " N / _____ ° _____ ' _____ " W Total Acres: _____

Assessor's Parcel No.: _____ Section: _____ Twp.: _____ Range: _____ Base: _____

Within 2 Miles: State Hwy #: _____ Waterways: _____

Airports: _____ Railways: _____ Schools: _____

Document Type:

- | | | | | |
|---|--|-------------------------------|------------------------------------|--|
| CEQA: <input checked="" type="checkbox"/> NOP | <input type="checkbox"/> Draft EIR | <input type="checkbox"/> NEPA | <input type="checkbox"/> NOI | Other: <input type="checkbox"/> Joint Document |
| <input type="checkbox"/> Early Cons | <input type="checkbox"/> Supplement/Subsequent EIR | | <input type="checkbox"/> EA | <input type="checkbox"/> Final Document |
| <input type="checkbox"/> Neg Dec | (Prior SCH No.) _____ | MAR 18 2016 | <input type="checkbox"/> Draft EIS | <input type="checkbox"/> Other: _____ |
| <input type="checkbox"/> Mit Neg Dec | Other: _____ | | <input type="checkbox"/> FONSI | |

STATE CLEARINGHOUSE

Local Action Type:

- | | | | |
|---|---|--|---|
| <input type="checkbox"/> General Plan Update | <input type="checkbox"/> Specific Plan | <input type="checkbox"/> Rezone | <input type="checkbox"/> Annexation |
| <input type="checkbox"/> General Plan Amendment | <input type="checkbox"/> Master Plan | <input type="checkbox"/> Prezone | <input type="checkbox"/> Redevelopment |
| <input type="checkbox"/> General Plan Element | <input type="checkbox"/> Planned Unit Development | <input type="checkbox"/> Use Permit | <input type="checkbox"/> Coastal Permit |
| <input type="checkbox"/> Community Plan | <input type="checkbox"/> Site Plan | <input type="checkbox"/> Land Division (Subdivision, etc.) | <input type="checkbox"/> Other: _____ |

Development Type:

- | | |
|---|--|
| <input type="checkbox"/> Residential: Units _____ Acres _____ | <input type="checkbox"/> Transportation: Type _____ |
| <input type="checkbox"/> Office: Sq.ft. _____ Acres _____ Employees _____ | <input type="checkbox"/> Mining: Mineral _____ |
| <input type="checkbox"/> Commercial: Sq.ft. _____ Acres _____ Employees _____ | <input type="checkbox"/> Power: Type _____ MW _____ |
| <input type="checkbox"/> Industrial: Sq.ft. _____ Acres _____ Employees _____ | <input type="checkbox"/> Waste Treatment: Type _____ MGD _____ |
| <input type="checkbox"/> Educational: _____ | <input type="checkbox"/> Hazardous Waste: Type _____ |
| <input type="checkbox"/> Recreational: _____ | <input type="checkbox"/> Other: _____ |
| <input type="checkbox"/> Water Facilities: Type _____ MGD _____ | |

Project Issues Discussed in Document:

- | | | | |
|--|--|---|--|
| <input checked="" type="checkbox"/> Aesthetic/Visual | <input type="checkbox"/> Fiscal | <input checked="" type="checkbox"/> Recreation/Parks | <input checked="" type="checkbox"/> Vegetation |
| <input checked="" type="checkbox"/> Agricultural Land | <input checked="" type="checkbox"/> Flood Plain/Flooding | <input type="checkbox"/> Schools/Universities | <input checked="" type="checkbox"/> Water Quality |
| <input checked="" type="checkbox"/> Air Quality | <input type="checkbox"/> Forest Land/Fire Hazard | <input type="checkbox"/> Septic Systems | <input checked="" type="checkbox"/> Water Supply/Groundwater |
| <input checked="" type="checkbox"/> Archeological/Historical | <input checked="" type="checkbox"/> Geologic/Seismic | <input type="checkbox"/> Sewer Capacity | <input checked="" type="checkbox"/> Wetland/Riparian |
| <input checked="" type="checkbox"/> Biological Resources | <input checked="" type="checkbox"/> Minerals | <input checked="" type="checkbox"/> Soil Erosion/Compaction/Grading | <input checked="" type="checkbox"/> Growth Inducement |
| <input type="checkbox"/> Coastal Zone | <input checked="" type="checkbox"/> Noise | <input checked="" type="checkbox"/> Solid Waste | <input checked="" type="checkbox"/> Land Use |
| <input checked="" type="checkbox"/> Drainage/Absorption | <input checked="" type="checkbox"/> Population/Housing Balance | <input checked="" type="checkbox"/> Toxic/Hazardous | <input checked="" type="checkbox"/> Cumulative Effects |
| <input type="checkbox"/> Economic/Jobs | <input checked="" type="checkbox"/> Public Services/Facilities | <input checked="" type="checkbox"/> Traffic/Circulation | <input type="checkbox"/> Other: _____ |

Present Land Use/Zoning/General Plan Designation:

Project Description: (please use a separate page if necessary)

The 2017 CVFPP Update builds on and refines the systemwide approach described in the 2012 CVFPP for implementing possible future flood management improvements in the Central Valley with a focus on lands currently protected by the State Plan of Flood Control. As part of the 2017 CVFPP Update, DWR is incorporating the Central Valley Flood System Conservation Strategy and including refinement of Basin-Wide Feasibility Studies and integration of Regional Flood Management Planning activities. These updates, and the reasonable range of potential implementation approaches included in the 2012 CVFPP, have been identified by DWR to accomplish the primary goal, supporting goals, and program and statutory objectives of the CVFPP.

Note: The State Clearinghouse will assign identification numbers for all new projects. If a SCH number already exists for a project (e.g. Notice of Preparation or previous draft document) please fill in.

Reviewing Agencies Checklist

Lead Agencies may recommend State Clearinghouse distribution by marking agencies below with and "X".
If you have already sent your document to the agency please denote that with an "S".

<input type="checkbox"/> Air Resources Board	<input checked="" type="checkbox"/> Office of Historic Preservation
<input type="checkbox"/> Boating & Waterways, Department of	<input type="checkbox"/> Office of Public School Construction
<input type="checkbox"/> California Emergency Management Agency	<input checked="" type="checkbox"/> Parks & Recreation, Department of
<input type="checkbox"/> California Highway Patrol	<input type="checkbox"/> Pesticide Regulation, Department of
<input checked="" type="checkbox"/> Caltrans District #3,6,19	<input type="checkbox"/> Public Utilities Commission
<input type="checkbox"/> Caltrans Division of Aeronautics	<input type="checkbox"/> Regional WQCB # <u>5</u>
<input checked="" type="checkbox"/> Caltrans Planning	<input type="checkbox"/> Resources Agency
<input checked="" type="checkbox"/> Central Valley Flood Protection Board	<input type="checkbox"/> Resources Recycling and Recovery, Department of
<input type="checkbox"/> Coachella Valley Mtns. Conservancy	<input type="checkbox"/> S.F. Bay Conservation & Development Comm.
<input type="checkbox"/> Coastal Commission	<input type="checkbox"/> San Gabriel & Lower L.A. Rivers & Mtns. Conservancy
<input type="checkbox"/> Colorado River Board	<input type="checkbox"/> San Joaquin River Conservancy
<input checked="" type="checkbox"/> Conservation, Department of	<input type="checkbox"/> Santa Monica Mtns. Conservancy
<input type="checkbox"/> Corrections, Department of	<input checked="" type="checkbox"/> State Lands Commission
<input checked="" type="checkbox"/> Delta Protection Commission	<input type="checkbox"/> SWRCB: Clean Water Grants
<input type="checkbox"/> Education, Department of	<input checked="" type="checkbox"/> SWRCB: Water Quality
<input type="checkbox"/> Energy Commission	<input checked="" type="checkbox"/> SWRCB: Water Rights
<input checked="" type="checkbox"/> Fish & Game Region #2,3,4	<input type="checkbox"/> Tahoe Regional Planning Agency
<input type="checkbox"/> Food & Agriculture, Department of	<input type="checkbox"/> Toxic Substances Control, Department of
<input type="checkbox"/> Forestry and Fire Protection, Department of	<input checked="" type="checkbox"/> Water Resources, Department of
<input type="checkbox"/> General Services, Department of	Other: _____
<input type="checkbox"/> Health Services, Department of	Other: _____
<input type="checkbox"/> Housing & Community Development	
<input checked="" type="checkbox"/> Native American Heritage Commission	

Local Public Review Period (to be filled in by lead agency)

Starting Date March 18, 2016 Ending Date April 18, 2016

Lead Agency (Complete if applicable):

Consulting Firm: <u>CH2M</u>	Applicant: <u>Michele Ng</u>
Address: <u>2485 Natomas Park Drive</u>	Address: <u>3464 El Camino Avenue, Room 200</u>
City/State/Zip: <u>Sacramento, CA 95833</u>	City/State/Zip: <u>Sacramento, CA 95821</u>
Contact: <u>Matthew Franck</u>	Phone: <u>(916) 574-2371</u>
Phone: <u>(916) 286 - 0272</u>	

Signature of Lead Agency Representative: M Franck Date: 3/18/2016

Authority cited: Section 21083, Public Resources Code. Reference: Section 21161, Public Resources Code.

Central Valley Flood Management Planning (CVFMP) Program

CENTRAL VALLEY FLOOD MANAGEMENT PLANNING PROGRAM



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Department of Water Resources
1416 Ninth Street
Sacramento, CA 95814

Mailing Address:
P.O. Box 942836
Sacramento, CA 94236

A Program of:



[All Flood & Safety Topics](#) » [FloodSAFE California](#) » [CVFMP](#) » [2017 CVFPP Update](#)

2017 CENTRAL VALLEY FLOOD PROTECTION PLAN UPDATE

DWR is required to update the Central Valley Flood Protection Plan (CVFPP) every five years for review and adoption by the Central Valley Flood Protection Board. The 2017 CVFPP Update will incorporate results from the State-led [Basin-Wide Feasibility Studies](#), [Regional Flood Management Planning](#) and the [Central Valley Flood System Conservation Strategy](#). New information about development of the 2017 CVFPP Update will be made available on this site and at future planned meetings and workshops.

NOTICE OF PREPARATION AVAILABLE FOR 2017 CVFPP UPDATE SUPPLEMENTAL PROGRAM ENVIRONMENTAL IMPACT REPORT

The Notice of Preparation (NOP) is available for the 2017 Central Valley Flood Protection Plan (CVFPP) Update Supplemental Program Environmental Impact Report (PEIR). As required by the California Environmental Quality Act, this NOP begins the public scoping process for the Supplemental PEIR. The NOP also provides the date, time, and location of the public scoping meeting designed to give interested members of the public the opportunity to submit comments (written or oral) on the scope and content of the environmental information to be included in the Supplemental PEIR. Specific information on the scoping meeting is available in the NOP.

» [Notice of Preparation: Supplemental Program Environmental Impact Report, 2017 Central Valley Flood Protection Plan Update](#) (PDF: 2.2 MB)

Please send all written comments on the NOP by 5:00 pm on April 18 to:

Michele Ng, P.E.
California Department of Water Resources
3464 El Camino Avenue, Room 200
Sacramento, CA 95821

E-mail: SPEIR_2017_Comments@water.ca.gov

PUBLIC SCOPING MEETING FOR THE SUPPLEMENTAL PROGRAM ENVIRONMENTAL IMPACT REPORT

The Department of Water Resources will be holding a public scoping meeting on April 8 to provide information on the Supplemental PEIR and to solicit comments from participants. Scoping meeting details are as follows:

Date: Friday, April 8
Time: 10:00 a.m. – 12:00 p.m.
Location: Sacramento City Hall, 1st Floor Council Chamber
915 I Street,
Sacramento, CA, 95814

The public scoping meeting is designed to give interested members of the public the opportunity to submit comments (written or oral) on the scope and content of the environmental information to be included in the Supplemental PEIR. More specific information on the scoping meeting is available in the NOP.

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From: DWR Flood Management Planning [mailto:CVFMP@WATER.CA.GOV]
Sent: Friday, March 18, 2016 9:40 AM
To: DWR_FLOOD_MANAGEMENT_PLANNING@LISTSERV.STATE.CA.GOV
Subject: Notice of Preparation available for 2017 CVFPP Update Supplemental PEIR & Invitation to April 8 Public Scoping Meeting

The Notice of Preparation (NOP) is available for the *2017 Central Valley Flood Protection Plan (CVFPP) Update's* Supplemental Program Environmental Impact Report (PEIR). As required by the California Environmental Quality Act, this NOP begins the public scoping process for the Supplemental PEIR. The Department of Water Resources will be hosting a public scoping meeting on April 8 to provide information on the Supplemental PEIR and to solicit comments from participants. Scoping meeting details are as follows:

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Michele Ng, P.E.
California Department of Water Resources
3464 El Camino Avenue, Room 200
Sacramento, CA 95821
E-mail: SPEIR_2017_Comments@water.ca.gov

The NOP is available here: http://water.ca.gov/cvfmp/docs/SPEIR-NOP-2017CVFPPUpdate_web.pdf

Information about the 2017 CVFPP Update is available here: <http://water.ca.gov/cvfmp/2017cvfpp.cfm>

To unsubscribe from the DWR_FLOOD_MANAGEMENT_PLANNING list, click the following link:
https://LISTSERV.STATE.CA.GOV/wa.exe?SUBED1=DWR_FLOOD_MANAGEMENT_PLANNING&A=1

Appendix B: Scoping Meeting Materials

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CENTRAL VALLEY FLOOD PROTECTION BOARD

California Natural Resources Agency – State of California

CVFPB Office Location

3310 El Camino Avenue, Room 151

Sacramento, California 95821

Phone (916) 574-0609 – Fax (916) 574-0682

<http://www.cvfpb.ca.gov>

BOARD MEMBERS

Bill Edgar, President
Emma Suarez, Vice President
Jane Dolan, Secretary
Joe Countryman, Member
Clyde Macdonald, Member
Tim Ramirez, Member
Mike Villines, Member
Assembly member Marc Levine
Ex Officio Member
State Senator Fran Pavley
Ex Officio Member

BOARD STAFF

Leslie Gallagher, Executive Officer
Eric Butler, Supervising Engineer
Mitra Emami, Supervising Engineer
Lucy Montgomery, Chief of Administration
Amber Woertink, Analyst to the Board

BOARD COUNSEL

Kanwarjit Dua, General Counsel

AGENDA

CENTRAL VALLEY FLOOD PROTECTION BOARD

PUBLIC SCOPING MEETING

Supplemental Program Environmental Impact Report for The Central Valley Flood Protection Plan 2017 Update State Clearinghouse Number: 2010102044

April 8, 2016 – 10:00 AM

**Sacramento City Hall, 1st Floor Council Chamber
915 I Street, Sacramento, CA 95814**

**To view the webcast portion on this meeting, please join us here:
http://centralvalleyflood.granicus.com/ViewPublisher.php?view_id=2**

NOTE: The Board will consider timed items as close as possible to the listed time, but not before the time specified. Untimed items may be considered in a different order upon determination by the Board President.

Members of the public shall be provided an opportunity to address the Board on any agenda item except closed session items. Comments made during Agenda Item 2 should be limited to matters within the Board's jurisdiction. Reasonable time limits may be established for public comments (Government Code Section 11125.7).

Background for agenda item 3 is available on the Board website at:

<http://www.cvfpb.ca.gov/PublicNotices/>

Anyone may request a printed copy of background or other material on an agenda item that has been distributed to the Members of the Board. A fee covering the cost of the provision of such materials may be charged. If reasonable accommodation due to a disability or language assistance is needed, please contact the Equal Opportunity Management Investigations Office at (916) 653-6952, or TDD (916) 653-6934 at least a week prior to the meeting.

For further information about items on this agenda, please contact Amber Woertink at Amber.Woertink@water.ca.gov or (916) 574-0609.

1. WELCOME, INTRODUCTIONS, AND ANNOUNCEMENTS

2. PUBLIC COMMENT (on non-agendized items)

3. SCOPING:

The Central Valley Flood Protection Board, as the responsible agency, is pleased to host the Supplemental Program Environmental Impact Report (PEIR) scoping meeting for the 2017 update to the Central Valley Flood Protection Plan for the Department of Water Resources (DWR), Division of Flood Management Planning Office. In accordance with the California Environmental Quality Act (Public Resources Code § 21000 et seq.), DWR, as the lead agency, posted a Notice of Preparation with the Governor's Office of Planning and Research/State Clearinghouse Unit for the CVFPP 2017 Update on March 18, 2016.

DWR staff will present information to the Board and to the public and will be taking written and oral comments from the public during this scoping meeting. A court reporter will record all oral comments made during the meeting. Written comments may also be submitted to DWR through the close of the public comment period on **April 18, 2016**.

The scoping meeting will include the following:

- 2012 CVFPP and PEIR Review
- 2017 CVFPP Update
- Supplemental PEIR – a focused review of limited issues at a program-level because the 2017 CVFPP update includes geographically related actions that are not well-defined regarding specific locations, project-level details, or implementation strategies to support a project-level EIR
- Purpose of Scoping Process – inform the public that the Department of Water Resources is evaluating the CVFPP under the California Environmental Quality Act (CEQA) and to solicit public comment regarding the type and extent of environmental analyses to be undertaken.
- Public Comments – The 30-day public review period commenced on March 18, 2016 and will close on **April 18, 2016 at 5:00 p.m.**
- Meeting attendees will have the opportunity to provide oral and/or written comments during the meeting

Click the hyperlink below for a copy of the Notice of Preparation.

http://water.ca.gov/cvfmp/docs/SPEIR-NOP-2017CVFPPUpdate_web.pdf

4. ADJOURNMENT

SIGN-IN SHEET

Meeting of
CENTRAL VALLEY FLOOD PROTECTION
BOARD

April 8, 2016
Sacramento City Hall
1st Floor Council Chamber
915 I Street, Sacramento

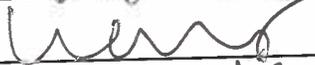
*PLEASE PRINT NAME	ADDRESS / AFFILIATION	PHONE # / FAX #	SIGNATURE
Laura Hollender	DWR	916-605-9145 916-605-9145	Laura Hollender Wicks sa.gov
James Heritz	CVFPB	916-574-0651	James Heritz
Terril Barnes	DWR	916 708-6809	Terril Barnes
You Chen Chen	Delta Stewardship Council	916-574-0143	You Chen Chen
JAY PUMIA	Wood Rodgers Inc.	(916) 503-3093	JSP
Robin Brewer	DWR	651-9053	Robin Brewer
Benny O'Reg	NSN	209 323-9864	Benny O'Reg
ERIC DAST	MEK	916.456.4400	ERIC DAST

* We ask that you please print your name so that we have the correct spelling for our transcripts and records. Thank you.

SIGN-IN SHEET

Meeting of CENTRAL VALLEY FLOOD PROTECTION BOARD

April 8, 2016
Sacramento City Hall
1st Floor Council Chamber
915 I Street, Sacramento

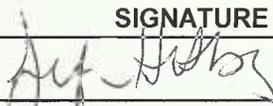
*PLEASE PRINT NAME	ADDRESS / AFFILIATION	PHONE # / FAX #	SIGNATURE
Joe County	Bd member		
Tom Deas	DWR	916 574.2511	
Wendy Wang	DWR		
Nichelle Ng	DWR		Michelle
Laurence Kerckhoff	DWR	653 6186	Z. Kull
Gina Ford	CDFW	916-358-2094	Len Paul
Yassi Samian	CH2M		Yass Samian
Adam Gidaro			Adam Gidaro
Sam Kulew	DWR	916 296 6229	smelcer@water.ca.gov
Daniel Huang	DSC	916 445 5339	
CONNIE PEKELINS	CITY OF SACRAMENTO	808-1914	

* We ask that you please print your name so that we have the correct spelling for our transcripts and records. Thank you.

SIGN-IN SHEET

Meeting of
CENTRAL VALLEY FLOOD PROTECTION
BOARD

April 8, 2016
Sacramento City Hall
1st Floor Council Chamber
915 I Street, Sacramento

*PLEASE PRINT NAME	ADDRESS / AFFILIATION	PHONE # / FAX #	SIGNATURE
Shirley Hobbs	USFWS	916 414-6541	
Kelly Sterzer	CITY OF SACRAMENTO	916-808-2539	
Board Members			
Joe Countryman			
Tim Ramirez			
Michael Villines			
Amber Woertink			
Emma Suarez			
Jane Dolan			
Tit Dull			

* We ask that you please print your name so that we have the correct spelling for our transcripts and records. Thank you.

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2017 CVFPP Update CEQA Process

Scoping

March 18, 2016 – April 18, 2016
Notice of Preparation released March 18
Scoping Meeting held on April 8



Draft Supplemental PEIR

Notice of Availability – document release expected early 2017
Public and Agency Review



Final Supplemental PEIR

Responses to Comments
Document release expected prior to mid-2017



2017 CVFPP Update Decision Making

CEQA findings required prior to plan adoption – expected June 2017
Notice of Determination ends CEQA process
– to be filed after 2017 CVFPP Update is adopted

**2017 Central Valley Flood Protection Plan Update
Scoping Report**

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Study Area



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How to Submit Your Comments on the CVFPP Supplemental PEIR

Submit
Today

OR

Submit
by 5pm
April 18, 2016

Fill out and turn in
Comment Card

Mail Comment Card or Letter to
3464 El Camino Ave., Room 200
Sacramento, CA 95821

OR

OR

Submit Oral Comment
to Stenographer

Email Comment to
SPEIR_2017_Comments@water.ca.gov

Comment Due Date: 04/18/16

Please include contact information on all submitted comments.

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Appendix C: Comments

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From: Ford, Gina R.@Wildlife
Sent: Friday, April 15, 2016 9:36 AM
To: Ng, Michele@DWR
Cc: Wildlife R2 CEQA; Barker, Kelley@Wildlife
Subject: CDFW comments on DWR's NOP Supplemental Program Environmental Impact Report for the 2017 Central Valley Flood Protection Plan Update (SCH # 2010102044)

Dear Mrs. Ng;

The California Department of Fish and Wildlife (CDFW) has reviewed the Notice of Preparation (NOP) from the California Department of Water Resources (DWR) regarding the Supplemental Program Environmental Impact Report for the 2017 Central Valley Flood Protection Plan Update (Project).

As a trustee for California's fish and wildlife resources, CDFW has jurisdiction over the conservation, protection, and management of fish, wildlife, native plants, and habitat necessary for biologically sustainable populations of those species (Fish & G. Code, § 1802). CDFW may also act as a Responsible Agency (Cal. Code Regs., § 21069) for a Project where it has discretionary approval power under the California Endangered Species Act (Fish & G. Code, § 2050 et seq.) and the Lake and Streambed Alteration Program (Fish & G. Code, § 1600 et seq.). CDFW also administers the Native Plant Protection Act, Natural Community Conservation Program, and other provisions of the Fish and Game Code that afford protection to California's fish and wildlife resources.

The Project area overlaps habitat for several State listed species. To the extent implementation of the Project may result in "take" as defined in section 86 of Fish and Game Code, of any species protected under the Native Plant Protection Act (NPPA) or California Endangered Species Act (CESA), related authorization as provided by the Fish and Game Code will be required (CEQA Guidelines, §§ 1900 et seq. & 2050 et seq.). CDFW generally considers adverse impacts on CESA listed species (including candidate species), for the purposes of CEQA, to be significant without mitigation. Consequently, if the Project, including Project construction or any Project-related activity during the life of the Project, results in the take of

State listed species, CDFW recommends that the Project proponent seek appropriate authorization prior to Project implementation. This may include an incidental take permit (ITP) or a consistency determination in certain circumstances (Fish & Game Code, §§ 2080.1 & 2081).

CDFW offers the following comments and recommendations for this Project in our role as a trustee and responsible agency pursuant to the California Environmental Quality Act (CEQA).

SUPPLEMENTAL PROGRAM EIR

Given that DWR will be updating the Central Valley Flood Protection Plan every five years, CDFW anticipates that there will be further supplemental PEIR documents. Therefore, establishing a procedure in the PEIR for determining if later Project activities are within the scope of the PEIR, or require an additional environmental document, will be critical to ensuring adequate disclosure and analysis of impacts on biological resources. CEQA Guidelines section 15168 states: *[w]here the subsequent activities involve site-specific operations, the agency should use a written checklist or similar device to document the evaluation of the site and the activity to determine whether the environmental effects of the operation were covered in the program EIR.* As such, CDFW recommends that the process used to evaluate impacts for this Project is used for any further supplemental PEIRs for consistency in analysis.

1-1

The checklist should be accompanied by enough relevant information and reasonable inferences from this information to support each conclusion concerning biological resources. For any subsequent Project activities that may affect sensitive biological resources, a site-specific analysis should be prepared, from which the supporting information would be derived. The checklist should cite the specific portions of the PEIR, including page and section references, containing the analysis of the subsequent Project activities' significant effects and indicate whether it incorporates all applicable mitigation measures from the PEIR.

The PEIR should state that once specific projects are identified, the project proponents should consult with CDFW and other responsible and trustee agencies, during the development of any CEQA documents tiering from this PEIR (CEQA Guidelines, § 15063).

ENVIRONMENTAL SETTING

CDFW recommends that the supplemental PEIR consider the following in their updated environmental setting:

Conservation Plans: HCPs & NCCPs: CDFW encourages DWR to join conservation plan partnerships and contribute to plan implementation, under which Project activities could be approved as "covered activities." The Project is located within several Habitat Conservation Plan (HCP) or Natural Community Conservation Plan (NCCP) areas, including the Yuba Sutter Regional Conservation Plan, Butte Regional Conservation Plan, Feather River HCP, Natomas Basin HCP, and South Sacramento HCP. More information is available online at:

<https://www.wildlife.ca.gov/Conservation/Planning/NCCP>

1-2

Central Valley Flood System Conservation Strategy: It is vital for the PEIR to demonstrate Project consistency with the Central Valley Flood System Conservation Strategy (CVFSCS), and not preclude the ability to implement future multi-benefit Projects.

The CVFSCS, developed by the Department of Water Resources for adoption and integration with the 2017 update of the CVFPP, overlaps the Project area. The CVFSCS provides a comprehensive approach to implement the CVFPP and its environmental objectives to: 1) Promote natural dynamic hydrologic and geomorphic processes, 2) Increase and improve the quantity, diversity, and connectivity of riparian, wetland, floodplain, and shaded riverine aquatic habitats,



including the agricultural and ecological values of these lands, and 3) Promote the recovery and stability of native species populations and overall biotic community diversity.

The CVFSCS identifies long-term measurable objectives that will be used to guide and inform the planning, funding and implementation of multi-benefit and strategic advance mitigation projects and the operations and maintenance activities needed to maintain them within the Central Valley Flood System.

Bank Swallow Conservation Strategy: Promote consistency with the Bank Swallow Conservation Strategy for the Sacramento River Watershed (Bank Swallow Technical Advisory Committee (BANS-TAC) 2013). This Strategy emphasizes the importance of preserving and restoring natural river processes. These processes create and maintain suitable nesting habitat through alternatives to revetment, such as setback levees to increase river meander potential. Both the BANS-TAC Conservation Strategy and the CDFW 1992 Bank Swallow Recovery Plan identify bank protection Projects as the “single greatest threat to Bank Swallow populations,” especially along the Sacramento River and its tributaries. They also state that the only true in-kind mitigation for rock placement is rock removal to restore suitable habitat. CDFW recommends reviewing the BANS-TAC Conservation Strategy and proposing consistent actions to restore natural river processes.

Public Lands: The Project area includes valuable riparian habitat corridors located within and near several CDFW wildlife management areas and other public lands. The PEIR should: ensure that the Project is consistent with applicable policies, procedures, and goals of the management plans within public-owned areas; analyze how the Project will maintain or enhance habitat values on non-public lands to ensure riparian corridor ecosystem function (including riparian forest restoration); and ensure that the Project conserves the heritage of outdoor recreation (including hunting) along the levee systems.

Updated Desk Review: The supplemental PEIR should include an updated review the CDFW California Natural Diversity Database (<http://www.dfg.ca.gov/bioqeodata/cnddb/>), U.S. Fish and Wildlife Service Information for Planning and Conservation (<https://ecos.fws.gov/ipac>) and previous studies performed in the area to assess the potential presence of special status species and sensitive habitats.

Updated Biological Conditions Assessment: The supplemental PEIR should include an updated assessment of the existing biological conditions that may be impacted by the Project including, but not limited to, the types, quantities and locations of habitats, flora and fauna. The PEIR should make it clear that for subsequent project activities, project proponents should conduct an analysis of impacts and appropriate surveys completed by qualified biologists with sufficient local experience in assessing biological conditions. The PEIR should also explain that project proponents will need to provide adequate mapping and information regarding the survey efforts.

Species & Habitat: The supplemental PEIR should update analysis of impacts to any sensitive or unique species that may be significantly impacted by the Project, including, but not limited to, endangered, threatened, candidate, locally unique, and other special status species, including California Species of Special Concern. The PEIR should make it clear that for subsequent project activities project proponents should be prepared to conduct species-specific surveys to determine presence of species that may be significantly impacted by the Project. CDFW recommends using survey and monitoring protocols and guidelines available online at: http://www.dfg.ca.gov/wildlife/nongame/survey_monitor.html

CEQA guidelines section 15125, subdivision (c) requires lead agencies to provide special emphasis to sensitive habitats and any biological resources that are rare or unique to the area. This includes, but is not limited to, vernal pools, streambeds, riparian habitats and open grasslands that are known to be present within the Project boundaries or its vicinity.

1-2

The supplemental EIR should state that subsequent projects should adhere to the CDFW 2009 Protocols for Surveying and Evaluating Impacts on Special Status Native Plant Populations and Natural Communities available online at: (<https://nrm.dfg.ca.gov/FileHandler.ashx?DocumentID=18959&inline>) and should refer to the Second Edition of a Manual of California Vegetation for vegetation classification and mapping. This manual provides a standardized, floristic-based systematic classification and description of vegetation in the state.

1-2

Lakes, Streams & Wetlands: The PEIR should make it clear that for subsequent project activities, project proponents should be prepared to identify and map the different jurisdictional aquatic features of each agency (e.g., CDFW, U.S. Army Corps of Engineers, and Regional Water Quality Control Board), including lakes, streams, wetlands, and associated habitats that would be subject to temporary or permanent Project impacts.

IMPACT ANALYSIS AND MITIGATION MEASURES

CDFW recommends that the supplemental PEIR consider the following in their updated impact analysis and mitigation measures:

General: Clearly describe all short-term, long-term, permanent and temporary Project impacts on biological resources, including all direct and foreseeable indirect impacts. Include scientifically supported discussion, such as, reviewing and referencing current scientific literature as part of the analysis of impacts on fish and wildlife species and habitat, including their functions and values.

Cumulative Impacts: Include an analysis of cumulative impacts on biological resources and a determination if they would result in a significant impact. Include a list of present, past and probable future Projects producing related impacts on biological resources or a summary of the Projects contained in an adopted local, regional, or statewide plan, that consider conditions contributing to a cumulative effect.

1-3

Thresholds of Significance: Clearly describe thresholds by which the significance of impacts would be measured. Appendix G of the CEQA Guidelines identifies significance thresholds for biological resources impacts, including Mandatory Findings of Significance. While CDFW recognizes these thresholds as generally appropriate, additional considerations may be necessary.

Conservation Plans: Identify any conflicts with planning documents described above. Analyze impacts on CDFW wildlife management areas that may isolate or disrupt connectivity. Evaluate Project impacts on recreational resources associated with wildlife management areas. Also refer to the 'Environmental Setting' section of these comments for more considerations regarding Conservation Plans.

Species & Habitat: Evaluate impacts to species and habitats identified in the environmental setting that may be significantly impacted by the Project. Also refer to the 'Environmental Setting' section of these comments for more considerations regarding Species & Habitat.

The project area as shown in the NOP includes habitat for several State and federally listed species. If during the environmental analysis for the Project, it is determined that the Project may have the potential to result in "take", as defined in the Fish and Game Code, section 86, of a State-listed species, the PEIR shall disclose an Incidental Take Permit (ITP) or a consistency determination (Fish & G. Code, §§ 2081 & 2080.1) should be obtained prior to starting construction activities. The PEIR must include all avoidance and minimization to reduce the impacts to a less than significant level. If impacts to listed species are expected to occur even with the implementation of these measures, mitigation measures shall be proposed to fully mitigate the impacts to State-listed species (Cal. Code Regs., tit. 14, § 783.2, subd.(a)(8)).

Anadromous Fish: The Project area provides essential migratory, spawning and rearing habitats to anadromous and resident fish species. Analyze the impacts of the Project and alternatives to anadromous fisheries populations, including impacts from proposed changes to the hydrograph of the Sacramento River watershed within the rivers and bypasses. Integrate ways to reduce or eliminate fish stranding issues where they currently exist and ensure any future proposed actions do not promote stranding.

In-Stream Flow: Generally assess Project impacts on instream flow-related needs including, but not limited to, types, quantities, and locations of aquatic, riparian, and terrestrial habitats. The PEIR should make it clear that for subsequent project activities, the project proponents should fully assess these impacts using survey and monitoring protocols and guidelines available online at: http://www.dfg.ca.gov/wildlife/nongame/survey_monitor.html

Lakes, Streams & Wetlands: Be clear that for subsequent project activities, the project proponents should identify potential impacts on all jurisdictional aquatic features identified in the environmental setting. Estimated impacts on each feature should be quantified.

Mitigation Measures: Include feasible avoidance, minimization, or mitigation measures to reduce impacts on biological resources to less than significant, or reduce significant impacts. Incorporate performance standards to evaluate success of mitigation measures in reducing significant impacts.

Scientific Literature Updates: The supplemental PEIR needs to update the impact analysis and mitigation measures to include best available science and data and literature released since the July 2012 PEIR. Such as:

Halstead, B.J., Wylie, G.D., and Casazza, M.L., 2015, Literature review of giant gartersnake (*Thamnophis gigas*) biology and conservation: U.S. Geological Survey Open-File Report 2015–1150, 38 p., <https://pubs.er.usgs.gov/publication/ofr20151150>

New CESA species: Any species newly listed or currently under consideration under the California Endangered Species Act (CESA) that may be impacted by the Project need to be included for analysis; this includes species listed since the original PEIR was adopted in July 2012. This supplemental PEIR should update the analysis of impacts and avoidance, minimization and mitigation measures to address any significant impacts to species since last analyzed for the July 2012 PEIR (including new scientific understanding of previously listed CESA species and impacts to newly listed CESA species). New CESA species for consideration and analysis may include, but are not limited to, the Tricolored Blackbird (*Agelaius tricolor*), Clear Lake Hitch (*Lavinia exilicauda chi*), Flat-tailed horned lizard (*Phrynosoma mcallii*), and Townsend's big-eared bat (*Corynorhinus townsendii*).

Project Alternatives: Include the season and duration typically needed to complete Project activities (including preparation, staging, site restoration, etc.) for all proposed alternatives. As required by Section 15126.6 of the CEQA Guidelines, include an appropriate range of reasonable and feasible alternatives that would attain most of the basic Project objectives and avoid or minimize significant impacts on resources under CDFW jurisdiction. We recommend that the EIR include a range of alternatives that consider different methods or approaches to covered operation and maintenance activities.

Migratory Birds and Birds of Prey: Migratory nongame native bird species are protected by international treaty under the Federal Migratory Bird Treaty Act (MBTA) (16 U.S.C., §§ 703-712). CDFW implemented the MBTA by adopting the Fish and Game Code section 3513. Fish and Game Code sections 3503, 3503.5 and 3800 provide additional protection to nongame birds, birds of prey, their nests and eggs. Potential habitat for nesting birds and birds of prey is present within the Project area. The proposed Project shall disclose all types of activities that may incur a direct or indirect take to nongame nesting birds within the Project footprint and its close vicinity. Appropriate avoidance, minimization, and/or

1-3

mitigation measures to avoid take must be included in the Supplemental PEIR. Measures to avoid the impacts should include species specific work windows, biological monitoring, installation of noise attenuation barriers, etc.

↑
1-3

SUMMARY

The proposed Project will have an impact to fish and/or wildlife habitat and should be evaluated in such a manner to reduce its impacts to biological resources. Assessment of fees under Public Resources Code §21089 and as defined by FGC §711.4 is necessary. Fees are payable by the Project applicant upon filing of the Notice of Determination by the lead agency.

1-4

Pursuant to Public Resources Code §21092 and §21092.2, the Department requests written notification of proposed actions and pending decisions regarding the proposed Project. Written notifications shall be directed to: California Department of Fish and Wildlife North Central Region, 1701 Nimbus Road, Rancho Cordova, CA 95670.

1-5

Thank you for considering our concerns for the proposed Project and providing the opportunity to comment on the NOP. I am available for consultation regarding biological resources and strategies to minimize impacts.

If you have questions please contact Gina Ford at: gina.ford@wildlife.ca.gov or (916) 358-2094.

Sincerely,

Gina Ford

Gina Ford
Sr. Environmental Scientist
California Department of Fish and Wildlife
1701 Nimbus Road – Rancho Cordova, CA 95670
(916) 358-2094

DEPARTMENT OF TRANSPORTATION
DIVISION OF TRANSPORTATION PLANNING
 1120 N STREET
 P.O. BOX 942874 MS-32
 SACRAMENTO, CA 94274-0001
 PHONE (916) 653-0913
 FAX (916) 653-4570
 TTY 711
www.dot.ca.gov/hq/tpp/



*Serious drought.
 Help save water!*

April 18, 2016

Ms. Michele Ng
 Central Valley Flood Protection Board
 3464 El Camino Ave. Room 2000
 Sacramento, CA 95821

Dear Ms. Ng:

The California Department of Transportation (Caltrans) appreciates the opportunity to comment on the Notice of Preparation (NOP) prepared for the 2017 Central Valley Flood Protection Plan (CVFPP) Update Supplemental PEIR. SCH# 2010102044. The 2012 CVFPP was prepared by the California Department of Water Resources (DWR) to reflect a systemwide approach to improve integrated flood management in lands currently protected by existing facilities of the State Plan of Flood Control (SPFC). The 2012 CVFPP specified that the first update is due in 2017. Therefore DWR is preparing an update to describe refinements to flood protection activities included in the 2012 CVFPP.

Our review of the NOP indicates there are no changes to the previously identified transportation/traffic impacts addressed in the 2010 CVFPP NOP nor the 2012 Draft Program Environmental Impact Report (DPEIR). Therefore we have no further comment at this time, than those previously provided (attached) and summarized below:

2-1

Management Activities

Caltrans would like to review specific near term management activities (NTMA) and long term management activities (LTMA) as they are developed to determine impacts to the state highway system and drainage facilities.

2-2

Sea Level Rise

The effects of sea level rise will have impacts on all modes of transportation located along the Sacramento River and San Joaquin River systems. Executive Order S-13-08 directs State agencies to plan for potential impacts of sea level rise upon construction projects for 2050 and 2100. Rising water levels may affect dikes, levees, roads and bridges of the state highway system, and should be addressed through geotechnical and hydrological studies conducted in coordination with Caltrans. As local agencies favor constructing new bridges to span 200-year water surface elevations it would be prudent to include a 200 year water surface analyses in any new models. For guidance on how to incorporate sea level rise concerns refer to [Caltrans Guidance of Incorporating Sea Level Rise](#).

2-3

Hydraulic Modeling

The CVFPP will require the preparation and analysis of models regarding waterways, reservoirs, and other hydraulic features of proposed projects within the Central Valley that may impact the

2-4

*"Provide a safe, sustainable, integrated and efficient transportation system
 to enhance California's economy and livability"*

State Highway System. We would like to receive electronic copies of these models (HEC-RAS, HEC-HMS, etc.).

↑2-4

Traffic Management Plan

A Transportation Management Plan may be required if activities associated with the plan should result in encroachment, traffic restrictions, or detours. Further information may be found in the Manual of Traffic Controls for Construction and Maintenance Work Zones.

2-5

Encroachment Permits

Any work or traffic control that encroaches on State right-of-way (ROW) will require an encroachment permit issued by the local District Office of Caltrans. Information is available at Encroachment Permits.

The Caltrans Local Development-Intergovernmental Review (LD-IGR) Program is your partner in stewardship of the public interest and looks forward to working with you as we have done for the 2010 CVFPP NOP and the 2012 Draft PEIR. Further comments may be forthcoming pending final review. Please keep us advised of the progress of the actual Draft CVFPP SPEIR which we look forward to review and comment when it is circulated.

2-6

If you have any further questions, please contact Robert F. King, LD-IGR Statewide Coordinator, Office of Sustainable Community Planning, at (916) 653-9689 or at robert.f.king@dot.ca.gov.

Sincerely,



Terri Pencovic,
Branch Chief, Office of Sustainable Community Planning
LD-IGR Statewide Program Manager

Attachments

- (1) Letter November 29, 2010: Caltrans Comments CVFPP NOP
- (2) Letter April 7, 2012: Caltrans Comments DPEIR CVFPP

- c: Scott Morgan, State Clearinghouse
Eric Fredericks, Chief LD-IGR Branch South, District 3
Patricia Maurice, Chief LD-IGR Branch, District 4
Tom Dumas, Chief Metropolitan Planning, District 10
Arthur Murray, Associate Transportation Planner, District 3
Keith Wayne, Associate Transportation Planner, District 4



CALIFORNIA FARM BUREAU FEDERATION

OFFICE OF THE GENERAL COUNSEL

2300 RIVER PLAZA DRIVE, SACRAMENTO, CA 95833-3293 • PHONE (916) 561-5665 • FAX (916) 561-5691

April 18, 2016

Sent via E-Mail
SPEIR_2017_Comments @water.ca.gov

Michele Ng, P.E.
California Department of Water Resources
3464 El Camino Avenue, Room 200
Sacramento, CA 95821

Re: 2017 CVFPP Update Supplemental PEIR NOP Scoping Comments

Dear Ms. Ng:

The California Farm Bureau Federation (“Farm Bureau”) is a non-governmental, non-profit, voluntary membership California corporation whose purpose is to protect and promote agricultural interests throughout the state of California and to find solutions to the problems of the farm, the farm home and the rural community. Farm Bureau is California's largest farm organization, comprised of 53 county Farm Bureaus currently representing more than 53,000 agricultural, associate and collegiate members in 56 counties. Farm Bureau strives to protect and improve the ability of farmers and ranchers engaged in production agriculture to provide a reliable supply of food and fiber through responsible stewardship of California's resources.

Farm Bureau thanks the Department of Water Resources (“Department”) for the opportunity to offer these scoping comments on the Supplemental Programmatic Environmental Impact Report for the 2017 Central Valley Flood Protection Plan (“2017 CVFPP SPEIR” or “SPEIR”).

Reviewing, Updating, and Expanding Strategies to Avoid, Minimize and Mitigate Agricultural Impacts

The 2012 Central Valley Flood Protection Plan Consolidated Final Program Environmental Impact Report (“2012 CVFPP PEIR”) identified a range of potentially significant, unavoidable impacts on Central Valley agricultural lands and resources. The SPEIR presents an opportunity to reexamine and reassess the PEIR’s approach to agricultural impacts in light of new information relating to potential significant impacts, and potential changed circumstances.

Potential extensive agricultural impacts of projects and activities initially identified in the 2012 CVFPP remain a source of significant concern for Central Valley agricultural stakeholders

3-1



and affected rural communities. Such concerns have emerged as a major implementation issue for the CVFPP.

The Department's Notice of Preparation ("NOP") and Environmental Checklist identifies substantially important new information relating to potential agricultural land conversion and potential Williamson Act conflicts. Habitat acreages in the Department's 2015 Draft Conservation Strategy are significantly higher than had been originally disclosed in the 2012 CVFPP and 2012 Conservation Framework. For example, whereas habitat targets in the 2012 CVFPP were confined to the bypasses, the Conservation Strategy includes major new habitat objectives along the mainstem river corridors. In addition, it is possible that refined actions in the Sacramento and San Joaquin River Basinwide Feasibility Studies, or in the Army Corp of Engineers' Sacramento River General Reevaluation Report ("Sac River GRR"), will include new information on potential significant impacts to agricultural lands.

The 2012 CVFPP PEIR adopted several agricultural mitigation measures (Mitigation Measures AG-1 through AG-3). Since the 2012 PEIR, thinking by the state of California and the Department on agricultural mitigation has evolved considerably. As a result, the toolkit of available strategies and approaches to avoid, minimize, and mitigate potential adverse agricultural impacts has expanded significantly. The SPEIR represents an opportunity for the State of California and the Department to consolidate, reaffirm, and continue to refine the State's best thinking to date on how, proactively and progressively, to avoid, minimize, and mitigate potentially significant impacts to agricultural lands.

As part of its review of potential new information and substantially changed circumstances, the Department should consider expanding the range and scope of potentially feasible mitigation measures and strategies to avoid, minimize, and mitigate possible significant impacts on agricultural resources. Specifically, Farm Bureau suggests the Department consult the existing mitigation strategies listed below.

It is important to clarify that, while Farm Bureau acknowledges the general spirit and potential of many of strategies to help avoid, minimize, and mitigate impacts to agricultural resources where such impacts occur, Farm Bureau *does not* intend that the recommendations in this letter should be taken as an endorsement of the specifics of all or any part of the listed strategies.

By adopting and consistently applying such strategies, the Department can reduce the level of conflict with agricultural lands and communities and, in this way, increase the likelihood of greater local buy-in through cooperative collaborative outreach to and planning with local interests in implementation.



Strategies to Avoid, Minimize, and Mitigate Impacts to Agricultural Resources for Reference in Connection with DWR's Preparation of the 2017 CVFPP Supplemental DEIR

1. 2012 Central Valley Flood Protection Plan Consolidated Final Program Environmental Impact Report Agriculture Resources Mitigation Measures (Executive Summary, pp. ES-28 through ES-30)¹

- **Mitigation Measure AG-1a (NTMA & LTMA):** *Preserve Agricultural Productivity of Important Farmland to the Extent Feasible*
- **Mitigation Measure AG-1b (NTMA & LTMA):** *Minimize Impacts on Williamson Act Lands, Comply with Government Code Sections 51290-51293, and Coordinate with Landowners and Agricultural Operators*
- **Mitigation Measure AG-1c (NTMA & LTMA):** *Establish Conservation Easement Where Potentially Significant Agricultural Land Use Impacts Remain after Implementation of Mitigation Measures AG-1a (NTMA) and AG-1b (NTMA)*
- **Mitigation Measure AG-3 (NTMA & LTMA):** *Implement Mitigation Measures AG-1a (NTMA), AG-1b (NTMA), and AG-1c (NTMA)*

2. 2015 Bay-Delta Conservation Plan Partially Recirculated Draft Environmental Impact Report / Supplemental Draft Environmental Impact Statement²

- **Mitigation Measure AG-1:** *Develop an Agricultural Lands Stewardship Plan (ALSP) to Maintain Agricultural Productivity and Mitigate for Loss of Important Farmland and Land Subject to Williamson Act Contracts or in Farmland Security Zones*
 - **Mitigation Measure AG-1a:** *Promote Agricultural Productivity of Important Farmland*
 - **Mitigation Measure AG-1b:** *Minimize Impacts on Land Subject to Williamson Act Contracts or in Farmland Security Zones*
 - **Mitigation Measure AG-1c:** *Consideration of an Optional Agricultural Land Stewardship Approach or Conventional Mitigation Approach*

¹ 2012 Central Valley Flood Protection Plan Consolidated Final Program Environmental Impact Report Agriculture Resources Mitigation Measures, Executive Summary, pp. ES-28 through ES-30. Content downloaded March 18, 2016 at <http://www.water.ca.gov/cvfmp/2012cvfpp.cfm>. For the complete text of the referenced framework elements and strategies see Attachment No. 1, appended hereto and herein incorporated by reference.

² Bay-Delta Conservation Plan Partially Recirculated Draft Environmental Impact Report / Supplemental Draft Environmental Impact Statement (July 2015), RDEIR/SDEIS Appendix A – Revisions to the Draft EIR/EIS – Chapter 14 – Agricultural Resources at 14-7 through 14-16. For the complete text of the referenced framework elements and strategies see Attachment No. 2, appended hereto and herein incorporated by reference. (Note: While some aspects of the agricultural mitigation strategies are specific to the Bay-Delta Conservation Plan and the Sacramento-San Joaquin River Delta, many other aspects are readily adaptable and pertinent to the Central Valley Flood Protection Plan.

3. Select List of Potentially Helpful June 2014 Department of Water Resources Agricultural Land Stewardship Workgroup Agriculture and Land Stewardship Framework and Strategies³

Select Framework and Strategies Table References:

- I. Framework for Agricultural and Land Stewardship (ALS) Planning⁴
 - A. Incorporate Toolbox of ALS Strategies into planning processes
 - B. Develop ALS Plans for projects
- II. Potential Strategies
 - A. Strategies to help maintain agriculture
 - 4. Reduce conflict between agriculture and nearby habitat lands
 - 4.1. Establish good neighbor policies
 - 4.2. Provide "take" coverage for neighboring lands
 - B. Strategies that provide incentives for conservation on agricultural land
 - 1. Partner with others to maintain and enhance environmental quality on agricultural land
 - 2. Provide incentives for farmers and landowners to take part in market-based conservation programs
 - E. Strategies for successful planning by project proponents
 - 1. Project planning
 - 1.1. Early project planning
 - 1.2. Work with farmers and landowners
 - 1.2.1. Involve farmers and landowners in project planning
 - 1.3. Avoid, minimize and mitigate for impacts to agricultural land from project
 - 1.3.1. Reduce impacts on land
 - 1.3.2. Reduce impacts on ground water levels

³ Department of Water Resources Agricultural Land Stewardship Workgroup Agriculture and Land Stewardship Framework and Strategies (June 2014). Content downloaded March 18, 2016 at <https://agriculturallandstewardship.water.ca.gov/web/guest/framework-and-strategies-table1>. For the complete text of the referenced framework elements and strategies see Attachment No. 3, appended hereto and herein incorporated by reference.

⁴ The select list of framework topics and potential strategies presented here is drawn from the longer list of Agricultural Land Stewardship strategies referenced above. The list here presented consists of the ALS strategies deemed to provide the most promising potential means to effectively avoid, minimize, and mitigate potential agricultural impacts of proposed Central Valley Flood Protection, including potential habitat restoration actions associated with the CVFPP Conservation Strategy. While the general direction of many of these strategies may indeed be helpful, the references to these strategies are merely illustrative and do not in any way amount to an endorsement of the particulars of these strategies by the California Farm Bureau Federation. Defining appropriate mitigation strategies at the project level will require outreach to affected local stakeholders and careful examination of the factual particulars of each case.

- 1.3.3. Mitigate for conversion of agricultural land
2. Work with local government
 - 2.1. Coordinate with local planning efforts
 - 2.2. Implement actions required by the Williamson Act

4. July 2014 Draft Final Feather River Regional Flood Management Plan Proposed Strategies for Preservation of Agricultural Lands and Promotion of Agricultural and Environmental Stewardship⁵

Section 6.2.2 Summary of Proposed Actions⁶

- Avoid or minimize the loss of agricultural lands to the extent practicable.
- When avoidance is not possible:
 - Compensate landowners directly affected by conversion of agricultural land either through direct purchase of the land or by purchasing other farm land for the impacted property owner. Compensation should include consideration for long-term loss of production income, as well as the immediate value of the agricultural land.
 - Consider mitigating the loss of farmland by making agricultural improvements on “potential prime agricultural lands” identified by local jurisdictions, as is proposed by SACOG in its 2035 Metropolitan Transportation Plan/Sustainable Communities Strategy.
 - Consider mitigating the loss of farmland by purchasing agricultural easements from willing sellers managed according to wildlife-friendly principles to offset any losses of agricultural habitat due to floodway modification/expansion.
- Work with DWR and CVFPB to ensure rural communities and landowners maintain the ability to build structures necessary to continued operations within the floodplain, without prohibitive restrictions and requirements on construction or burdensome flood insurance rates.
- Incorporate relevant strategies from DWR’s Agricultural Land Stewardship Workgroup into Plan implementation.
- Pending favorable hydraulic modeling results, i.e., no changes to stage during critical flows, and no change in near-bank velocities that would negatively influence erosion or sedimentation patterns, allow some orchards, row and truck crops, dry land and irrigated pasture, and rice fields to be placed in the modified/expanded floodways.

⁵ See, generally, July 2014 Draft Final Feather River Regional Flood Management Plan, Section 6.2 Preservation of Agricultural Lands and Promotion of Agricultural and Environmental Stewardship at 6-1 through 6-9. Content downloaded March 18, 2016 at <http://frrfmp.com/wp-content/uploads/2013/02/FeatherRFMP-MainReportDraftFinal7-11-14-clean.pdf>. For the complete text of the referenced Feather River RFMP strategies see Attachment No. 4, appended hereto and herein incorporated by reference.

⁶ Draft Final Feather River RFMP at 6-8 through 6-9.

Michele Ng P.E.

Re: 2017 CVFPP Update Supplemental PEIR NOP Scoping Comments

April 18, 2016

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- Plant a native grassland understory on the floor of orchards in the floodway that would breed more insect food for salmonids when inundated, if it would not adversely affect farming practices.
- Through landowner funding resources such as State, federal, and private programs, implement crop rotation and fallowing strategies designed to provide a diversity of wildlife habitat elements in truck and row crop lands.
- Livestock grazing on dry and irrigated lands to manage nonnative grass species.
- Utilize flooded rice crops in or connected to the floodway for overwintering waterfowl and juvenile salmonid habitat through cooperative partnerships with landowners, similar to current practices and existing NRCS programs
- Manage some rice crops outside of the floodway in a dry condition for giant garter snake habitat as long as they contain necessary overwintering habitat features.
- Rotation of crops with wetlands through voluntary participation in USFWS' Walking Wetlands (if the program is expanded outside of the Klamath Basin) or similar program if suitable conditions exist.
- Offer monetary incentive programs to give growers the option of using best management practices and organic farming practices.
- Offer monetary incentive programs to assist in planting native hedgerows and buffers to provide contiguous wildlife habitat corridors, minimize risk of pesticide drift and accumulation, and provide year-round food sources for native pollinators.
- Promote continuation of private ownership of lands and not exclusively public ownership of habitat and other lands within the floodway with a goal of public and private partnerships.

Farm Bureau once again thanks the Department for the opportunity to offer these scoping comments on the 2017 CVFPP Supplemental PEIR.

Very truly yours,



Justin E. Fredrickson
Environmental Policy Analyst

Michele Ng P.E.

Re: 2017 CVFPP Update Supplemental PEIR NOP Scoping Comments

April 18, 2016

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cc:

Central Valley Flood Protection Board

Central Valley Flood Control Association

Yuba-Sutter County Farm Bureau

Butte County Farm Bureau

Colusa County Farm Bureau

Yolo County Farm Bureau

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EDMUND G. BROWN JR.
GOVERNOR

MATTHEW RODRIGUEZ
SECRETARY FOR
ENVIRONMENTAL PROTECTION

Central Valley Regional Water Quality Control Board

27 April 2016

Ms. Michele Ng, P.E.
California Department of Water Resources
3464 El Camino Avenue, Room 200
Sacramento, CA 95821

STATE CLEARINGHOUSE NUMBER 2010102044 – 2017 CVFPP UPDATE SUPPLEMENTAL PEIR NOP SCOPING COMMENTS

Thank you for the opportunity to provide comments on the Notice of Preparation of the Supplemental Program Environmental Impact Report for the 2017 Central Valley Flood Protection Plan (CVFPP) Update. The 2017 CVFPP Update describes refinements to flood protection activities included in the 2012 CVFPP. There are no anticipated changes to the near-term and long-term management actions identified in the 2012 CVFPP but there is new information from the draft Conservation Strategy. The Conservation Strategy provides a comprehensive long-term approach to improving riverine habitat and floodplains as part of an integrated flood management plan. The Conservation Strategy provides new information that will be used to update the PEIR environmental analysis for Agriculture and Forest Resources, Biological Resources, and Environmental Justice.

The 2012 CVFPP anticipated that the Central Valley Water Board would be developing a mercury total maximum daily load (TMDL) and control program for the American River Watershed. However, the Central Valley Water Board postponed work on the mercury TMDL for the American River in order to work on a TMDL for reservoirs statewide. More information regarding both projects may be found on the Water Boards' websites at:

- http://www.waterboards.ca.gov/centralvalley/water_issues/tmdl/central_valley_projects/american_river_hg/index.shtml
- http://www.waterboards.ca.gov/water_issues/programs/mercury/

To address mercury impairments in reservoirs, reservoir operators may need to develop and implement management measures to control methylmercury production and achieve appropriate levels of mercury in fish. This could be accomplished through a phased approach wherein the first phase a small number of reservoir operators would conduct pilot tests to develop and evaluate water chemistry management practices to reduce methylmercury in the reservoir. Successful methylmercury management practices could then be incorporated in long-term reservoir management actions. It would be appropriate to work with the Water Board

4-1

mercury TMDL staff when there are more project-specific details on the near-term or long-term management actions.

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Please contact Patrick Morris at 916-464-4621 or patrick.morris@waterboards.ca.gov to coordinate on identifying and addressing mercury and methylmercury impacts from CVFPP actions.



ADAM W. LAPUTZ
Assistant Executive Officer

cc: State Clearinghouse unit, Governor's Office of Planning and Research, Sacramento



April 18, 2016

Ms. Michele Ng, P.E.
California Department of Water Resources
3464 El Camino Avenue, Room 200
Sacramento, California 95821

Dear Ms. Ng,

SUBJECT: Comments on the Notice of Preparation (NOP) for the 2017 Central Valley Flood Protection Plan (CVFPP) Update Supplemental Program Environmental Impact Report (PEIR)

Conaway Preservation Group (CPG) is planning to work with the Lower Sacramento River and Delta North Regional Flood Management Planning Team to explore the feasibility of a transitory storage alternative (Transitory Storage Project) as explained below. CPG would like the California Department of Water Resources (DWR) to evaluate this alternative as part of the 2017 CVFPP. In our initial assessment, this alternative appears to be superior to repairing the west levee of the Yolo Bypass in Reclamation District (RD) 2035. The Transitory Storage Project would lower the flood stage in the Yolo Bypass and provide regional flood risk reduction and groundwater recharge benefits.

TRANSITORY STORAGE PROJECT

This alternative consists of constructing weirs at the west levee of the Yolo Bypass that would take water out of the Yolo Bypass in order to reduce peak flood stages within the Yolo Bypass and store them at Conaway Ranch west of the Yolo Bypass west levee. New levees would be constructed in order to protect the city of Woodland, the city of Davis Wastewater Treatment Plant (WWTP), the Yolo County Landfill, Conaway Ranch Headquarters and the Davis WWTP wetlands. Proposed weirs at the west levee of the Yolo Bypass would allow water to be impounded within Conaway Ranch during peak flows, and would drain Conaway Ranch when elevated water levels in the Yolo Bypass recede (see Figure 1 for more information). During detailed design, the weirs would be configured to effectively reduce peak flows within the Yolo Bypass and maximize transitory storage potential within Conaway Ranch.

Lowering flood stages in the Yolo Bypass would provide regional benefits that could extend to communities along the Sacramento River. Lowering flood stages in the

5-1

Yolo Bypass has the potential to reduce necessary flood control improvements in these areas. The Transitory Storage Project would also make the regional flood control system more resilient and, therefore, better able to accommodate flows resulting from extremely large and infrequent storms (i.e.: 200-year or greater return period storms). Improving flood system resiliency is one of the fundamental objectives of the State Systemwide Investment Approach (SSIA). The 2012 Central Valley Flood Protection Plan also established a target of adding 200,000 acre-feet of transitory storage in the Sacramento River Basin. This project could help DWR to achieve this goal. Additionally, this transitory storage alternative will help to recharge the ground water basin that has been depleted in the recent drought.

5-1

RECOMMENDATIONS

The Transitory Storage Project is a multi-benefit regional project that has the potential to provide flood and ground water recharge benefits. CPG strongly recommends that DWR should work with the Lower Sacramento River and Delta North Regional Flood Management Planning Team and study this alternative in more detail as part of the 2017 CVFPP update.

If you have questions regarding the proposed alternative, please contact Jonathan Kors at (916) 919-3073 or jkors@woodrogers.com or Jay Punia at (916) 870-0770 or jpunia@woodrogers.com.

5-2

Sincerely



Mr. Mike Hall, Farm Manager
Conaway Ranch

Attachment

April 18, 2016

Michele Ng, P.E.
 California Department of Water Resources
 3464 El Camino Avenue, Room 200
 Sacramento, CA 95821
 E-mail: SPEIR_2017_Comments@water.ca.gov

Re: Comments on Notice of Preparation for the 2017 CVFPP Update

Dear Ms. Ng:

On behalf of our respective organizations, please accept the attached comments regarding the scope and content of the Department of Water Resources' (DWR) proposed Notice of Preparation (NOP) for the 2017 Central Valley Flood Protection Plan Update (2017 CVFPP Update).

In summary, our comments address the following points:

- The Central Valley Flood Protection Board (Flood Board) should be the lead agency.
- A supplemental PEIR is not adequate for environmental review of the 2017 CVFPP Update.
- The 2017 CVFPP Update and Programmatic Environmental Impact Report (PEIR) must evaluate alternatives to promote ecosystem function.
- The PEIR must consider cumulative impacts
- The PEIR must consider alternatives that would avoid or minimize impacts

6-1

Thank you for your attention to these concerns and please advise us on how you intend to proceed in light of our comments.

Sincerely,

John Cain
American Rivers

Rene Henery
Trout Unlimited

Meghan Hertel
Audubon California

Jacob Katz
California Trout

Monty Schmitt
**Natural Resources Defense
 Council**

Lucas Ray RossMerz
**Sacramento River Preservation
 Trust**

**Conservation Community Comments
on the Notice of Preparation for the 2017 Central Valley Flood Protection Plan**

1. The Board should be the lead agency under CEQA. For reasons discussed below, DWR is not the legally valid lead agency. As a result, DWR should rescind the NOP, and the Board should reissue the NOP, and reopen the comment period.

The NOP recently released for the 2017 CVFPP Update identifies DWR as the lead agency under the California Environmental Quality Act (CEQA) and relegates the Board to the role of “responsible agency.” We believe that the apportionment of responsibility for CEQA compliance proposed in the NOP is inconsistent with section 9612 of the California Water Code and section 15051 of Title 14 of the California Code of Regulations. Reissuing the NOP under the direction of the Board is needed to carry out the Legislature’s intent to ensure that flood management policy and permitting in the Central Valley is effectively governed by an independent Flood Board.

The proposal for DWR to serve as the lead agency under CEQA and relegate the Board to the role of responsible agency is inconsistent with the intent of the 2007 legislative package to reform flood management in the Central Valley. In 2007 the Legislature passed and the Governor signed five interrelated bills including SB 5 that required preparation and adoption of a new flood plan and AB 5, which specifically reconstituted the Board and expanded its responsibilities. It is clear that the Legislature intended for the Board alone to adopt the flood plan and take on other new responsibilities independent of DWR. In fact, AB 5 created California Water Code §8550(a), which expressly states that “notwithstanding any other provision of law, the board shall act independently of the department. The department shall not overturn any action or decision by the board.” DWR’s proposal to serve as lead agency is a usurpation of the authority, responsibility, and independence the Legislature conferred on the newly reformed Board.

In 2007, the Legislature directed DWR to prepare the Plan and the Board to adopt the CVFPP (California Water Code §9612). Furthermore the Board may make changes to the proposed plan to resolve issues raised in the hearings or to respond to comments received by the Board. The Board shall publish its proposed changes to the proposed plan at least two weeks before adopting the plan (California Water Code §9612). The adoption of the plan, which the Legislature delegated exclusively to the Board, requires environmental review under CEQA, and any significant changes the Board elects to make to the plan in response to hearings would also require environmental review.

6-2

Section 15051(a) of Title 14 of the California Code of Regulations requires the agency that will carry-out the “Project” to serve as the lead agency. The “Project” for purposes of CEQA is the adoption of the 2017 CVFPP Update, and the Board has the exclusive authority for adoption the 2017 CVFPP Update. Furthermore, the Board will have the exclusive authority for permitting all future modifications to the State Plan of Flood Control (SPFC) under the 2017 CVFPP Update. As a result, under the CEQA guidelines the Board is the proper lead agency.

The Board is obligated to conduct environmental review of the CVFPP under CEQA in order to identify potential environmental impacts of the continued operation and improvement of the flood plan, and alternatives and mitigation measures to reduce or avoid those impacts.

We are aware that DWR and the Board entered into an agreement in 2010 under which they mutually agreed that DWR would serve as the lead agency under CEQA pursuant to California Code of Regulations 15051(d). However, this agreement was limited to the environmental review of the 2012 plan. The “reservations” section of the agreement specifies that nothing in the agreement “shall be construed to extend the purpose or the rights and authority of either the Board or DWR beyond such limited purposes.” Since 2010, the composition of the Board and the capacity of its staff have changed dramatically. Furthermore, the agreement was invalid since the requirements of 14 California Code of Regulations 15052 have been met, since DWR (lead agency) did not and legally could not grant final approval for the requirement 15052(a)(2)(B). Regardless, the actions of the previous Board cannot bind the authority of the existing Board to comply with responsibilities and authority conferred upon it by the Legislature.

Lastly, as discussed in the remainder of the comments, new information and changed circumstances under section 15162 require preparation of a “subsequent” EIR, and California Code of Regulations section 15052 requires the agency with the next discretionary action (adopting the plan) to serve as lead agency for any such subsequent EIR. As the agency that will take the next discretionary action, the Board must serve as lead agency.

2. A supplemental environmental document is not adequate for review of the 2017 CVFPP Update. A supplemental EIR is appropriate only when “minor additions or changes would be necessary to make the previous EIR adequately apply to the project in the changed situation.” California Code of Regulations, Tit. 14, § 15163(a)(2). Since the 2012 CVFPP, significant new information, modeling, and analyses have been developed, including new information on the condition of environmental resources and climate change impacts on hydrology. In addition, since adoption of the 2012 CVFPP, DWR, the



6-2

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Board, regional flood management agencies, and other stakeholders have invested substantial time and resources in the development of regional flood management plans, basin wide feasibility studies, and the Central Valley Flood System Conservation Strategy (Conservation Strategy). All of these new plans, studies, and analyses now constitute changed circumstances and new information that require a “subsequent” EIR under section 15162 of the CEQA guidelines. Surely DWR did not spend tens of millions of dollars on new hydrology, models, analyses, and plans between 2012 and the present only to develop a 2017 CVFPP Update with “minor additions and changes.”

California Code of Regulations, Tit. 14, § 15162(a) requires development of a subsequent EIR, if the lead agency determines that one or more of the following apply:

(1) Substantial changes are proposed in the project which will require major revisions of the EIR or Negative Declaration due to the involvement of new significant environmental effects or a substantial increase in severity of previously identified significant effects;

(2) Substantial changes occur with respect to the circumstances under which the project is being undertaken which will require major revisions of the EIR or Negative Declaration due to involvement of new significant environmental effects or a substantial increase in severity of previously identified significant effects; or

(3) New information of substantial importance which was not known and could not have been known with the exercise of reasonable diligence at the time the previous EIR was certified or the Negative Declaration was adopted, shows the following:

(A) The project will have one or more significant effects not discussed in the previous EIR or Negative Declaration.

(B) Significant effects previously examined will be substantially more severe than previously shown in the previous EIR.

(C) Mitigation measures or alternatives previously found not to be feasible would in fact be feasible, and would substantially reduce one or more significant effects of the project, but the project proponents decline to adopt the mitigation measure or alternative; or

(D) Mitigation measures or alternatives which are considerably different from those analyzed in the previous EIR would substantially reduce one or more significant effects on the environment, but the project proponent decline to adopt the mitigation measure or alternative

The NOP acknowledges that 2017 CVFPP Update may involve changed circumstances, any one of which would legally require a subsequent EIR. Page five of the NOP states:

6-3

“The 2017 CVFPP Update may have new circumstances involving new or more severe effects on agricultural and forestry resources, aquatic biological resources, and terrestrial biological resources, or may include substantially important new information under which the project is undertaken, and expanded environmental evaluation will be prepared for these resource areas. The Supplemental PEIR will also identify feasible approaches and mitigation measures, in alignment with the Conservation Strategy, to reduce significant or potentially significant environmental impacts that were not identified in the 2012 CVFPP PEIR.”

As detailed in the remainder of these comments, the 2017 CVFPP Update does indeed involve changed circumstances and new information which will affect the severity of impacts and the feasibility of alternatives to mitigate for those impacts. In particular, new information shows that significant effects previously examined will be substantially more severe than previously shown in the previous EIR (15162(a)(3)(B); mitigation measures or alternatives previously found not to be feasible would in fact be feasible, and would substantially reduce one or more significant effects of the project, but the project proponents decline to adopt the mitigation measure or alternative (15162(a)(3)(C); and mitigation measures or alternatives which are considerably different from those analyzed in the previous EIR would substantially reduce one or more significant effects on the environment, but the project proponent decline to adopt the mitigation measure or alternative (15162(a)(3)(D).

By its own admission, the 2012 CVFPP was incomplete with regard to major elements including the conservation of endangered species and climate change because this information and analysis were not reasonably available when the 2012 CVFPP was developed. The 2012 CVFPP included a Conservation Framework and Section 3.7 of the 2012 CVFPP states that, “the Conservation Framework provides a preview of a long-term Central Valley Flood System Conservation Strategy (Conservation Strategy) that DWR is developing to support the 2017 update of the CVFPP.” (p 3-21)) Section 4.1.4 of the 2012 CVFPP further explains that:

An initial Conservation Framework, included as Attachment 2, will provide environmental guidance for integrated flood project planning until the more detailed Conservation Strategy is completed in time to guide development of the 2017 CVFPP. The Conservation Strategy described below integrates measures to mitigate potential impacts to environmental resources resulting from improvements to the SPFC, along with other ecosystem restoration activities implemented within the SFPC footprint. (pg. 4-7)

The new information and analyses associated with the Conservation Strategy and its potential incorporation in the 2017 CVFPP Update represents significant new information that would preclude use of a supplemental environmental document to comply with CEQA.

The 2012 CVFPP also acknowledged that the 2017 CVFPP Update would include new analyses and information regarding climate change. This new information triggers the need for a subsequent EIR rather than a supplement. Section 3.8 of the 2012 CVFPP states:

Development of flood hydrology that accounts for the potential effects of climate change is a complicated and time-consuming exercise that must account for many uncertainties. DWR, in partnership with the USACE, is in the process of developing new hydrology that includes the effects of climate change, but that hydrology will not be ready for use in system evaluation until late 2012. Therefore, the new hydrology will be most useful in technical evaluations leading to the 2017 update of the CVFPP. (pg. 3-22)

Section 3.8 of the 2012 CVFPP also describes a new climate change “threshold analysis approach” planned for the 2012 CVFPP and explains that this new information will,

DWR intends to fully develop the Threshold Analysis Approach for the 2017 Update with new Central Valley hydrology and improved Atmospheric River indices. In summary, improved climate change information will allow more detailed evaluation of potential climate change impacts on the SPFC and refinement of approaches to manage higher floodflows and sea levels during preparation of regional plans and feasibility studies.(pg. 3-24)

New information on the magnitude of projected future flood events would presumably change the plans conclusion about which alternatives are feasible and which impacts are avoidable. Indeed, the new hydrology developed by DWR and USACE for the 2017 CVFPP Update predicts that the 200-year event for the lower San Joaquin River will increase by more than fifty percent. Under such a scenario, maintaining the existing levee configuration for the San Joaquin basin, as anticipated in the 2012 CVFPP, would prove infeasible and would thus necessitate the evaluation of other alternatives that could substantially avoid or minimize impacts to public safety and environmental resources.

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The recent drought, new climate change projections about future drought, the new groundwater management law, and the newly adopted California Water Action Plan all provide additional reasons for reevaluating the 2012 CVFPP in light of a changed situation.

Finally, the NOP states that, “Pursuant to CEQA Guidelines Sections 15162 and 15163, the Supplemental PEIR will focus its analysis on how the 2017 CVFPP Update could result in new significant impacts or a substantial increase in the severity of a significant impact, *if there is substantially important new information relating to the CVFPP or its environmental effects, or if there are substantial changes with respect to the circumstances under which the project is undertaken* (emphasis added).” While it seems that DWR has not yet determined whether there are substantial changed circumstances, the substantial increases in the severity of the impacts and the new information of substantial importance both clearly require a subsequent EIR rather than a supplemental one.

3. The CVFPP must promote ecosystem function in order to achieve the statutory requirements of the Water Code. The subsequent EIR must consider alternatives to achieve these multiple benefits required under the Water Code, including measures to promote ecosystem function and/or avoid or mitigate the loss of ecosystem function. As delineated in California Water Code section 9616 and reiterated in the NOP, the 2017 CVFPP Update shall include a description of both structural and nonstructural means for improving the performance and elimination of deficiencies of levees, weirs, bypasses, and facilities and, whenever feasible, meet multiple objectives including:

- Promote natural dynamic hydrologic and geomorphic processes
- Increase and improve the quantity, diversity, and connectivity of riparian, wetland, flood plain, and shaded riverine aquatic habitats, including the agricultural and ecological values of these lands.
- Promote the recovery and stability of native species populations and overall biotic community diversity.
- Identify opportunities and incentives for expanding or increasing use of floodway corridors.

The plan does in fact include a secondary goal to “Promote Ecosystem Functions” and it is therefore appropriate that the PEIR for the 2017 CVFPP Update evaluate alternatives that will promote ecosystem function and to discuss and mitigate for, among other things, significant adverse impacts to ecosystem function resulting from continued operation of the flood system under the updated Plan. We believe adopting the

Conservation Strategy as part of the 2017 CVFPP Update and configuring alternatives to advance the Conservation Strategy are essential to comply with the water code and avoid or mitigate environmental impacts under CEQA.

6-4

4. The PEIR must consider cumulative impacts. The environmental analysis required by CEQA must go beyond the individual impacts of individual actions anticipated in the Plan. It must examine the cumulative impacts of the flood system on ecological function, native habitats, and species.

The information now available in the Conservation Strategy, as well documented in supporting scientific literature, indicates clearly that the cumulative impacts of the current configuration of the State flood control system is a significant cause of ecological dysfunction of the Central Valley’s river and stream ecosystems, which in turn is resulting in the continued decline of listed species. It is clear that the levees that prevent inundation of adjacent floodplains preclude the natural and beneficial functions provided by frequently inundated floodplains. This is precisely why the Legislature directed DWR to develop a flood plan that would include a “description of structural and nonstructural means for enabling or improving system wide riverine ecosystem function, including, but not limited to, establishment of riparian habitat and seasonal inundation of available flood plains where feasible.” Moreover, previous and existing operations and maintenance of the flood system has resulted in vegetation removal, ground disturbances, proliferation of invasive species, bank hardening and other factors that have contributed to general ecological decline and the listing of several threatened and endangered species. In light of the new information provided by the Conservation Strategy, the PEIR must evaluate the cumulative impacts of the flood system on the natural and beneficial functions of floodplains. The PEIR should also evaluate how advancement of the Conservation Strategy Objectives could potentially mitigate for cumulative impacts.

6-5

5. PEIR must consider new information. As described in section 2 above, DWR has invested tens of millions of dollars in new models, hydrology, analyses, regional plans, feasibility studies, and conservation planning. This new information constitutes substantial changes in circumstances under which the project (i.e., adoption of the CVFPP 2017 Update) will be undertaken. In particular, the new information contained in the Conservation Strategy and its voluminous appendices provides a new body of information that was not previously available (because it has been prepared since the adoption of the 2012 CVFPP) and a new scientific basis for evaluating the Project, alternatives to the Project, and opportunities for avoiding or mitigating significant impacts. Numerous statements in the NOP and the initial study support our assertion that the Conservation Strategy represents important new information, but the proposal

6-6

to limit review to a supplemental analysis falls short of the full-fledged alternatives analysis that will be necessary to avoid or mitigate significant impacts.

The PEIR should also consider new information from the literature and the newly available HECRAS 2-D model regarding hydraulics and flood risk associated with levees, levee setbacks, and levee removal. In particular, the PEIR should consider a recent study by Pinter et. al from the Mississippi (2016) and recent research from the Cosumnes River that show how both one and two dimensional modeling approaches tend to underestimate the stage reduction benefits of levee setbacks. Since virtually all of the hydraulic modeling for the 2012 CVFPP was conducted with one dimensional models and two dimensional modeling is now much more accessible and accurate, the PEIR should reevaluate the stage reduction benefits of expanding floodways throughout the Central Valley.

6-6

6. Plan must consider alternatives that would avoid or minimize impacts. To advance a flood system that more effectively protects public safety while reversing the degradation of the Central Valley riverine ecosystem, consistent with the requirements of section 9614 and 9616 of the Water Code, the Subsequent Programmatic Environmental Impact Report (SPEIR) should evaluate alternative approaches to the existing flood system configuration to both reduce flood risk and avoid continued environmental impacts associated with activities required to maintain the existing system in its current configuration.

New information in the Conservation Strategy could provide opportunities for avoiding and mitigating significant environmental impacts associated with implementation of the Plan. The PEIR for the 2012 CVFPP made several findings of overriding consideration on the basis that it was not possible to both protect public safety and avoid or mitigate environmental impacts. Yet new information from the Conservation Strategy and other analyses conducted since the 2012 CVFPP was adopted now make it clear that there are economically feasible alternatives to the current flood system that could provide higher levels of public safety, improve storage of floodwater on floodplains recharge underlying aquifers, restore habitat for sensitive species, and protect agricultural lands.

6-7

New information, models, and climate change hydrology described above require a reevaluation of the alternatives considered in the 2012 CVFPP to better reduce flood risk and promote other objectives. New climate change hydrology predictions, particularly along the San Joaquin River, make it clear that the system wide investment approach selected in the 2012 CVFPP should be revisited. Instead, the PEIR should reevaluate an alternative similar to the enhanced flood system capacity approach

considered in 2012 to determine if it is more cost effective in light of the new climate change information. Indeed, studies performed since 2012 show that dramatic floodway expansion has greater flood risk reduction benefits and fewer impacts to the agricultural economy than previously determined in the 2012 CVFPP. Two dimensional modeling of a Paradise Cut expansion alternative performed by DWR for the 2017 CVFPP Update showed much larger stage reduction benefits than the previous one dimensional modeling of Paradise Cut performed for the 2012 CVFPP. A study of the lower San Joaquin River presented at the Delta Science Conferences (Kraus-Polk, 2014) show that removing all agricultural levees along the river would have relatively little impact on agricultural production in the area. These new approaches must be evaluated as part of the 2017 PEIR.

New sources of funding available for floodway expansion, particularly Proposition 1 funding approved by the voters in 2014, also makes floodway expansion more feasible than previously assumed in the 2012 CVFPP. In the foreword to the 2012 CVFPP, the DWR director said:

The recommended approach – known as the State Systemwide Investment Approach (SSIA) – sets forth a strategy for responsibly meeting the State’s objectives to improve public safety, ecosystem conditions, and economic sustainability, while recognizing the financial challenges facing local, State, and federal governments today. Under this approach, California will prioritize investments in flood risk reduction projects and programs that incorporate ecosystem restoration and multi-benefit projects, without precluding future actions, such as those presented in the Enhance Flood System Capacity Approach, should additional State and federal funding become available.

The 2017 CVFPP Update is the appropriate time to reconsider the Enhanced Flood System Capacity Approach in light of new information and funding sources that now make it cost effective in many locations.

In specific locations where it is not feasible to change the configuration of the flood system, the SPEIR must identify feasible measures to avoid or mitigate the environmental impacts from implementation of the Plan. The Conservation Strategy provides critical information for how to restore ecosystem processes, habitat, and the species that depend upon them. A full evaluation of alternatives informed by the Conservation Strategy is necessary to both formulate alternatives that avoid impacts and mitigate for unavoidable impacts. The Plan should adopt the Conservation Strategy as a working element of the updated CVFPP and, most importantly, create a meaningful,

6-7

realistic, accountable blueprint for implementing it overtime so that future improvements properly avoid and mitigate impacts.

We understand that the 2017 CVFPP Update will be an overview of the type of improvements the Board can permit in the future. Programmatic descriptions of plans to expand floodplains and improve land management will reduce unnecessary conflicts between protecting public safety and restoring ecosystem function. The Conservation Strategy can provide a blue print for aligning these flood system improvements with the mandates of other state agencies charged with protecting fish, wildlife, parks, and recreation. This new alignment will greatly reduce conflicts between necessary operation and maintenance activities and state and federal laws designed to protect species, water quality, and other beneficial uses of the state’s waterways.

To the extent that the flood plan does recommend detailed alternatives for reconfiguring or improving the flood system such as expanding the Yolo Bypass or reinforcing urban levees, it should explicitly utilize the Conservation Strategy to demonstrate how these improvements will avoid or mitigate impacts to sensitive species.



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DELTA STEWARDSHIP COUNCIL

A California State Agency

April 14, 2016

Michele Ng, P.E.
Department of Water Resources
3464 El Camino Avenue, Room 200
Sacramento, CA 95821
SPEIR_2017_Comments@water.ca.gov

Chair
Randy Fiorini

Members
Aja Brown
Frank C. Damrell, Jr.
Patrick Johnston
Mary Piepho
Susan Tatayon

Executive Officer
Jessica R. Pearson

RE: Comments on the Notice of Preparation for the 2017 Central Valley Flood Protection Plan Update Supplemental Program Environmental Impact Report, SCH# 2010102044

Dear Ms. Ng:

Thank you for the opportunity to comment on the Notice of Preparation (NOP) for the Supplemental Program Environmental Impact Report (SPEIR) for the 2017 Central Valley Flood Protection Plan (CVFPP) Update. The Department of Water Resources (DWR) is preparing this update to the existing 2012 CVFPB in compliance with the legislative mandate to update this Flood Protection Plan every 5 years. The update will incorporate the Central Valley Flood System Conservation Strategy (Conservation Strategy) as well as integrate outputs from Basin-Wide Feasibility Studies (BWFS) and Regional Flood Management Plans (RFMPs).

As you may know, the Delta Stewardship Council (Council) provided comments last year to Stacy Cepello at DWR regarding the draft Conservation Strategy (our comment letter is available on our website at http://deltacouncil.ca.gov/sites/default/files/2015/09/ConservationStrategy_DSCcomments_091415.pdf). Council staff was pleased with the progress that DWR staff had made in developing a draft Conservation Strategy for the CVFPP that was guided by best available science. We provided a few recommendations for DWR staff to consider, particularly with regards to refinement of the adaptive management plan, so we also look forward to seeing the revised Conservation Strategy when it is publically released.

7-1

Delta Plan Consistency

The Council has a legally enforceable management framework for the Delta and Suisun Marsh called the Delta Plan. The Delta Plan seeks to achieve the coequal goals of protecting and enhancing the Delta ecosystem and providing for a more reliable water supply for California, in a manner that protects and enhances the Delta as an evolving place. The 2012 CVFPP

7-2

"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."

– CA Water Code §85054

recognized the role of the Council and referenced the then 2012 interim draft Delta Plan. The Council has since then unanimously adopted the Delta Plan and its 14 regulatory policies went into effect on September 2013. State and local agencies are required to comply with the Council's regulations if their proposed activity is determined to be a "covered action" under the Delta Plan, which includes plans, programs, or projects (as defined by Public Resources Code Section 21065) that would occur, in whole or in part, within the Delta or Suisun Marsh. It is therefore likely that the 2017 CVFPP Update would be considered a "covered action". Additionally, many of the individual flood system improvement projects analyzed programmatically by the CVFPP SPEIR could also be "covered actions" and would also need to be designed and developed consistent with the Delta Plan. In any case, the Council, in its coordination role, encourages consistency of all relevant programs and projects with the Delta Plan, whether or not they are covered actions.

7-2

Analysis of Consistency with Delta Plan in SPEIR

Council staff requests that the Delta Plan, including its policies and recommendations, be acknowledged in the SPEIR's description of the regulatory setting for each applicable resource section. The SPEIR should discuss any inconsistencies between the proposed plan and the Delta Plan, as required by 15125(d) of the California Environmental Quality Act (CEQA) Guidelines. Please note that the CEQA guidelines' Appendix G states that a project that is inconsistent with any applicable land use plan, policy, or regulations may result in a finding of significant impact on biological resources.

Best Available Science and Adaptive Management

Delta Plan Policy **G P1** (23 CCR Section 5002) states that actions subject to Delta Plan regulations must document use of best available science. Best available science should be consistent with the criteria listed in the table in Appendix 1A of the Delta Plan regulations (<http://deltacouncil.ca.gov/sites/default/files/2015/09/Appendix%201A.pdf>), including relevance, inclusiveness, objectivity, transparency and openness, timeliness and peer review. We applaud DWR for using these criteria to develop the draft CVFPB Conservation Strategy, and expect a similar effort for the final version of the Conservation Strategy that is incorporated into the 2017 CVFPP Update.

7-3

Additionally, Delta Plan Policy **G P1** calls for ecosystem restoration projects to include adequate provisions for implementation of adaptive management, appropriate to the scope of the action. This requirement can be satisfied through the development of an adaptive management plan that is consistent with the framework described in Appendix 1B of the Delta Plan regulations (<http://deltacouncil.ca.gov/sites/default/files/2015/09/Appendix%201b.pdf>), along with documentation of adequate resources to implement the proposed adaptive management process.

Staff from the Delta Science Program can provide consultation to assist in preparation of documentation of use of best available science and adaptive management. Please contact

Darcy Austin (darcy.austin@deltacouncil.ca.gov) of the Delta Science Program to arrange those discussions.

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7-3

Habitat Restoration

Delta Plan Policy **ER P2** (23 CCR Section 5006) states that habitat restoration must be consistent with Appendix 3 of the Delta Plan regulations, which is an excerpt from the 2011 Draft Ecosystem Restoration Program Conservation Strategy. Appendix 3 describes the many ecosystem benefits related to restoring floodplains; however it also cautions that such restoration should include investigation and implementation of Best Management Practices (BMPs) to control methylmercury production and transport since periodic wetting and drying makes these areas prone to methylation of mercury. Methylated mercury is a serious concern because it can bio-accumulate in fish, and in turn become an issue to the health of humans and wildlife that consume these fish. We recommend that the SPEIR analyze the potential impacts of higher loading of methylmercury, because of widespread restoration of seasonally inundated floodplains, to both water quality and to the health of humans and wildlife.

Delta Plan Policy **ER P4** (23 CCR Section 5008) calls for levee projects to, where feasible, increase floodplains and riparian habitats. The policy also requires the evaluation of setback levees in several areas of the Delta, which include: The Sacramento River between Freeport and Walnut Grove; the San Joaquin River from the Delta boundary to Mossdale Paradise Cut, Steamboat Slough, Sutter Slough, the North and South Forks of the Mokelumne River, and urban levee improvement projects in the cities of West Sacramento and Sacramento. Regarding increasing riparian habitat on or along levees, we want you to be aware of a report our Council recently endorsed titled "Improving Habitat along Delta Levees" (the report can be found on our website at <http://deltacouncil.ca.gov/docs/delta-council-meeting-levees-white-paper/improving-habitats-along-delta-levees-review-past>). This report summarizes lessons learned from monitoring reports and through interviews with experts about which habitat designs along levees may provide greater benefits to target native species (with an emphasis on salmon and riparian birds) and provides guidance to ensure that project effectiveness can be better evaluated in the future.

7-4

Delta Plan Recommendation **ER R2** calls for DWR, California Department of Fish and Wildlife (CDFW), and the Delta Conservancy to prioritize and implement habitat restoration projects in areas designated by the Delta Plan as Priority Habitat Restoration Areas (PHRAs). These areas include the Yolo Bypass, Cache Slough Complex, Cosumnes River-Mokelumne River confluence, Lower San Joaquin River floodplain, Suisun Marsh, and the Western Delta/Eastern Contra Costa County. ER R2 also calls for habitat restoration projects to ensure connections between areas being restored and existing habitat areas and other elements of the landscape needed for the full life cycle of the species that will benefit from the restoration project.

We anticipate that the 2017 CVFPP will include potential floodplain restoration activities, for which three of the Delta Plan PHRAs are well suited (i.e., Lower San Joaquin River floodplain, Yolo Bypass, and Cosumnes River-Mokelumne River confluence). The Delta Plan's vision for

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the Lower San Joaquin River floodplain PHRA includes “reconnect the floodplain and restore more natural flows to stimulate flood webs that support native species” and to “integrate habitat restoration with flood management actions, when feasible.” The Delta Plan’s vision for the Yolo Bypass PHRA is to “enhance the ability of the Yolo Bypass to flood more frequently to provide more opportunities for migrating fish” while the overall vision for the Cosumnes River-Mokelumne River confluence PHRA is to “allow these unregulated and minimally regulated rivers to flood over their banks during winter and spring frequently and regularly to create seasonal floodplains and riparian habitats that grade into tidal marsh and shallow subtidal habitats.”

7-4

Invasive Species

Delta Plan Policy **ER P5** (23 CCR Section 5009) calls for the potential for new introductions of or improved habitat conditions for nonnative invasive species be avoided or mitigated in a way that protects the ecosystem. Analysis on this matter should address both nonnative wildlife species as well as terrestrial and aquatic weeds. To the maximum extent practicable, design of habitat restoration and creation actions should avoid or minimize effects that would lead to establishment of nonnative invasive species populations on site before relying upon mitigation measures. In the event mitigation is necessary, we recommend following the mitigation measures provided in the Delta Plan Program EIR (see below for more details regarding mitigation measures guidance).

7-5

Land Use Conflicts

Delta Plan Policy **DP P2** (23 CCR Section 5011) states that “water management facilities, ecosystem restoration, and flood management infrastructure must be sited to avoid or reduce conflicts with existing uses or those uses described or depicted in city and county general plans for their jurisdictions or spheres of influence when feasible, considering comments from local agencies and the Delta Protection Commission.”

If agricultural lands within the Delta are proposed to be converted as a result of flood risk reduction or ecosystem restoration projects under the CVFPP, we recommend that you work closely with the appropriate Delta counties to ensure that adequate mitigation is provided for these impacts, as well as consult with the Delta Protection Commission. Additionally, for any alternatives that would involve impacts to agricultural lands, we suggest incorporating Delta Plan mitigation measures related to Agricultural and Forestry Resources (see below for more details regarding mitigation measures guidance).

7-6

Flood Risk Reduction

Delta Plan Policy **RR P1** (23 CCR Section 5012) calls for the prioritization of State investments in Delta flood risk management, including levee operation, maintenance and improvements. This policy includes interim priorities categorized as specific goals to guide budget and funding allocation for levee improvements and to assist the California Department of Water Resources (DWR) and the CVFPB in achieving a balance in funding the various goals. To achieve

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consistency with the Delta Plan, the State of California’s investment in Delta flood risk management (i.e., the State’s cost share for the project) must be consistent with Delta Plan Policy RR P1. The Council is currently in the process of updating the interim priorities in the Delta Plan through its work on the Delta Levees Investment Strategy (<http://deltacouncil.ca.gov/delta-levees-investmentstrategy>). Once the Delta Levees Investment Strategy is completed RR P1 will be revised to reflect an updated investment strategy for the Delta’s levees.

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Delta Plan Recommendations

The Council recommends protecting and improving existing recreation opportunities while seeking ways of providing new and better coordinated opportunities. Delta Plan Recommendation DP R11 calls for providing new and protecting existing recreational opportunities in the Delta and Suisun Marsh, using the California State Parks’ Recreational Proposal for the Sacramento-San Joaquin Delta and Suisun Marsh and the Delta Protection Commission’s Economical Sustainability Plan as guides. Additionally, Delta Plan Recommendation DP R16 calls for, where feasible, encouraging recreation opportunities on public lands, including bank fishing, hunting, levee-top trails, and environmental education.

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We also recommend that DWR consider Delta Plan Recommendation RR R5, which calls for an evaluation and implementation of a bypass and floodway on the San Joaquin River near Paradise Cut. We also hope that the work on the update for the CVFPP can make progress towards Delta Plan Recommendation RR R8 which calls for DWR, in conjunction with the Central Valley Flood Protection Board, CDFW, and the Delta Conservancy, to develop criteria to define location for future setback levees for the Delta and the Delta watershed.

Mitigation Measures

Delta Plan Policy **G P1** (23 CCR Section 5002) also requires that actions not exempt from CEQA and subject to Delta Plan regulations must include applicable feasible mitigation measures consistent with those identified in the Delta Plan Program EIR or substitute mitigation measures that are equally or more effective.

Delta Plan Program EIR’s **Biological Resources Mitigation Measure 4-1** calls for an invasive species management plan to be developed and implemented for any projects that could lead to introduction or facilitation of invasive species establishment. The plan must ensure that invasive plant species and populations are kept below preconstruction abundance and distribution levels and be based on best available science and developed in consultation with Department of Fish and Wildlife and local experts (e.g., UC Davis, California Invasive Plant Council). This mitigation requirement also calls for the plan to include the following elements:

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- Nonnative species eradication methods (if eradication is feasible)
- Nonnative species management methods
- Early detection methods
- Notification requirements

- Best management practices for preconstruction, construction, and post construction periods
- Monitoring, remedial actions and reporting requirements
- Provisions for updating the target species list over the lifetime of the project as new invasive species become potential threats to the integrity of the local ecosystems

Delta Plan Program EIR's **Biological Resources Mitigation Measure 4-3** calls for proponents to design projects that avoid impacts that would lead to substantial loss of fish and wildlife habitat. If there will be a loss of habitat for fish and wildlife species from a project, Mitigation Measure 4-3 calls for proponents to replace, restore, or enhance habitats for those species and preserve in-kind habitat.

We believe that it is particularly important to protect and maintain channel margin habitat along important salmonid migratory corridors in the Delta, such as the Sacramento River mainstem and its major distributaries of Sutter and Steamboat Sloughs. We recommend that to the maximum extent feasible, any impacts to channel margin habitat along important salmonid migration corridors in the Delta be mitigated on-site; in the event that off-site mitigation is necessary, we recommend that any off-site mitigation occurs in close proximity and along the same waterway as where the impacts would occur (e.g., impacts to habitat along Steamboat Slough should be mitigated along Steamboat Slough) to demonstrate that the mitigation is restoring equivalent, in-kind habitat.

Agricultural and Forestry Resources Mitigation Measure 7-1 in the Delta Plan Program EIR calls for projects that result in permanent conversion of farmland to preserve in perpetuity other farmland through acquisition of an agricultural conservation easement, or contributing funds to a land trust or other entity quality to preserve farmland in perpetuity (at a target acreage ratio of 1:1).

Final Remarks

If you need any clarification regarding our comments, I encourage you to contact me at 916-445-2168 or Jessica.Davenport@deltacouncil.ca.gov.

Sincerely,



Jessica Davenport
Acting Deputy Executive Officer, Planning
Delta Stewardship Council

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PUBLIC SCOPING MEETING
STATE OF CALIFORNIA
NATURAL RESOURCES AGENCY
CENTRAL VALLEY FLOOD PROTECTION BOARD

SACRAMENTO CITY HALL
1ST FLOOR COUNCIL CHAMBERS
915 I STREET
SACRAMENTO, CALIFORNIA

FRIDAY, APRIL 8, 2016
10:03 A.M.

JAMES F. PETERS, CSR
CERTIFIED SHORTHAND REPORTER
LICENSE NUMBER 10063

A P P E A R A N C E S

BOARD MEMBERS:

Ms. Emma Suarez, Vice President

Ms. Jane Dolan, Secretary

Mr. Joe Countryman

Mr. Clyde Macdonald

Mr. Tim Ramirez

Mr. Mike Villines

STAFF:

Mr. Kanwarjit Dua, General Counsel

Ms. Amber Woertink, Analyst to the Board

DEPARTMENT OF WATER RESOURCES:

Mr. Anthony Deus, Staff Engineer

Mr. Mary Jimenez, Supervising Engineer

Ms. Michele Ng, Senior Engineer

ALSO PRESENT:

Ms. Sam Magill, Kearns & West

I N D E X

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1. WELCOME, INTRODUCTIONS, AND ANNOUNCEMENTS	1
2. PUBLIC COMMENT (on non-agendized items)	4
3. SCOPING:	5

The Central Valley Flood Protection Board, as the responsible agency, is pleased to host the Supplemental Program Environmental Impact Report (PEIR) scoping meeting for the 2017 update to the Central Valley Flood Protection Plan for the Department of Water Resources (DWR), Division of Flood Management Planning Office. In accordance with the California Environmental Quality Act (Public Resources Code § 21000 et seq.), DWR, as the lead agency, posted a Notice of Preparation with the Governor's Office of Planning and Research/State Clearinghouse Unit for the CVFPP 2017 Update on March 18, 2016.

DWR staff will present information to the Board and to the public and will be taking written and oral comments from the public during this scoping meeting. A court reporter will record all oral comments made during the meeting. Written comments may also be submitted to DWR through the close of the public comment period on April 18, 2016.

The scoping meeting will include the following:

- 2012 CVFPP and PEIR Review
- 2017 CVFPP Update
- Supplemental PEIR - a focused review of limited issues at a program-level because the 2017 CVFPP update includes geographically related actions that are not well-defined regarding specific locations, project-level details, or implementation strategies to support a project-level EIR
- Purpose of Scoping Process - inform the public that the Department of Water Resources is evaluating the CVFPP under the California Environmental Quality Act (CEQA) and to solicit public comment regarding the type and extent of environmental analyses to be undertaken.

I N D E X C O N T I N U E D

PAGE

- Public Comments - The 30-day public review period commenced on March 18, 2016 and will close on April 18, 2016 at 5:00 p.m.
- Meeting attendees will have the opportunity to provide oral and/or written comments during the meeting

Click the hyperlink below for a copy of the Notice of Preparation.

http://water.ca.gov/cvfmp/docs/SPEIR-NOP-2017CVFPPUpdate_web.pdf

4. ADJOURNMENT	16
Reporter's Certificate	17

1 P R O C E E D I N G S

2 VICE PRESIDENT SUAREZ: Good morning. Sorry
3 about that.

4 So good to see everybody this morning and
5 welcome. My name is Emma Suarez and I'm the Vice
6 President of the Central Valley Flood Protection Board.
7 President Bill Edgar and our Executive Officer Leslie
8 Gallagher are representing the Board this morning at
9 another important event. So they're not with us quite
10 yet, but they will be joining us as soon as that event
11 ends.

12 In the meantime, it's my pleasure to welcome you
13 to this Board workshop. Unlike a meeting, at this
14 workshop, the Board will not be making any decisions. But
15 importantly though, we will be hearing from the Department
16 of Water Resources team preparing the environmental
17 documents we will need in order to adopt the 2017 updates
18 to the Central Valley Flood Protection Plan.

19 And that process is guided and governed by the
20 California Environmental Quality -- see, I'm getting my --
21 Environmental Quality Act. See, I'm getting my acts.

22 SECRETARY DOLAN: You got it exactly right.

23 VICE PRESIDENT SUAREZ: So -- and I'm actually
24 going to read. DWR staff will present information to the
25 Board and to the public, and will be taking written and

1 oral comments from the public during this scoping meeting.
2 A court reporter will record all oral comments made during
3 the meeting, and written comments will also be -- can be
4 also submitted to DWR through the close of the comment
5 period on April 8th, 2016.

6 By law, this Board and the Department of Water
7 Resources work together to ensure that the updates to the
8 Central Valley Flood Protection Plan are completed and
9 approved on time. By agreement, DWR serves as the Board's
10 CEQA lead on this matter.

11 At this point, I'm going to introduce Mr. Sam
12 Magill, who will quickly review some meeting logistics.
13 And then after that, I will go through a couple of Board
14 meeting logistics. And then we'll officially begin the
15 scoping session.

16 Mr. Magill

17 MR. MAGILL: Thank you, Emma. Thank you
18 everybody for joining us today for the scoping session.
19 As was mentioned in the opening remarks, the purpose of
20 this meeting is to receive comments on the Programmatic
21 Environmental Impact Report for the Central Valley Flood
22 Protection Plan.

23 After a few brief opening remarks here, and
24 introductions from the Board members, we're going to have
25 a public comment session on non-agendized items, so all of

1 those items that aren't directly related to the EIR
2 itself. At that point, we'll turn it over to Michele Ng
3 from the Department of Water Resources to run through a
4 presentation on the document. And then we want to hear
5 from you on your public comments.

6 At the sign-in table, on your way in, hopefully
7 you were given one of these speaker cards. If you are
8 interested in delivering a public comment associated with
9 the Environmental Impact Report, please make sure to fill
10 out one of these and just give it to me during the
11 presentation. That will help us manage the queue for
12 comments and make sure that your name is properly spelled
13 and reported in the official transcript at the end of the
14 meeting.

15 We anticipate the presentation will last about 30
16 minutes, and then we'll be hear as long as we need to for
17 the comments themselves.

18 With that, I'll turn it back over to Vice Chair
19 Suarez for any additional remarks.

20 Thank you.

21 VICE PRESIDENT SUAREZ: Thank you very much. I
22 would like to take this opportunity to welcome my Board
23 members and colleagues, and maybe have them welcome the
24 group.

25 BOARD MEMBER RAMIREZ: Does that mean just say

1 hi?

2 VICE PRESIDENT SUAREZ: Yeah, just --

3 BOARD MEMBER RAMIREZ: Hi. Good morning.

4 VICE PRESIDENT SUAREZ: And your name.

5 BOARD MEMBER RAMIREZ: Tim Ramirez, Board member.

6 BOARD MEMBER VILLINES: Good morning. Mike

7 Villines.

8 Jay, good to see you.

9 MR. PUNIA: Thanks.

10 BOARD MEMBER COUNTRYMAN: Welcome, everyone. Joe
11 Countryman, Board member.

12 BOARD MEMBER MACDONALD: Clyde Macdonald, Board
13 member.

14 SECRETARY DOLAN: Good morning. Jane Dolan,
15 Board Secretary.

16 VICE PRESIDENT SUAREZ: Thank you. And at this
17 time, Amber, do we have any cards suggesting that there
18 are members of the public that would like to speak on
19 items not relating to the CEQA scoping session?

20 STAFF ANALYST WOERTINK: No.

21 VICE PRESIDENT SUAREZ: Is there anybody in the
22 audience that would like to address the Board on items not
23 dealing with the CEQA scoping session?

24 I do not see anybody. So with that, I think I
25 will turn it over to Ms. Michele Ng, who's here to

1 kick-off the official portions of the scoping session.

2 (Thereupon an overhead presentation was
3 presented as follows.)

4 DWR SENIOR ENGINEER NG: Thank you. And Good
5 morning, Vice President Suarez and members of the Board.
6 I would like to introduce two of our speakers, in addition
7 to me. There's my future Senior Engineer, Tony Deus, my
8 boss Mary Jimenez, and another one of my staff, Wendy
9 Wang.

10 VICE PRESIDENT SUAREZ: Before you proceed, I
11 always forget this part. This building is -- you have
12 access to the Internet through WiFi. And, of course, you
13 are more than welcome to use that -- that opportunity. I
14 do ask if you have cell phones, if you can quiet them now,
15 so we don't have any interruptions, I would appreciate it.

16 DWR SENIOR ENGINEER NG: So I guess now we will
17 begin the public scoping meeting. This is for the
18 Supplemental Program Environmental Impact Report for the
19 Central Valley Flood Protection Plan 2017 update.

20 --o0o--

21 DWR SENIOR ENGINEER NG: Today, Tony will discuss
22 the 2012 Central Valley Flood Protection Plan and review
23 the Program EIR findings. After that, Mary will say a few
24 words about the approach for the 2017 update. Then I will
25 return to discuss the Supplemental PEIR, the next steps,

1 and the timeline.

2 Tony.

3 --o0o--

4 DWR STAFF ENGINEER DEUS: Thank you, Michele.
5 Members of the Board, Vice President Suarez, my name is
6 Tony Deus, as Michele mentioned. And I'm here to discuss
7 the findings of the 2012 PEIR and CVFPP.

8 The program purpose of the Central Valley Flood
9 Management Program and 2012 CVFPP was to guide State
10 participation in managing flood risk along the Sacramento
11 and San Joaquin River systems. The 2012 CVFPP proposed
12 the System-Wide Investment Approach for sustainable
13 integrated flood management in areas covered within the
14 State Plan of Flood Control.

15 --o0o--

16 DWR STAFF ENGINEER DEUS: And as we can see here
17 this is a map of the planning areas of the shaded areas
18 covering the 2012 CVFPP, which stretch northward of
19 Redding to the south along the Sacramento River Basin,
20 through Sacramento, and west into the San -- the San
21 Francisco Bay-Delta, and north of Fresno along the San
22 Joaquin River Basin, and westward into the San Francisco
23 Bay-Delta.

24 --o0o--

25 DWR STAFF ENGINEER DEUS: The development of the

1 2012 CVFPP was in response to Senate Bill 5 passed in
2 2007, the primary goal being to improve flood risk
3 management by reducing the chance of flooding, reducing
4 damage once flooding has occurred, and improvement to
5 public safety, preparedness, and emergency response
6 before, during, and after a flood event.

7 It also contains supporting goals to improve
8 operations and maintenance, promote ecosystem function,
9 and promote multi-benefit projects and improvements to
10 institutional support.

11 --o0o--

12 DWR STAFF ENGINEER DEUS: Accompanying the 2017
13 CVFPP and likely adoption -- and preceded adoption of the
14 Plan itself, the 2012 Program Environmental Impact Report
15 was developed according to CEQA guidelines. It was
16 developed at a program level which was appropriate,
17 because the CVFPP included a geographically related -- or
18 included geographically related actions that weren't
19 necessarily well defined by a specific location or project
20 level details or implementation strategies. The scoping
21 process itself determined the focus and content and aided
22 in identifying a range in actions of alternatives to be
23 evaluated.

24 --o0o--

25 DWR STAFF ENGINEER DEUS: The purpose of the

1 Program EIR was to identify potential significant impacts,
2 identify mitigation and avoidance or damage reduction
3 measures. It also disclosed reasons for approval and
4 significant environmental effects, and informed the
5 Department in development of the plan and the Board in
6 adoption of the CVFPP.

7 --o0o--

8 DWR STAFF ENGINEER DEUS: Following the
9 completion of the Program EIR, the -- it was defined -- or
10 the thresholds of significance were defined. The -- it
11 noted both impacts less than significant after mitigation,
12 and impacts significant and unavoidable after mitigation.
13 Subsequently, a Statement of Overriding Consideration was
14 made.

15 DWR balanced legal, social, technological, and
16 other benefits against unavoidable impacts for adoption of
17 the Central Valley Flood Protection Plan. And the
18 Department found that the benefits outweighed those
19 impacts.

20 Now, to discuss the 2017 update and the
21 principles behind that, please welcome Mary Jimenez.

22 --o0o--

23 DWR SUPERVISING ENGINEER JIMENEZ: Thank you and
24 good morning.

25 --o0o--

1 DWR SUPERVISING ENGINEER JIMENEZ: In moving on
2 to our first update in 2017, we're working with the
3 premise that the 2017 update is not a new plan. So to
4 that end, we are retaining the same goals that were
5 adopted in 2012 that Tony covered a few slides ago. We
6 have the same primary goal of improving flood risk
7 management and the same four supporting goals.

8 --o0o--

9 DWR SUPERVISING ENGINEER JIMENEZ: In formulating
10 the update to the 2017 CVFPP, we have multiple supporting
11 efforts that are supporting its development.

12 The one of subject today is a Supplemental
13 Program EIR, as Tony mentioned. And that Program EIR is
14 going to be leveraging information from other supporting
15 efforts. In particular, the basin-wide feasibility
16 studies, one in the Sacramento and one in the San Joaquin
17 River basins are providing valuable information, as is the
18 Conservation Strategy, and the Regional Flood Management
19 Plans, six of which exist to support plan development
20 throughout the valley.

21 --o0o--

22 DWR SUPERVISING ENGINEER JIMENEZ: With that,
23 I'll hand over to Michele Ng. Thank you.

24 --o0o--

25 DWR SENIOR ENGINEER NG: Yes, I'm back. The

1 Supplemental PEIR will review the 2012 plan and the 2012
2 PEIR. The reason we're doing a supplement is that the
3 update may have new circumstances involving new or more
4 sever effects or may include substantially important new
5 information, underwhich the project is undertaken, and
6 expanded environmental evaluation will be prepared for
7 specific resource areas.

8 The Supplemental PEIR will be used by the Board
9 in the proposed adoption of the 2017 Central Valley Flood
10 Protection Plan update, and DWR will rely on the
11 Supplemental PEIR for planning and flood protection
12 implementation activities.

13 --o0o--

14 DWR SENIOR ENGINEER NG: The supplement means
15 that we will have a focused review of limited issues as is
16 appropriate for CEQA compliance. So we are specifically
17 going to review agricultural and forestry resources by
18 aquatic biological resources and terrestrial biologic
19 resources, and related topics, such as environmental
20 justice.

21 DWR intends to carry the mitigation measures
22 identified in the 2012 CVFPP PEIR forward as part of the
23 supplement, and we will include information not only from
24 the Central Valley flood system Conservation Strategy, but
25 also, as Mary mentioned, the basin-wide feasibility

1 studies and the six Regional Flood Management Planning
2 activities.

3 In addition, the PEIR will provide a consistency
4 determination with the Environmental Justice Policy of the
5 California Natural Resources Agency, and will address any
6 growth-inducing impacts and any potential significant
7 irreversible changes to the environment.

8 --o0o--

9 DWR SENIOR ENGINEER NG: So what were the next
10 steps?

11 --o0o--

12 DWR SENIOR ENGINEER NG: Well, on March 18th, we
13 filed our Notice of Preparation with the State
14 Clearinghouse. We also sent out our tribal notification
15 consultation letters. Then, of course, today we are here
16 at the scoping meeting. There is only one scoping
17 meeting. The comment period -- the 30-day comment period
18 ends at 5:00 p.m. on April 18th.

19 To submit comments, if you're not feeling up to
20 submitting oral comments or a written comment today, you
21 can send it by email. You can send it by a written letter
22 to me, or again, you can submit oral and written comments
23 today. All of this information is included in the Notice
24 of Preparation and we do have some hard copies outside.
25 We also have the Notice of Preparation available on the

1 website. We also have, for reference, the 2012 Central
2 Valley Flood Protection Plan PEIR at our website.

3 --o0o--

4 DWR SENIOR ENGINEER NG: And we have a final
5 scoping report that will be -- that will summarize the
6 comments we received during the 30-day comment period. We
7 anticipate that will be available in May.

8 --o0o--

9 DWR SENIOR ENGINEER NG: So our takeaways today
10 are we are developing the 2017 update and doing a
11 Supplemental Program EIR focusing on limited issues. The
12 supplemental program scoping meeting is being held today,
13 and you can make comments today, or submit them. And if
14 not, we will accept comments until 5:00 p.m. April 18th,
15 2018.

16 --o0o--

17 DWR SENIOR ENGINEER NG: I think we're ready for
18 comments.

19 GENERAL COUNSEL DUA: Excuse me, I'd just like to
20 clarify. Michele, I believe, you said April 18th, 2018 --
21 it's -- the comment period ends at 5:00 p.m. April 18th,
22 2016.

23 MR. MAGILL: Great. Thank you. At this point,
24 we'd like to go head and open the official public comment
25 process for the Supplemental Programmatic Environmental

1 Impact Report.

2 Just as a quick note, unlike some of the other
3 Board workshops you may be used to attending, there is no
4 question-and-answer period beyond the official public
5 comment process. If anybody, at this time, does have one
6 of the speaker cards that they filled out, either at the
7 back of the room or throughout the presentation that
8 Michele and her staff just delivered, please go ahead and
9 bring those up to me at this time.

10 Just a quick reminder that the meeting is being
11 webcast, so we would ask if you do have any comments, that
12 you do come up to the podium to deliver them. I will read
13 through the comment cards in the order their received.
14 And you also have the opportunity to deliver any written
15 comments in a box at the back of the room on your way out.

16 I haven't received any comments at this time.

17 VICE PRESIDENT SUAREZ: I'll ask a question, if I
18 may?

19 MR. MAGILL: Yes.

20 VICE PRESIDENT SUAREZ: If we have folks that are
21 watching us via webcast, is there any opportunity for them
22 to submit comments right now to be shared with the rest of
23 the group here? Is there an email people can send
24 comments to right now?

25 MR. MAGILL: There is not. People joining via

1 webcast do have the opportunity, as Michele mentioned, to
2 submit comments via the web though, so we would encourage
3 people to get them to your attention that way.

4 VICE PRESIDENT SUAREZ: Well, I would suggest
5 that as the audience is considering whether to --
6 individuals come up and comment, I would ask if there are
7 Board members that have any questions or comments that
8 would like to share with the team and use this
9 opportunity.

10 Ms. Dolan.

11 SECRETARY DOLAN: Is the 2017 update, is it
12 anticipated that it will include any project-specific
13 proposals?

14 DWR SUPERVISING ENGINEER JIMENEZ: No, it is a
15 program level document that is supported by project
16 specifics that exist in other documents.

17 SECRETARY DOLAN: Thank you.

18 VICE PRESIDENT SUAREZ: I have heard from various
19 stakeholders the -- they would like some clarification and
20 documentation on why it is that DWR is serving as the lead
21 agency on this matter and not the Board. So if in the
22 scoping report, you can take an opportunity to address
23 that question that I've gotten frequently from folks, I
24 think that would be helpful.

25 MR. MAGILL: Okay.

8-1

8-2

1 VICE PRESIDENT SUAREZ: Now, I know most of the
2 people in this room and you ain't shy.

3 (Laughter.)

4 MR. MAGILL: Well, I think they're making your
5 job very easy today. We haven't received any speaker
6 cards. I would make the recommendation that we hold the
7 public comment period open for a few minutes at least, if
8 people are continuing to formulate their thoughts. But
9 otherwise, I turn it back to you for any closing thoughts,
10 Vice Chair Suarez.

11 VICE PRESIDENT SUAREZ: Well, it is -- would you
12 suggest that we keep the period open till 10:45? Why
13 don't we do that. It's 10:25 right now, so let's keep the
14 record open for another 20 minutes.

15 MR. MAGILL: Wonderful. Thank you.

16 VICE PRESIDENT SUAREZ: Okay.

17 (Off record: 10:25 AM)

18 (Thereupon a recess was taken.)

19 (On record: 10:43 AM).

20 MR. MAGILL: Okay. At this point, we haven't
21 received any comment cards, so we'd like to go ahead and
22 formally conclude the public comment session for the
23 Supplemental Programmatic Environmental Impact Report for
24 the 2017 update to the Central Valley Flood Protection
25 Plan.

1 Before we go though, I just wanted to hand it
2 back over to Vice President Suarez for any closing
3 remarks.

4 VICE PRESIDENT SUAREZ: Okay. Thank you very
5 much. Well, thank you for attending, even though we
6 didn't get any comments. We do have a nice attendance
7 here. And I encourage those folks that were listening on
8 the webcast to take the opportunity to share anything that
9 they -- you would like to see captured in the scoping
10 report, because my understanding is that you do prepare a
11 report after this process is completed.

12 With that, I would like -- ask any Board members
13 if there's anything else they -- anybody has anything
14 they'd like to add or share, at this point?

15 If not, with that, have a wonderful weekend.
16 Thank you very much for coming, and we will see you at our
17 next Board meeting in two weeks.

18 Have a good day.

19 (Thereupon the Central Valley Flood Protection
20 Board Public Scoping meeting adjourned
21 at 10:44 AM.)
22
23
24
25

C E R T I F I C A T E O F R E P O R T E R

I, JAMES F. PETERS, a Certified Shorthand Reporter of the State of California, do hereby certify:

That I am a disinterested person herein; that the foregoing California Central Valley Flood Protection Board public scoping meeting was reported in shorthand by me, James F. Peters, a Certified Shorthand Reporter of the State of California, and thereafter transcribed under my direction, by computer-assisted transcription.

I further certify that I am not of counsel or attorney for any of the parties to said meeting nor in any way interested in the outcome of said meeting.

IN WITNESS WHEREOF, I have hereunto set my hand this 15th day of April, 2016.

JAMES F. PETERS, CSR
Certified Shorthand Reporter
License No. 10063

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