CENTRAL VALLEY
FLOOD MANAGEMENT
PLANNING PROGRAM

FloodSAFE
CALIFORNIA

Appendix C

2012 Central Valley Flood Protection Plan: Program Environmental Impact Report, Final Scoping Report

2012 Central Valley Flood Protection Plan

Draft Program Environmental Impact Report

March 2012

SCH#: 2010102044

CENTRAL VALLEY
FLOOD MANAGEMENT
PLANNING PROGRAM

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Final Public Scoping Report

2012 Central Valley Flood Protection Plan Program Environmental Impact Report

February 2011

SCH No. 2010102044

STATE OF CALIFORNIA
NATURAL RESOURCES AGENCY
DEPARTMENT OF WATER RESOURCES

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1.0 Introduction

This report documents scoping activities that occurred for the Central Valley Flood Protection Plan (CVFPP) Program Environmental Impact Report (PEIR). Pursuant to a Lead Agency Agreement (per California Environmental Quality Act (CEQA) Guidelines Section 15051(d)), the California Department of Water Resources (DWR) is the lead agency, as defined in CEQA and the CEQA Guidelines, and the Central Valley Flood Protection Board (Board) is a responsible agency. The PEIR will evaluate potential impacts on the physical environment associated with adoption of the CVFPP by the Board, and subsequent implementation of the CVFPP. Accordingly, DWR released a Notice of Preparation (NOP) on October 27, 2010 (see Attachment A), and held public scoping meetings to obtain input from public, responsible and trustee agencies, stakeholders, and interested parties. The following sections include the CVFPP project description, a summary of CEQA scoping requirements, a description of the NOP, and details of the CVFPP PEIR scoping process.

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2.0 CVFPP Project Description

The CVFPP will describe a systemwide approach 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 (SPFC). DWR is identifying a reasonable range of potential implementation approaches to accomplish the primary and supporting goals of the CVFPP, as described in the following subsections.

2.1 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 Sacramento-San Joaquin Delta (Delta).

2.2 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 operations and maintenance, including significant repairs.

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

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, and 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.

2.3 Potential Actions

The proposed program, and a reasonable range of feasible flood management alternatives, will be evaluated and discussed at a broad level in the PEIR. The proposed program and alternatives to be described and evaluated in the PEIR will consist of a combination of potential actions that address the CVFPP goals. These actions may include, but are not limited to, the following:

- Repairing and improving existing levees (such as constructing levee setbacks, strengthening levees via berms or slurry/cutoff walls, or modifying levee crown elevations or widths).
- Improving existing flood management channels, overflows, and bypasses.
- Constructing new levees, bypasses, or flood overflows.
- Enhancing efficient use of flood storage and flood releases from reservoirs, or constructing new flood management storage facilities.
- Creating new or improving floodplain storage or overflow areas.
- Improving flood warning and preparedness (through implementing advance forecasting, flood warning systems, and emergency preparedness planning).
- Improving flood fighting, emergency response, and flood recovery efforts after flooding.
- Enhancing efficient operations and maintenance of the flood management system (through implementing changes to financing, inspections, repairs, regulatory approvals, and mitigation).
- Integrating environmental solutions into flood management.

The CVFPP will include a conservation framework that will describe how environmental stewardship would be an integral part of actions to improve the flood management system in the Central Valley.

3.0 CEQA Scoping Requirements

The process of determining the scope, focus, and content of a PEIR 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 PEIR scoping process (see Attachment A). The NOP notifies the Governor's Office of Planning and Research/State Clearinghouse Unit, responsible and trustee agencies, and stakeholders and interested parties that a CVFPP PEIR will be prepared for a proposed program. The NOP solicited guidance from these entities as to the scope and content of the environmental information to be included in the PEIR.

In accordance with the CEQA Guidelines (Section 15082(b)), each responsible and trustee agency and the Office of Planning and Research shall 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 PEIR 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 PEIR. For projects of statewide, regional, or area-wide 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)).

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4.0 CVFPP PEIR Notice of Preparation

The NOP for the CVFPP PEIR was signed by Gail Newton, Chief of the FloodSAFE Environmental Stewardship and Statewide Resources Office, and publically released on October 27, 2010, by the State Clearinghouse (SCH) (see Attachment A). The NOP was distributed by certified mail to 364 local, responsible, and trustee agencies on October 28, 2010. In addition, an e-mail was sent on October 28, 2010, to local, responsible, and trustee agencies, stakeholders, and interested parties. A notice was placed in the following three newspapers (see Attachment A):

- Sacramento Bee, on October 29, 2010
- Modesto Bee, on October 29, 2010
- Chico Enterprise Record, on November 3, 2010

As mandated under CEQA, the NOP was circulated for a 30-day public review period, beginning on October 27, 2010, and ending on November 26, 2010. Agencies and interested parties were given the opportunity to provide DWR with written comments on the proposed scope and content of the PEIR until 5 p.m. on November 26, 2010.

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5.0 CVFPP PEIR Scoping Meetings

DWR held three public scoping meetings in November 2010 regarding preparation of a PEIR for the CVFPP:

- November 15, 2010, from 6:00 to 8:00 p.m., at the Chico Masonic Family Center, 1110 West East Avenue, Chico, California 95973
- November 16, 2010, from 3:00 to 5:00 p.m., at the Sacramento Regional County Sanitation District Office Building, 10060 Goethe Road, Sacramento, California 95827
- November 18, 2010, from 6:00 to 8:00 p.m., at the Stanislaus County Agricultural Center, 3800 Cornucopia Way, Harvest Hall D and E, Modesto, California 95358

Agencies and interested parties were given the opportunity to provide oral and/or written comments on the proposed scope and content of the PEIR at any of the three public scoping meetings.

5.1.1 Scoping Meeting Notification

The NOP was published with the SCH; noticed in the three newspapers, as stated in section 4.0 of this report; sent via certified mailing to local, responsible, and trustee agencies; and sent via e-mail to agencies, stakeholders, and interested parties. The NOP contained information on the location, date, and time of the scoping meetings.

5.1.2 Scoping Meeting Attendance by Public and DWR Staff

The three scoping meetings were attended by 21 individuals from State and federal agencies, and members of the public. Table 5-1 lists DWR staff and consultants attending one or more of the scoping meetings.

Table 5-1. DWR Staff and Consultants at Scoping Meetings

Staff	Affiliation	Staff	Affiliation
Jeremy Arrich	DWR	Nancy Finch	DWR
Gail Newton	DWR	Scott Morgan	DWR
Ward Tabor	DWR	Kari Shively	MWH
Terri Gaines	DWR	Meredith Parkin	MWH
Crystal Spurr	DWR	John Hunter	AECOM

Key:
AECOM = AECOM, Inc.
DWR = California Department of Water Resources
MWH = MWH Americas, Inc.

5.1.3 Scoping Meeting Format and Content

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 evening (see Attachment B) and the NOP. In addition, a comment card was made available to each attendee (see Attachment B).

All three meetings were conducted in an "open house" format with stations (see Attachment B). This allowed meeting attendees to talk with CVFPP staff, ask questions, and get answers about the CVFPP and CVFPP PEIR. "Open house" stations included the following:

- **Station 1** – Welcome and Sign-in
- **Station 2** – Planning Process
- **Station 3** – CEQA Process
- **Station 4** – Potential Environmental Impacts
- **Station 5** – Oral and Written Comments

The meetings held in Chico and Sacramento included a PowerPoint presentation (see Attachment B) describing the CVFPP and associated CEQA process. Meeting attendees in Modesto asked DWR staff to go directly to the open house portion of the meeting; therefore, the PowerPoint presentation was not given.

A stenographer was present at all three meetings. Meeting attendees were directed to the stenographer to give their comments for the record. A Spanish interpreter was also provided at all three meetings. A stenographer prepared a transcript of the Sacramento scoping meeting presentation (see Attachment B).

6.0 Comments

Written comments on the CVFPP PEIR NOP were received by DWR from a variety of agencies (see Attachment C). Comments received before the end of the comment period (November 26, 2010) included comments from Butte County (two), City of Oakdale, Margit Aramburu, California State Lands Commission (CSLC), San Joaquin Valley Air Pollution Control District, CalTrans, U.S. Environmental Protection Agency (USEPA), California Department of Fish and Game (DFG), City of Roseville, and Chevron. Comments received after the end of the comment period included comments from CalTrans, Central Valley Regional Water Quality Control Board, Stanislaus County Environmental Review Committee, U.S. Army Corps of Engineers (USACE) and State Water Resources Control Board. Comments received during CVFPP scoping are summarized below, included comments received after the comment period ended.

- Butte County Public Works (October 28, 2010):
    - Last paragraph on page 1 of NOP should also reference Assembly Bill (AB) 162, Wolk
- City of Oakdale (October 31, 2010):
    - Would like to see a map of the affected areas
    - Interested in the land use component of PEIR for information related to the city's General Plan update
- Margit Aramburu (November 3, 2010):
    - Map does not appear to include Suisun Marsh
- California State Lands Commission (November 8, 2010):
    - Request consultation; need to review and comment on any projects that involve State lands; submit detailed site locations and descriptions; CSLC will need to rely on the PEIR to issue any applicable leases
    - Conduct a search of the California Natural Diversity Database (CNDDB) and U.S. Fish and Wildlife Service Special Status Species databases

- Address invasive species
- Evaluate noise and vibration impacts on fish and birds
- Evaluate water quality issues
- Evaluate submerged cultural resources; look at CSLC shipwrecks database
- Evaluate greenhouse gases (GHG)
- Evaluate temporary and permanent loss of recreation resources
- Evaluate impacts to transportation routes
- Consider effects of sea level rise on all resource categories
- List all permits needed for potential projects

- San Joaquin Valley Air Pollution Control District (November 9, 2010):
  - Air quality (AQ) section of PEIR should discuss criteria pollutants, nuisance odors, and health risk from toxic air contaminants
  - Include methodology, model assumptions, and inputs used to characterize the project's impacts to AQ
  - Discuss cumulative AQ impacts
  - Discuss any applicable District rules
- Caltrans (November 9, 2010):
  - No comments at this time; will provide them with future information regarding PEIR
- USEPA (November 9, 2010):
  - Will there be any National Environmental Policy Act (NEPA) actions connected to the CVFPP; if so, which agency would be responsible for preparing the NEPA document
- DFG (November 16, 2010):
  - Address direct, indirect, and cumulative impacts to biological resources

- Include rare and unique resources in each region
- Evaluate with regard to Habitat Conservation Plans (HCP)/Bay-Delta Conservation Plan
- Include information from CNDDB
- Vegetation on levees – see DFG and DWR letter to USACE dated April 15, 2010
- Address noxious/invasive weeds
- Address impacts to hydrology and water quality/consider existing State and federal permit conditions and planning agreements
- Use the *Ecological Restoration Program Conservation Strategy and Strategic Plan* to guide ecological functions [http://www.dfg.ca.gov/ERP/Reports_docs.asp]
- Include a detailed Monitoring Program per CEQA Section 21081.6
- Request written notification of proposed actions and pending decisions regarding the CVFPP

• Butte County Department of Development Services (November 19, 2010):

- Notify Butte County with a list of alternatives before release of Draft PEIR
- Look at *Butte County General Plan 2030* update (adopted October 26, 2010), to assist in evaluation of impacts to land use and planning
- Evaluate effects on land inventory and housing according to Regional Housing Needs Allocation in Butte County
- Evaluate public safety/emergency response
- Evaluate alternatives to high frequency flooding of Butte Basin vs. 3Bs Flood Relief Structure
- Address impacts/consequences related to lack of operations and maintenance on an area-wide and systemwide basis

- Evaluate the benefit/cost aspect of providing higher level of protection for critical agricultural facilities; also, evaluate if benefit/cost ratio is greater for relocation of facilities or redirection of river

- Establish criteria for protection of critical hard points (infrastructure) in the river

- Address impacts if the flood protection system is not properly designed or maintained

- City of Roseville (November 19, 2010):

  - City understands that its flood control improvements along streams tributary to the Sacramento River could be affected even though they are not located within the Special [Systemwide] Planning Area

  - Evaluate impacts of any proposed regulatory changes that would require alteration of existing City flood control facilities, operations, and maintenance practices

  - Evaluate any changes in flood storage and flood releases from reservoirs (impacts to water supply – State Water Project, Central Valley Project, including Folsom Lake)

- Chevron (November 24, 2010):

  - Provided information regarding the location and construction of formerly active crude oil pipelines in the Central Valley for incorporation into the PEIR (drew on PEIR study area map)

  - Work with Chevron regarding geographic information system data that illustrates the location of the pipelines

  - Inform Chevron of any proposed projects, encountered petroleum, and pipelines

- California Regional Water Quality Control Board – Central Valley (November 29, 2010):

  - Early consultation with Regional Water Quality Control Board is encouraged

- Antidegradation analysis needed if move forward with alternatives that result in significant impacts after mitigation (refer to Clean Water Act Section 401, Water Quality Certification)
- Address impacts to aquatic resources
- Identify and address any direct, indirect, or cumulative effects on ecological resources and water quality of the Central Valley and Delta
- Address effects of pollutants and hydrologic modification, and watershed-level effects
- Encourage a low-impact planning approach wherever possible
- Identify and map all waters potentially affected by the CVFPP; quantify impacts
- Determine the existing status hydrograph profile; identify measures to maintain adequate flow reguime to protect aquatic species
- Include a habitat connectivity analysis
- Identify and discuss all HCPs and Natural Community Conservation Plans in study area; describe how these will be coordinated with
- Discuss the toxic hot spots and how they may be affected by flood protection activities
- Discuss impaired water bodies and how they may be affected by flood protection activities
- Include a Mitigation, Monitoring, and Reporting Plan

• Caltrans (November 29, 2010):

- Caltrans districts potentially affected by CVFPP are 2, 3, 4, 5, and 6
- Any encroachments on Caltrans Right of Way require Encroachment Permits; Caltrans would be a responsible agency
- State highways impacted would require hydraulics review

- Include 200-year water surface analyses in new models developed
- Include GHG analysis and sea level rise analysis
- Prepare a Traffic Management Plan and submit to Caltrans for review

- Stanislaus County Environmental Review Committee (November 29, 2010)
  - No comments at this time
- U.S. Army Corps of Engineers (December 9, 2010)
  - The USACE jurisdiction within the project location is under the authority of Section 404 of the Clean Water Act for the discharge of dredged or fill material into waters of the United States, as well as Section 10 of the Rivers and Harbors act of 1899 for work in all navigable waters of the United States
  - Projects tiered from the CVFPP PEIR will require Department of the Army permit prior to starting work, if the project results in the discharge of dredged or fill materials into waters of the United States
  - PEIR should include language requiring that DWR ascertain the extent of waters on tiered project sites by preparing wetland delineations
  - PEIR should require DWR to apply for a Department of Army authorization if it is determined that future projects tiering from the PEIR will result in the discharge of dredge or fill material into waters of the United States or work within navigable waters of the United States
  - Future projects tiering off the PEIR should include alternatives that avoid impacts to wetlands or other waters of the United States
  - If waters of the United States are going to be impacted by any future project tiering off the PEIR, cultural resource sites within the defined federal permit area will need to be evaluated according to NEPA

- USACE must comply with the terms and conditions of the Federal Endangered Species Act.

- State Water Resources Control Board (January 19, 2010)
  - CVFPP has the potential to adversely impact water quality and beneficial uses during construction/implementation as well as over the life of the project
  - Specific concerns will need to be addressed in a PEIR/PEIS and in the development of subsequent project implementation plans:
    - State water and regional water board jurisdiction
    - Provision for analysis of a full range of alternatives
    - Provision of full information on alternatives
    - Avoidance, minimization, and mitigation measures
    - Hydrology
    - Biological resources
    - Mitigation monitoring and reporting
    - Avoidance of special areas
    - Cumulative effects
  - Continue to include the State Water Resources Control Board in future correspondence regarding the CVFPP PEIR.

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7.0 Acronyms and Abbreviations

AB.....Assembly Bill
AQ .....Air Quality
Board.....Central Valley Flood Protection Board
DFG.....California Department of Fish and Game
CEQA .....California Environmental Quality Act
CNDDB.....California Natural Diversity Database
CSLC.....California State Lands Commission
CVFPP .....Central Valley Flood Protection Plan
Delta.....Sacramento-San Joaquin Delta
DFG.....California Department of Fish and Game
DWR.....California Department of Water Resources
GHG .....greenhouse gas
HCP.....Habitat Conservation Plan
NEPA.....National Environmental Policy Act
NOP.....Notice of Preparation
PEIR.....Program Environmental Impact Report
SCH.....State Clearinghouse
SPFC.....State Plan of Flood Control
USEPA .....U.S. Environmental Protection Agency
USACE…… U.S. Army Corps of Engineers

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Attachments

Attachment A – Notification Materials

Attachment B – Scoping Meeting Materials

Attachment C – Comments

February 2011

STATE OF CALIFORNIA
NATURAL RESOURCES AGENCY
DEPARTMENT OF WATER RESOURCES

CENTRAL VALLEY
FLOOD MANAGEMENT
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Attachment A – Notification Materials

February 2011

STATE OF CALIFORNIA
NATURAL RESOURCES AGENCY
DEPARTMENT OF WATER RESOURCES

NOTICE OF PREPARATION
PROGRAM ENVIRONMENTAL IMPACT REPORT FOR THE CENTRAL VALLEY FLOOD PROTECTION PLAN
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: October 27, 2010

Subject: Announcement of the following:

1. Notice of Preparation of a Program Environmental Impact Report for the Central Valley Flood Protection Plan

2. Public Scoping Meetings to be held:

   - November 15, 2010, from 6 – 8 p.m., Chico Masonic Family Center at 1110 West East Avenue, Chico, CA 95973

   - November 16, 2010, from 3 – 5 p.m., Sacramento Regional County Sanitation District Office Building at 10060 Goethe Road, Sacramento, CA 95827

   - November 18, 2010, from 6 – 8 p.m., at Stanislaus County Agricultural Center, 3800 Cornucopia Way, Harvest Hall D and E, Modesto, CA

3. Public Scoping Comments due by November 26, 2010

INTRODUCTION

In accordance with the California Environmental Quality Act (CEQA) (California Public Resources Code (PRC) Section 21000 et seq.) and its implementing regulations, Title 14 California Code of Regulations, Section 15000 et seq. ("CEQA Guidelines"), the California Department of Water Resources (DWR) will prepare a Program Environmental Impact Report (PEIR) for the Central Valley Flood Protection Plan (CVFPP). 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 Central Valley Flood Protection Board (Board) is a responsible agency. The PEIR will evaluate potential impacts on the physical environment associated with adoption of the CVFPP by the Board, and subsequent implementation of the CVFPP.

In 2007, the California Legislature passed five interrelated bills addressing the problems of flood protection and flood damage liability, and directing the use of bond funds: Senate Bills 5 and 17, and Assembly Bills 5, 70, and 156. Primary authorization for the CVFPP originates in Senate Bill 5, also known as the Central Valley Flood Protection Act of 2008, resulting in specific requirements described in California Water Code (CWC) Sections 9600 through 9625. DWR is preparing the CVFPP 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), as described in CWC Section 9110(f) and California Public Resources Code Section 5096.805(e) and (j).

The CVFPP will address flood management in the Central Valley and will be implemented as part of the FloodSAFE Initiative. Launched in 2006, FloodSAFE is a multifaceted initiative to improve public safety and reduce flood damages in the State of California while strengthening DWR's core flood management programs and protecting and enhancing ecosystem function. FloodSAFE is a long-term effort, and its implementation relies on the cooperation and assistance of federal and state agencies, tribal entities, local sponsors, and other stakeholders.

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 proposed CVFPP to the Board by January 1, 2012. The Board will review the documents and adopt the CVFPP by July 2012. Before adoption of the CVFPP, the Board and DWR will hold joint hearings on the CVFPP and the PEIR. The CVFPP is to be updated every 5 years thereafter.

PURPOSE OF 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 PEIR will be prepared for the CVFPP. This NOP is soliciting guidance from these entities as to the scope and content of the environmental information to be included in the PEIR.

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

1. Location of the proposed project.

2. Brief description of the proposed project.

3. Statement of the probable environmental effects of the proposed project.

The location, description, and probable environmental effects of the proposed project are presented in the following sections of the NOP. An initial study was not prepared because DWR and the Board have determined that the proposed project may have a significant effect on the physical environment.

This NOP also announces the dates and locations of public scoping meetings to facilitate public input.

PROJECT LOCATION

Consistent with legislative directive (Senate Bill 5, 2007), the CVFPP will focus 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 (SPA). The project location would also include the watersheds that are tributaries to the Central Valley, and the Sacramento-San Joaquin Delta (including Suisun Marsh). The project area is shown in Exhibit 1.

PROJECT DESCRIPTION

The CVFPP will describe a systemwide approach for implementing possible future flood management improvements in the Central Valley with a focus on lands currently protected by the SPFC. DWR is identifying a reasonable range of potential implementation approaches to accomplish the primary and supporting goals 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.

The NOP begins the PEIR scoping process. The proposed project and a reasonable range of feasible flood management alternatives will be evaluated and discussed at a broad level in the PEIR. The proposed project and alternatives to be described and evaluated in the PEIR will consist of a combination of potential actions that address the project goals. These actions may include, but are not limited to, the following:

- Repairing and improving existing levees (such as constructing levee setbacks, strengthening levees via berms or slurry/cutoff walls, or modifying levee crown elevations or widths)

- Improving existing flood management channels, overflows, and bypasses

- Constructing new levees, bypasses, or flood overflows

- Enhancing efficient use of flood storage and flood releases from reservoirs, or constructing new flood management storage facilities

- Creating new or improving floodplain storage or overflow areas

- Improving flood warning and preparedness (through implementing advance forecasting, flood warning systems, and emergency preparedness planning)

- Improving flood fighting, emergency response, and flood recovery efforts after flooding

- Enhancing efficient operations and maintenance of the flood management system (through implementing changes to financing, inspections, repairs, regulatory approvals, and mitigation)

- Integrating environmental solutions into flood management

Opportunities to integrate multiple benefits, such as environmental restoration or water supply, will be considered for the CVFPP and other reasonable alternatives which will vary depending on the type and extent of modifications to the existing flood management system.

The CVFPP will include a conservation framework that will describe how environmental stewardship would be an integral part of actions to improve the flood management system in the Central Valley.

PROBABLE ENVIRONMENTAL EFFECTS

The PEIR will provide a program-level analysis that considers the broad environmental effects (direct, indirect, and cumulative) of approving the CVFPP. The PEIR will also identify feasible approaches and mitigation measures to reduce significant or potentially significant environmental impacts.

Following Board adoption of the CVFPP, actions may be taken by flood management entities that could lead to significant changes to the overall makeup, configuration, operations, and maintenance of existing flood management facilities in the SPA, as well as include new flood management facilities. Potential actions could occur within or tributary to the SPA and significantly alter the physical conditions of the Central Valley's waterways and floodplains. Effects of actions in the SPA could potentially extend into Suisun Marsh and into watersheds tributary to the Sacramento-San Joaquin Valley (California Government Code Section 65007(g)). These areas described above constitute the preliminary PEIR study area (Exhibit 1). Changes in flood storage and flood releases from reservoirs could also potentially affect water supplies in the State Water Project and Central Valley Project service areas, although any such indirect effects are expected to be negligible. The preliminary PEIR study area will be expanded or contracted as necessary to cover any direct, indirect, or cumulative effects that may be identified during the PEIR impact assessment. The CVFPP would likely have the most substantial effects on the following resource areas.

Biological Resources – Aquatic

Changes to operations and configuration of facilities within the preliminary PEIR study area could have both direct and indirect beneficial and negative effects on fish migrations, movements, distribution, and abundance, as well as on spawning, rearing, and winter refugia habitat of common aquatic species and special-status fish species such as delta smelt,

steelhead, Chinook salmon, and green sturgeon. The PEIR will evaluate these effects and the potential effects of changing hydrodynamic characteristics and constructing new facilities on the extent and quality of aquatic habitats, including shaded riverine aquatic habitat.

Biological Resources – Terrestrial

Effects to terrestrial biological resources could occur from construction of new flood management facilities, and changes to operations and configuration of existing facilities. The PEIR will address potential effects to common and special-status species and habitat that could occur within the preliminary PEIR study area, particularly riparian species and habitats located along waterways within the study area. Species most likely to be evaluated include giant garter snake, valley elderberry longhorn beetle, red-legged frog, California tiger salamander, riparian brush rabbit, and Swainson's hawk and numerous migratory bird species.

Flooding Conditions and Flood Management System

Flood conditions and flood management facilities within the preliminary PEIR study area could be directly and indirectly affected by changes to existing facilities and facility operations, construction of new facilities, and changes to overall flood management within the system. The PEIR will address potential changes to flood protection levels and construction, configuration, operations, and maintenance of flood management facilities.

Hydrology and Water Quality

The CVFPP could directly affect the hydrodynamic characteristics and circulation of waterways within the preliminary PEIR study area. With changes to hydrodynamic characteristics, these waterways could exhibit changes to sediment and salinity concentrations and other water quality parameters. The PEIR will address potential changes to flows and water quality resulting from enhancing the efficient use of flood storage and flood releases from reservoirs, transitory storage, or bypasses.

Agricultural Resources

The CVFPP could affect agricultural lands within the preliminary PEIR study area, including land designated as Important Farmlands or Williamson Act Lands, through direct changes to flood protection levels for agricultural lands or construction of new facilities, and indirectly through changes in development patterns related to flood protection levels. The PEIR will address these potential effects.

Land Use and Planning

Changes to flood management policies, and to operations and configuration of flood management facilities, could have direct and indirect effects on land use and planning through changes to flood protection levels for existing development and undeveloped lands. Changes in land use and planning could also occur from modifying existing facilities and constructing new flood management facilities. The PEIR will address land use planning within the preliminary PEIR study area related to existing development and potential changes to location and extent of future development.

Recreation

Changes to the operations and configuration of flood management facilities could have direct or indirect potential effects to recreation uses and facilities within the preliminary PEIR study area. The PEIR will address effects on recreation uses and facilities, primarily water-dependent

recreation uses, related to changes in operations and configuration of flood management facilities.

Other Resource Areas

The CVFPP could also affect a variety of other resource areas, both temporarily and in the short term, through construction activities and, in the long term or permanently, through changes to facilities, land uses, and operations and maintenance. Therefore, the PEIR will also address potential direct, indirect, and cumulative effects on the following resource areas:

- Aesthetics
- Air quality
- Climate change/Greenhouse Gases
- Cultural and historic resources
- Energy
- Geology, soils, and seismicity (including mineral and paleontological resources)
- Groundwater resources
- Hazards and hazardous materials
- Noise
- Population, employment, and housing
- Public services
- Transportation and traffic
- Utilities and service systems

In addition, the PEIR will provide a consistency determination with the environmental justice policy of the California Natural Resources Agency, any growth-inducing impacts, and any potential significant irreversible changes to the environment. For all resource areas, the PEIR will identify cumulative impacts and any significant effects that cannot be avoided if the CVFPP is approved.

The PEIR will be used by the Board for the adoption of the CVFPP. DWR will rely on the PEIR for planning and feasibility studies for early CVFPP implementation activities. In addition, cities and counties located 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 plan and zoning ordinance to contain specific information related to the adopted CVFPP. These cities and counties may rely, at least in part, on the PEIR. Other responsible and trustee agencies may use the PEIR in their decision-making processes.

PUBLIC SCOPING MEETINGS

DWR will conduct three public scoping meetings 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 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 Crystal Spurr, Staff Environmental Scientist, at least 48 hours before the meeting (contact information is provided below).

PROVIDING COMMENTS ON THE NOTICE OF PREPARATION

This NOP will be circulated for a 30-day public review period, as mandated under CEQA, beginning on October 27, 2010 and ending on November 26, 2010. Interested parties may provide oral and/or written comments on the proposed scope and content of the 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 November 26, 2010.**

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

Crystal Spurr, Staff Environmental Scientist
California Department of Water Resources
1416 9th Street, Room 1148
Sacramento, CA 95814
Telephone: (916) 653-0992
Fax: (916) 653-9745
E-mail: cspurr@water.ca.gov

Attachments
Exhibit 1

Gail Newton, Chief
FloodSAFE Environmental Stewardship and Statewide Resources Office
California Department of Water Resources

Redding
Red Bluff
Chico
Oroville
Colusa
Marysville
Yuba City
Sacramento
Walnut Grove
Rio Vista
Stockton
San Francisco
Modesto
Merced
Los Banos
Firebaugh
Fresno
Visalia
Bakersfield
Santa Barbara
NEVADA
CALIFORNIA
5
80
50
99
Exhibit 1 - Project Location and Preliminary PEIR Study Area
Systemwide Planning Area (Project Location)
Preliminary PEIR Study Area
Watersheds Tributary to Sacramento-San Joaquin Valley
Sacramento-San Joaquin Delta
Suisun Marsh
Includes Systemwide Planning Area
Prepared:
October, 2010
0 25 50 100
Miles
G:\SPFFP_MXDs\Environmental\StudyArea\Draft_PEIR_StudyArea_NOP_20101021.mxd

STATE OF CALIFORNIA

Governor's Office of Planning and Research

State Clearinghouse and Planning Unit

Arnold Schwarzenegger
Governor

Cathleen Cox
Acting Director

Notice of Preparation

October 27, 2010

To: Reviewing Agencies

Re: Central Valley Flood Protection Plan Program EIR
SCH# 2010102044

Attached for your review and comment is the Notice of Preparation (NOP) for the Central Valley Flood Protection Plan Program EIR draft Environmental Impact Report (EIR).

Responsible agencies must transmit their comments on the scope and content of the NOP, focusing on specific information related to their own statutory responsibility, within 30 days of receipt of the NOP from the Lead Agency. This is a courtesy notice provided by the State Clearinghouse with a reminder for you to comment in a timely manner. We encourage other agencies to also respond to this notice and express their concerns early in the environmental review process.

Please direct your comments to:

Crystal Spurr
California Department of Water Resources
1416 Ninth Street, Room 1148
Sacramento, CA 95814

with a copy to the State Clearinghouse in the Office of Planning and Research. Please refer to the SCH number noted above in all correspondence concerning this project.

If you have any questions about the environmental document review process, please call the State Clearinghouse at (916) 445-0613.

Sincerely,

Scott Morgan
Director, State Clearinghouse

Attachments
cc: Lead Agency

1400 TENTH STREET P.O. BOX 3044 SACRAMENTO, CALIFORNIA 95812-3044
TEL (916) 445-0613 FAX (916) 323-3018 www.opr.ca.gov

Document Details Report
State Clearinghouse Data Base

SCH# 2010102044
Project Title Central Valley Flood Protection Plan Program EIR
Lead Agency Water Resources, Department of

Type NOP Notice of Preparation

Description The Central Valley Flood Protection Plan (CVFPP) will describe a system wide approach 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. A reasonable range of potential implementation approaches will be identified to accomplish the primary and supporting goals of the CVFPP. The CVFPP will focus 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. The project location would also include the watersheds that are tributaries to the Central Valley, and the Sacramento-San Joaquin Delta (including Suisun Marsh).

Lead Agency Contact

Name Crystal Spurr
Agency California Department of Water Resources
Phone 916-653-0992 **Fax**
email
Address 1416 Ninth Street, Room 1148
City Sacramento **State** CA **Zip** 95814

Project Location

County
City
Region
Cross Streets
Lat / Long
Parcel No. Various
Township **Range** **Section** **Base**

Proximity to:

Highways
Airports
Railways
Waterways
Schools
Land Use

Project Issues Aesthetic/Visual; Agricultural Land; Air Quality; Archaeologic-Historic; Biological Resources; Drainage/Absorption; Flood Plain/Flooding; Geologic/Seismic; Growth Inducing; Landuse; Minerals; Noise; Population/Housing Balance; Public Services; Recreation/Parks; Soil Erosion/Compaction/Grading; Toxic/Hazardous; Traffic/Circulation; Vegetation; Water Quality; Water Supply; Wetland/Riparian; Cumulative Effects

Reviewing Agencies Resources Agency; Department of Conservation; Central Valley Flood Protection Board; Department of Parks and Recreation; Department of Fish and Game, Headquarters; Delta Protection Commission; Office of Emergency Management Agency, California; Native American Heritage Commission; Caltrans, Division of Transportation Planning; State Water Resources Control Board; State Water Resources Control Board, Division of Water Rights; Regional Water Quality Control Bd., Region 5 (Fresno); Regional Water Quality Control Bd., Region 5 (Redding); Regional Water Quality Control Bd., Region 5 (Sacramento)

Note: Blanks in data fields result from insufficient information provided by lead agency.

Document Details Report
State Clearinghouse Data Base

Date Received 10/27/2010 ***Start of Review*** 10/27/2010 ***End of Review*** 11/29/2010

Note: Blanks in data fields result from insufficient information provided by lead agency.

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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: Central Valley Flood Protection Plan Program EIR

Lead Agency: California Department of Water Resources
Contact Person: Crystal Spurr
Mailing Address: 1416 9th Street, Room 1148
Phone: 916-653-0992
City: Sacramento
Zip: 95814
County: Sacramento

Project Location: County: various
City/Nearest Community: various
Cross Streets:
Zip Code:
Longitude/Latitude (degrees, minutes and seconds): ___° ___' ___" N / ___° ___' ___" W
Total Acres:
Assessor's Parcel No.: various
Section: Twp.: Range: Base:
Within 2 Miles: State Hwy #: Waterways:
Airports: Railways: Schools:

Document Type:

CEQA: ☑ NOP ☐ Early Cons ☐ Neg Dec ☐ Mit Neg Dec
☐ Draft EIR ☐ Supplement/Subsequent EIR (Prior SCH No.) Other:
NEPA: ☐ NOI ☐ EA ☐ Draft EIS ☐ FONSI
Other: ☐ Joint Document ☐ Final Document ☐ Other:

RECEIVED
OCT 27 2010
STATE CLEARINGHOUSE

Local Action Type:

☐ General Plan Update ☐ General Plan Amendment ☐ General Plan Element ☐ Community Plan
☐ Specific Plan ☐ Master Plan ☐ Planned Unit Development ☐ Site Plan
☐ Rezone ☐ Prezone ☐ Use Permit ☐ Land Division (Subdivision, etc.)
☐ Annexation ☐ Redevelopment ☐ Coastal Permit ☐ Other:

Development Type:

☐ Residential: Units ___ Acres ___
☐ Office: Sq.ft. ___ Acres ___ Employees ___
☐ Commercial: Sq.ft. ___ Acres ___ Employees ___
☐ Industrial: Sq.ft. ___ Acres ___ Employees ___
☐ Educational:
☐ Recreational:
☐ Water Facilities: Type ___ MGD ___
☐ Transportation: Type
☐ Mining: Mineral
☐ Power: Type MW
☐ Waste Treatment: Type MGD
☐ Hazardous Waste: Type
☐ Other:

Project Issues Discussed in Document:

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

Present Land Use/Zoning/General Plan Designation:

Project Description: *(please use a separate page if necessary)*
The Central Valley Flood Protection Plan (CVFPP) will describe a systemwide approach 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. A reasonable range of potential implementation approaches will be identified to accomplish the primary and supporting goals of the CVFPP. The CVFPP will focus 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. The project location would also include the watersheds that are tributaries to the Central Valley, and the Sacramento-San Joaquin Delta (including Suisun Marsh).

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.

NOP Distribution List

County: VARIOUS SCH# 2010[illegible]

86

Resources Agency

- [x] Resources Agency
  Nadell Gayou
- [ ] Dept. of Boating & Waterways
  Mike Sotelo
- [ ] California Coastal Commission
  Elizabeth A. Fuchs
- [ ] Colorado River Board
  Gerald R. Zimmerman
- [x] Dept. of Conservation
  Rebecca Salazar
- [ ] California Energy Commission
  Eric Knight
- [ ] Cal Fire
  Allen Robertson
- [x] Central Valley Flood Protection Board
  James Herota
- [ ] Office of Historic Preservation
  Wayne Donaldson
- [x] Dept of Parks & Recreation
  Environmental Stewardship Section
- [ ] California Department of Resources, Recycling & Recovery
  Sue O'Leary
- [ ] S.F. Bay Conservation & Dev't. Comm.
  Steve McAdam
- [ ] Dept. of Water Resources
  Resources Agency
  Nadell Gayou
- [ ] _____
  Conservancy

Fish and Game

- [x] Depart. of Fish & Game
  Scott Flint
  Environmental Services Division
- [ ] Fish & Game Region 1
  Donald Koch
- [ ] Fish & Game Region 1E
  Laurie Harnsberger
- [ ] Fish & Game Region 2
  Jeff Drongesen
- [ ] Fish & Game Region 3
  Charles Armor
- [ ] Fish & Game Region 4
  Julie Vance
- [ ] Fish & Game Region 5
  Don Chadwick
  Habitat Conservation Program
- [ ] Fish & Game Region 6
  Gabrina Gatchel
  Habitat Conservation Program
- [ ] Fish & Game Region 6 I/M
  Brad Henderson
  Inyo/Mono, Habitat Conservation Program
- [ ] Dept. of Fish & Game M
  George Isaac
  Marine Region

Other Departments

- [ ] Food & Agriculture
  Steve Shaffer
  Dept. of Food and Agriculture
- [ ] Depart. of General Services
  Public School Construction
- [ ] Dept. of General Services
  Anna Garbeff
  Environmental Services Section
- [ ] Dept. of Public Health
  Bridgette Binning
  Dept. of Health/Drinking Water

Independent Commissions,Boards

- [x] Delta Protection Commission
  Linda Flack
- [x] Cal EMA (Emergency Management Agency)
  Dennis Castrillo
- [ ] Governor's Office of Planning & Research
  State Clearinghouse
- [x] Native American Heritage Comm.
  Debbie Treadway
- [ ] Public Utilities Commission
  Leo Wong
- [ ] Santa Monica Bay Restoration
  Guangyu Wang
- [ ] State Lands Commission
  Marina Brand
- [ ] Tahoe Regional Planning Agency (TRPA)
  Cherry Jacques

Business, Trans & Housing

- [ ] Caltrans - Division of Aeronautics
  Sandy Hesnard
- [x] Caltrans - Planning
  Terri Pencovic
- [ ] California Highway Patrol
  Scott Loetscher
  Office of Special Projects
- [ ] Housing & Community Development
  CEQA Coordinator
  Housing Policy Division

Dept. of Transportation

- [ ] Caltrans, District 1
  Rex Jackman
- [ ] Caltrans, District 2
  Marcelino Gonzalez
- [ ] Caltrans, District 3
  Bruce de Terra
- [ ] Caltrans, District 4
  Lisa Carboni
- [ ] Caltrans, District 5
  David Murray
- [ ] Caltrans, District 6
  Michael Navarro
- [ ] Caltrans, District 7
  Elmer Alvarez
- [ ] Caltrans, District 8
  Dan Kopulsky
- [ ] Caltrans, District 9
  Gayle Rosander
- [ ] Caltrans, District 10
  Tom Dumas
- [ ] Caltrans, District 11
  Jacob Armstrong
- [ ] Caltrans, District 12
  Chris Herre

Cal EPA

Air Resources Board

- [ ] Airport Projects
  Jim Lerner
  - [ ] Transportation Projects
    Douglas Ito
  - [ ] Industrial Projects
    Mike Tollstrup
- [x] State Water Resources Control Board
  Regional Programs Unit
  Division of Financial Assistance
- [ ] State Water Resources Control Board
  Student Intern, 401 Water Quality Certification Unit
  Division of Water Quality
- [x] State Water Resouces Control Board
  Steven Herrera
  Division of Water Rights
- [ ] Dept. of Toxic Substances Control
  CEQA Tracking Center
- [ ] Department of Pesticide Regulation
  CEQA Coordinator

Regional Water Quality Control Board (RWQCB)

- [ ] RWQCB 1
  Cathleen Hudson
  North Coast Region (1)
- [ ] RWQCB 2
  Environmental Document Coordinator
  San Francisco Bay Region (2)
- [ ] RWQCB 3
  Central Coast Region (3)
- [ ] RWQCB 4
  Teresa Rodgers
  Los Angeles Region (4)
- [x] RWQCB 5S
  Central Valley Region (5)
  - [x] RWQCB 5F
    Central Valley Region (5)
    Fresno Branch Office
  - [x] RWQCB 5R
    Central Valley Region (5)
    Redding Branch Office
- [ ] RWQCB 6
  Lahontan Region (6)
  - [ ] RWQCB 6V
    Lahontan Region (6)
    Victorville Branch Office
- [ ] RWQCB 7
  Colorado River Basin Region (7)
- [ ] RWQCB 8
  Santa Ana Region (8)
- [ ] RWQCB 9
  San Diego Region (9)

- [ ] Other _____

Last Updated on 03/24/10

The Sacramento Bee

P.O. Box 15779 • 2100 Q Street • Sacramento, CA 95852

MWH AMERICAS
3321 POWER INN RD. SUITE 300
SACTO CA 95826

DECLARATION OF PUBLICATION
(C.C.P. 2015.5)

COUNTY OF SACRAMENTO
STATE OF CALIFORNIA

I am a citizen of the United States and a resident of the County aforesaid; I am over the age of eighteen years, and not a party to or interest ed in the above entitled matter. I am the printer and principal clerk of the publisher of The Sacramento Bee, printed and published in the City of Sacramento, County of Sacramento, State of California, daily, for which said newspaper has been adjudged a newspaper of general circulation by the Superior Court of the County of Sacramento, State of California, under the date of September 26, 1994, Action No. 379071; that the notice of which the annexed is a printed copy, has been published in each issue thereof and not in any supplement thereof on the following dates, to wit:

October 29, 2010

I certify (or declare) under penalty of perjury that the foregoing is true and correct and that this declaration was executed at Sacramento, California,

on **October 29, 2010**

Cheryl Butler
(Signature)

NOTICE OF PREPARATION
PROGRAM ENVIRONMENTAL IMPACT REPORT FOR THE CENTRAL VALLEY FLOOD PROTECTION PLAN AND NOTICE OF PUBLIC SCOPING MEETINGS

SCH # 2010102044

To: Responsible and Trustee Agencies, Stakeholders, and Interested Parties

From: California Department of Water Resources

Project: The Central Valley Flood Protection Plan (CVFPP) will describe a system-wide approach 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 (SPFC), as described in California Water Code Section 9110(f) and California Public Resources Code Section 5096.805(e) and (j). The California Department of Water Resources (DWR) is identifying a reasonable range of potential implementation approaches to accomplish the primary and supporting goals of the CVFPP. Opportunities to integrate multiple benefits, such as environmental restoration or water supply, will be considered and will vary depending on the type and extent of modifications to the existing flood management system.

The CVFPP approach and a reasonable range of feasible flood management alternatives will be evaluated and discussed at a broad level in the Program Environmental Impact Report (PEIR). The PEIR will evaluate potential impacts on the physical environment associated with adoption of the CVFPP by the Central Valley Flood Protection Board (Board).

Location: The CVFPP will focus 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 (SPA). The project location would also include the watersheds that are tributaries to the Central Valley, and the Sacramento-San Joaquin Delta (including Suisun Marsh).

Purpose of the Scoping Process: In accordance with the California Environmental Quality Act (CEQA), DWR will prepare a PEIR for the CVFPP. Pursuant to a Lead Agency Agreement, DWR is the lead agency, as defined in CEQA and the CEQA Guidelines; the Board is a responsible agency.

A Notice of Preparation (NOP) begins the PEIR scoping process. The purpose of the NOP is to obtain agency and public comments as to the scope and content of the environmental information and analysis, including significant environmental issues, reasonable alternatives, and mitigation measures that should be included in the Draft PEIR. The NOP will be circulated for a 30-day public review period, as mandated under CEQA, beginning on October 27, 2010, and ending on November 26, 2010. **Written comments on the NOP must be received by DWR no later than 5 p.m. on November 26, 2010.** Agencies that will use the PEIR when considering permits, authorizations, or other approvals for the proposed project should provide the name of a contact person. All comments should include the name and address of the sender and state "CVFPP PEIR NOP Scoping Comments" in the subject line. Please send all comments on the NOP to:

Crystal Spurr, Staff Environmental Scientist
California Department of Water Resources
1416 9th Street, Room 1148
Sacramento, CA 95814
Telephone: (916) 653-0992
Fax: (916) 653-9745
E-mail: cspurr@water.ca.gov
If you have any questions or would like a copy of the NOP, please contact the person listed above.

Scoping Meetings: Pursuant to Section 15083, Title 14, California Code of Regulations, DWR will conduct three scoping meetings, to be held at the following locations:

- November 15, 2010, from 6 – 8 p.m., Chico Masonic Family Center, 1110 West East Avenue, Chico, CA
- November 16, 2010, from 3 – 5 p.m., Sacramento Regional County Sanitation District Office Building, 10060 Goethe Road, Sacramento, CA
- November 18, 2010, from 6 – 8 p.m., at Stanislaus County Agricultural Center, 3800 Cornucopia Way, Harvest Hall D and E, Modesto, CA

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DECLARATION OF PUBLICATION
(C.C.P. S2015.5)

COUNTY OF STANISLAUS
STATE OF CALIFORNIA

I am a citizen of the United States and a resident of the County aforesaid; I am over the age of eighteen years, and not a party to or interested in the above entitled matter. I am a printer and principal clerk of the publisher of
THE MODESTO BEE,
which has been adjudged a newspaper of general circulation by the Superior Court of the County of **STANISLAUS,** State of California, under the date of **February 25, 1951, Action No. 46453.** The notice of which the annexed is a printed copy has been published in each issue thereof on the following dates, to wit:

OCTOBER 29, 2010

I certify (or declare) under penalty of perjury that the foregoing is true and correct and that this declaration was executed at
MODESTO, California on

OCTOBER 29, 2010

(Signature)

NOTICE OF PREPARATION PROGRAM ENVIRONMENTAL IMPACT REPORT FOR THECENTRAL VALLEY FLOOD PROTECTION PLANAND NOTICE OF PUBLIC SCOPING MEETINGS

SCH # 2010102044

To: Responsible and Trustee Agencies, Stakeholders, and Interested Parties

From: California Department of Water Resources

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Please send all comments on the NOP to:
Crystal Spurr, Staff Environmental Scientist
California Department of Water Resources
1416 9th Street, Room 1148
Sacramento, CA 95814
Telephone: (916) 653-0992
Fax: (916) 653-9745
E-mail: cspurr@water.ca.gov

If you have any questions or would like a copy of the NOP, please contact the person listed above.

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- November16, 2010, from 3 – 5 p.m., Sacramento Regional County Sanitation District Office Building, 10060 Goethe Road, Sacramento, CA
- November 18, 2010, from 6 – 8 p.m., at Stanislaus County Agricultural Center, 3800 Cornucopia Way, Harvest Hall D and E, Modesto, CA

Pub Date: Oct. 29, 2010
MOD-1897

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Chico Enterprise-Record

400 E. Park Ave.
Chico, Ca 95928
530-896-7702
erlegal@chicoer.com

MWH AMERICAS INC
3321 Power Inn Road
Sacramento CA 95826-0000

IN THE SUPERIOR COURT OF THE STATE OF CALIFORNIA, IN AND FOR THE COUNTY OF BUTTE

In The Matter Of
NOTICE OF PREPARATION.

AFFIDAVIT OF PUBLICATION

STATE OF CALIFORNIA }
COUNTY OF BUTTE } **SS.**

The undersigned resident of the county of Butte, State of California, says:

That I am, and at all times herein mentioned was a citizen of the United States and not a party to nor interested in the above entitled matter; that I am the principal clerk of the printer and publisher of

The Chico Enterprise-Record
The Oroville Mercury-Register

That said newspaper is one of general circulation as defined by Section 6000 Government Code of the State of California, Case No. 26796 by the Superior Court of the State of California, in and for the County of Butte; that said newspaper at all times herein mentioned was printed and published daily in the City of Chico and County of Butte; that the notice of which the annexed is a true printed copy, was published in said newspaper on the following days:

11/3/2010

Dated November 03, 2010
at Chico, California

Donna Tyrell
(Signature)

Legal No. **0003734394**

NOTICE OF PREPARATION
PROGRAM ENVIRONMENTAL IMPACT REPORT FOR THE CENTRAL VALLEY FLOOD PROTECTION PLAN AND NOTICE OF PUBLIC SCOPING MEETINGS
SCH # 2010102044

To: Responsible and Trustee Agencies, Stakeholders, and Interested Parties

From: California Department of Water Resources

Project: The Central Valley Flood Protection Plan (CVFPP) will describe a systemwide approach 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 (SPFC), as described in California Water Code Section 9110(f) and California Public Resources Code Section 5096.805(e) and (j). The California Department of Water Resources (DWR) is identifying a reasonable range of potential implementation approaches to accomplish the primary and supporting goals of the CVFPP. Opportunities to integrate multiple benefits, such as environmental restoration or water supply, will be considered and will vary depending on the type and extent of modifications to the existing flood management system.
The CVFPP approach and a reasonable range of feasible flood management alternatives will be evaluated and discussed at a broad level in the Program Environmental Impact Report (PEIR). The PEIR will evaluate potential impacts on the physical environment associated with adoption of the CVFPP by the Central Valley Flood Protection Board (Board).
Location: The CVFPP will focus 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 (SPA). The project location would also include the watersheds that are tributaries to the Central Valley, and the Sacramento-San Joaquin Delta (including Suisun Marsh).
Purpose of the Scoping Process: In accordance with the California Environmental Quality Act (CEQA), DWR will prepare a PEIR for the CVFPP. Pursuant to a Lead Agency Agreement, DWR is the lead agency, as defined in CEQA and the CEQA Guidelines; the Board is a responsible agency.
A Notice of Preparation (NOP) begins the PEIR scoping process. The purpose of the NOP is to obtain agency and public comments as to the scope and content of the environmental information and analysis, including significant environmental issues, reasonable alternatives, and mitigation measures that should be included in the Draft PEIR. The NOP will be circulated for a 30-day public review period, as mandated under CEQA, beginning on October 27, 2010, and ending on November 26, 2010. **Written comments on the NOP must be received by DWR no later than 5 p.m. on November 26, 2010.** Agencies that will use the PEIR when considering permits, authorizations, or other approvals for the proposed project should provide the name of a contact person. All comments should include the name and address of the sender and state "CVFPP PEIR NOP Scoping Comments" in the subject line. Please send all comments on the NOP to:

Crystal Spurr, Staff Environmental Scientist
California Department of Water Resources
1416 9th Street, Room 1148
Sacramento, CA 95814

Telephone: (916) 653-0992
Fax: (916) 653-9745
E-mail: cspurr@water.ca.gov

If you have any questions or would like a copy of the NOP, please contact the person listed above.

Scoping Meetings: Pursuant to Section 15083, Title 14, California Code of Regulations, DWR will conduct three scoping meetings, to be held at the following locations:

- November 15, 2010, from 6 - 8 p.m., Chico Masonic Family Center, 1110 West East Avenue, Chico, CA
- November 16, 2010, from 3 - 5 p.m., Sacramento Regional County Sanitation District Office Building, 10060 Goethe Road, Sacramento, CA
- November 18, 2010, from 6 - 8 p.m., at Stanislaus County Agricultural Center, 3800 Cornucopia Way, Harvest Hall D and E, Modesto, CA

Publish: 11/01/2010

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Attachment B – Scoping Meeting Materials

February 2011

STATE OF CALIFORNIA
NATURAL RESOURCES AGENCY
DEPARTMENT OF WATER RESOURCES

CENTRAL VALLEY
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Central Valley Flood Protection Plan
Program Environmental Impact Report
Public Scoping Meeting Agenda - Chico

November 15, 2010 Chico, CA
November 16, Sacramento, CA
November 18 2010, Modesto, CA

6:00 – 6:15 p.m.: Arrival

6:15 – 6:45 p.m.: Overview Presentation from CVFPP Staff
CVFPP Staff will provide a description of the CVFPP and the associated CEQA process.

6:45 – 8:00 p.m.: Open House Stations & Public Comment
Visit the Open House Stations and talk with CVFPP staff who can answer questions about the CVFPP and CVFPP PEIR. If you wish to make an oral comment, please see the stenographer at Station 5.

- Station 1 – Welcome & Sign-in
- Station 2 – Planning Process
- Station 3 – CEQA Process
- Station 4 – Potential Environmental Impacts
- Station 5 – Oral & Written Comments

Submitting Written Comments: Written comments on the scope and content of the Program EIR will be received until the end of the comment period at 5 p.m. on November 26, 2010 via the following methods:

- Mail a Comment Card to the to the address printed on the card
- Mail, fax, or email written comments to:

Crystal Spurr, Staff Environmental Scientist
California Department of Water Resources
1416 9th Street, Room 1148
Sacramento, CA 95814
Email to: cspurr@water.ca.gov
Fax to: (916) 653-9745

Thank you for taking the time to participate.

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Central Valley Flood Protection Plan
Program Environmental Impact Report
Public Scoping Meeting Agenda - Sacramento

November 15, 2010 Chico, CA
November 16, Sacramento, CA
November 18, 2010 Modesto, CA

3:00 – 3:15 p.m.: Arrival

3:15 – 3:45 p.m.: Overview Presentation from CVFPP Staff
CVFPP Staff will provide a description of the CVFPP and the associated CEQA process.

3:45 – 5:00 p.m.: Open House Stations & Public Comment
Visit the Open House Stations and talk with CVFPP staff who can answer questions about the CVFPP and CVFPP PEIR. If you wish to make an oral comment, please see the stenographer at Station 5.

- Station 1 – Welcome & Sign-in
- Station 2 – Planning Process
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California Department of Water Resources
1416 9th Street, Room 1148
Sacramento, CA 95814
Email to: cspurr@water.ca.gov
Fax to: (916) 653-9745

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Central Valley Flood Protection Plan
Program Environmental Impact Report
Public Scoping Meeting Agenda - Modesto

November 15, 2010 Chico, CA
November 16, Sacramento, CA
November 18, 2010 Modesto, CA

6:00 – 6:15 p.m.: Arrival

6:15 – 6:45 p.m.: Overview Presentation from CVFPP Staff
CVFPP Staff will provide a description of the CVFPP and the associated CEQA process.

6:45 – 8:00 p.m.: Open House Stations & Public Comment
Visit the Open House Stations and talk with CVFPP staff who can answer questions about the CVFPP and CVFPP PEIR. If you wish to make an oral comment, please see the stenographer at Station 5.

- Station 1 – Welcome & Sign-in
- Station 2 – Planning Process
- Station 3 – CEQA Process
- Station 4 – Potential Environmental Impacts
- Station 5 – Oral & Written Comments

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- Mail, fax, or email written comments to:

Crystal Spurr, Staff Environmental Scientist
California Department of Water Resources
1416 9th Street, Room 1148
Sacramento, CA 95814
Email to: cspurr@water.ca.gov
Fax to: (916) 653-9745

Thank you for taking the time to participate.

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Attn: Ms. Crystal Spurr
California Department of Water Resources
1416 9th Street Room 1148
Sacramento, CA 95814

http://www.water.ca.gov

Central Valley Flood Protection Plan
Program Environmental Impact Report

Public Scoping Comments

Public Scoping Comments can be submitted at the scoping meetings, mailed to the Department of Water Resources (mailing address is included on this card), faxed to (916) 653-0992, or emailed to cspurr@ca.water.gov by close of business on November 26, 2010. Thank you.

Name: _____

Organization and Address: _____

_____

_____

_____

Phone: _____ Email: _____

Comments: _____

_____

_____

_____

_____

_____

Continue writing on back if more space is needed >>

Welcome to Station 1

Central Valley Flood Protection Plan Program Environmental Impact Report Scoping Meetings

November 2010

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Welcome to Station 2

Central Valley Flood Protection Plan Planning Process

November 2010

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Central Valley Flood Protection Plan

The CVFPP will describe a systemwide approach for implementing possible future flood management improvements in the Central Valley with a focus on lands currently protected by the SPFC. DWR is identifying a reasonable range of potential implementation approaches to accomplish the primary and supporting goals 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.

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2012 CVFPP Planning Process

Iterative Planning Steps

Phase 1

- Define Existing & Future Conditions
- Identify Problems & Opportunities
- Develop Goals, Principles & Initial Objectives

Interim Progress Summary No. 1

Phase 2

- Compiled Management Actions
- Developed Evaluation Methods & Screening
- Released Notice of Preparation for PEIR

Interim Progress Summary No. 2

Phase 3

- Formulate Regional Solutions
- Refine Regional Solution Sets
- Technical Analysis in Support of PEIR

Interim Progress Summary No. 3

Phase 4

- Formulate Systemwide Solution Sets
- Compare & Evaluate
- Assess Level of Agreement
- Recommend Next Steps
- Prepare PEIR

Draft 2012 CVFPP

2012 CVFPP

KEY

CVFPP = Central Valley Flood Protection Program
PEIR = Program Environmental Impact Report

CENTRAL VALLEY FLOOD MANAGEMENT PLANNING PROGRAM

FloodSAFE CALIFORNIA

November 2010

http://www.water.ca.gov

Welcome to Station 3

Central Valley Flood Protection Plan
CEQA Process

November 2010

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Overall CEQA Process

Notice of Preparation

Public/Agency Scoping

Draft PEIR

Notice of Completion/Notice of Availability

State Clearinghouse/Public Review

Response to Comments/Final PEIR

Commenting Public/Agency Review

Certification

Project Decision-Findings, Overriding Considerations, Mitigation Monitoring

Notice of Determination

CENTRAL VALLEY
FLOOD MANAGEMENT
PLANNING PROGRAM

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Welcome to Station 4

Central Valley Flood Protection Plan
Program Environmental Impact Report
Potential Environmental Impacts

November 2010

CENTRAL VALLEY
FLOOD MANAGEMENT
PLANNING PROGRAM

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Key Issues to be Addressed in PEIR

Biological Resources – Aquatic

Biological Resources – Terrestrial

Flooding Conditions & Flood Management System

Hydrology & Water Quality

Agricultural Resources

Land Use & Planning

Recreation

Other Resource Areas:

- Aesthetics
- Air Quality
- Climate Change/Greenhouse Gases
- Cultural & Historic Resources
- Energy
- Geology, Soils, & Seismicity (Including Mineral & Paleontological Resources)
- Groundwater Resources
- Hazards & Hazardous Materials
- Noise
- Population, Employment, & Housing
- Public Services
- Transportation & Traffic
- Utilities and Service Systems

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Welcome to Station 5

Central Valley Flood Protection Plan Program Environmental Impact Report Public Scoping Comments

November 2010

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FLOOD MANAGEMENT
PLANNING PROGRAM

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How to Submit Comments

All Comments due November 26, 2010

Tonight:

- Fill out a comment form at this station and return to the comment box
- Provide oral comments to the stenographer

By November 26, 2010:

- You may either mail the comment card to the address on the card; or mail, email, or fax a letter to the contact information below. Please include your name, address, and phone number

Crystal Spurr, Staff Environmental Scientist

California Department of Water Resources

1416 9th Street Room 1148

Sacramento, CA 95814

Telephone: (916) 653-0992

Fax: (916) 653-0992

Email: cspurr@water.ca.gov

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WELCOME!

Central Valley Flood Protection Plan

Program Environmental Impact Report

Scoping Meeting

November 2010

Presenters

Jeremy Arrich – Department of Water Resources

- Chief of the Central Valley Flood Planning Office

Crystal Spurr – Department of Water Resources

- Staff Environmental Scientist
- Floodway Ecosystem Sustainability Branch
- FloodSAFE Environmental Stewardship and Statewide Resources Office

Central Valley Flood Protection Plan Program EIR Scoping Meeting

- Presentation on the CVFPP and CEQA process
- Open House with the following stations
  - Station 1 – Welcome & Sign-in
  - Station 2 – Planning Process
  - Station 3 – CEQA Process
  - Station 4 – Potential Environmental Impacts
  - Station 5 – Oral & Written Comments

Meeting Objectives

- Share information about the Central Valley Flood Protection Plan (CVFPP) and the associated California Environmental Quality Act (CEQA) process

- Seek public/agency input on the content and scope of the proposed Program Environmental Impact Report (Program EIR)

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FLOOD MANAGEMENT
PLANNING PROGRAM

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Overview of 2012 CVFPP

2012 Central Valley Flood Protection Plan

- Department of Water Resources (DWR) is required to develop the CVFPP
  - California Water Code Sections 9600 through 9603
- Senate Bill 5 (2007) states that the CVFPP is due on January 1, 2012 with adoption by the Central Valley Flood Protection Board by July 1, 2012
- CVFPP will be updated every 5 years (in years ending in 7 and 2)

Purpose of the 2012 CVFPP

- Create a broadly supported plan for improving integrated flood management in the Central Valley
- Promote understanding related to integrated flood management from state, federal, local, regional, tribal and other perspectives
- Develop new data and information that can be shared for many purposes

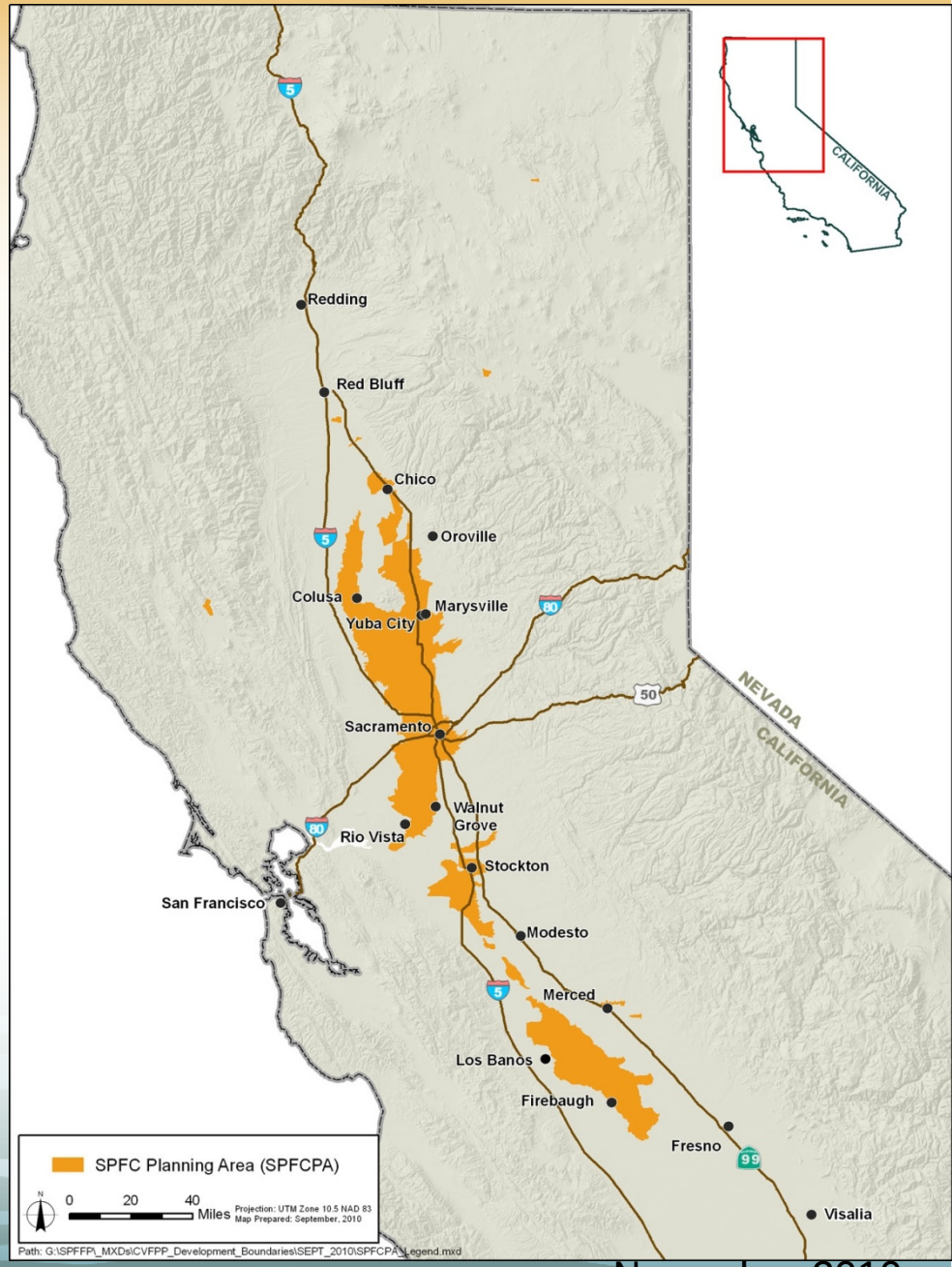
2012 CVFPP Goals

- **Primary Goal**
  - **Improve flood risk management**

- Supporting Goals
  - Improve operations & maintenance
  - Promote ecosystem functions
  - Improve institutional support
  - Promote multi-benefit projects

CVFPP Geographic Scope

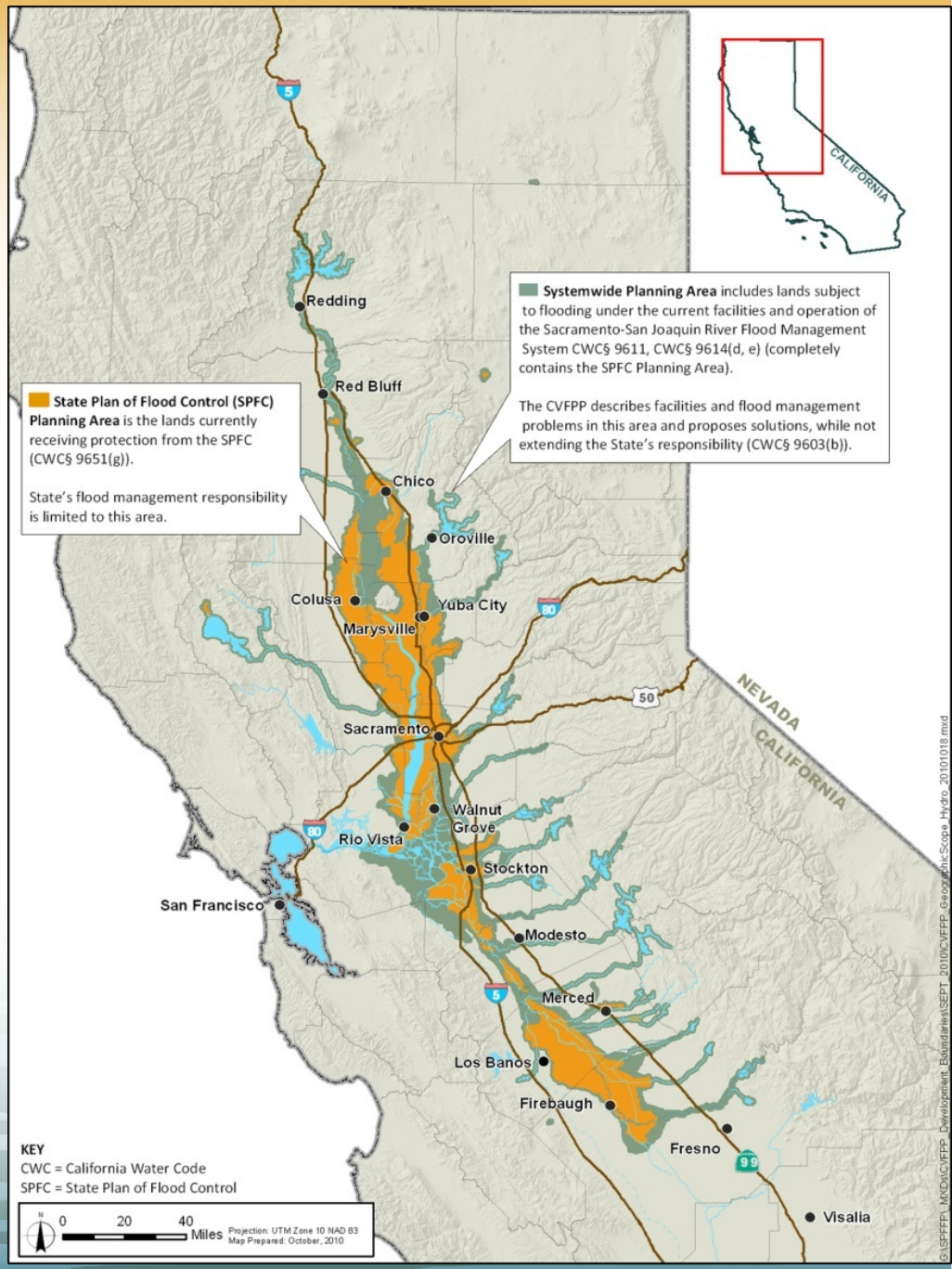
- State Plan of Flood Control Planning Area (SPFCPA): Includes lands currently receiving protection from the State Plan of Flood Control (SPFC)



CVFPP Geographic Scope

- State Plan of Flood Control Planning Area (SPFCPA): Includes lands currently receiving protection from the SPFC

- System-wide Planning Area (SPA): Lands that are subject to flooding associated with the current facilities and operation of the Sacramento-San Joaquin River Flood Management System (includes SPFC & other dams, levees, facilities)



CENTRAL VALLEY FLOOD MANAGEMENT PLANNING PROGRAM

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2012 CVFPP Content

- A vision for sustainable, integrated flood management in the Sacramento-San Joaquin Valley that reflects a systemwide approach
- An implementation element to support long-term flood management improvements
- Recommendations for near-term policy actions, institutional changes, and future studies

Vision for Flood Management

- Describes the varied perspectives heard through the Communication and Engagement Process
- Compares a range of potential approaches for improving flood management
- Provides the foundation for risk-informed State decision making

Implementation Element

- Process for updating the CVFPP every 5 years
- Description of State, federal, and local agency:
  - Roles and responsibilities
  - State cost-sharing approach
  - Sustainable financing strategy
- Guidance for cities and counties for planning and implementation

2012 CVFPP Recommendations

- Policy and institutional changes necessary for long-term implementation of the plan
- Detailed studies needed to identify specific projects that can provide systemwide benefits
- Guidance for post-plan repairs and improvements, while systemwide studies continue

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FLOOD MANAGEMENT
PLANNING PROGRAM

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CEQA Process for CVFPP

Central Valley Flood Protection Plan
Program EIR
CEQA Process Overview

- Program EIR will be prepared in accordance with the California Environmental Quality Act (CEQA) and CEQA Guidelines

- Lead Agency Agreement
  - Department of Water Resources (DWR) is the Lead Agency
  - Central Valley Flood Protection Board is a Responsible Agency

Central Valley Flood Protection Plan Program EIR Notice of Preparation

- Notice of Preparation (NOP) 30-day comment period: October 27, 2010 to November 26, 2010
- Comments on scope and content of the Program EIR due by 5 pm on November 26, 2010
- Copies of NOP at Station 1
- To be on our mailing list, please provide your name and address on sign-in sheets at Station 1

Project Location and Preliminary Program EIR Study Area

- Systemwide Planning Area
- Watersheds
- Sacramento-San Joaquin Delta and Suisun-Marsh

Central Valley Flood Protection Plan Program EIR Analysis

- Analysis at a program-level of the direct, indirect, and cumulative environmental effects of approving the CVFPP
- Evaluation and discussion at a broad level of a reasonable range of feasible flood management alternatives
- Identification of broad, feasible approaches and mitigation measures to reduce potentially significant environmental impacts

Central Valley Flood Protection Plan Draft and Final Program EIR Process

- **Draft Program EIR** will be released for a 45-day public review period
- Notice of Availability (NOA) of the Draft Program EIR will be distributed through our mailing list and noticed in three newspapers
- Public meetings will be held to receive comments on the Draft Program EIR (the NOA will include meeting dates, times, and locations)

Central Valley Flood Protection Plan Draft and Final Program EIR Process

- **Final Program EIR** will respond to comments made on the Draft Program EIR
- Notice of Availability of the Final Program EIR will be distributed through our mailing list
- DWR will certify the Program EIR in coordination with the Board adoption of the CVFPP

Central Valley Flood Protection Plan Program EIR Scoping Meeting

- Remainder of scoping meeting will be an open house
  - Station 1 – Welcome & Sign-in
  - Station 2 – Planning Process
  - Station 3 – CEQA Process
  - Station 4 – Potential Environmental Impacts
  - Station 5 – Oral & Written Comments

Submitting Comments After This Meeting

- Written comments on the scope and content of the Program EIR will be received until **end of comment period at 5 p.m. on November 26, 2010**

- **Please send written comments to:**

Crystal Spurr, Staff Environmental Scientist
California Department of Water Resources
1416 9th Street, Room 1148
Sacramento, CA 95814

Or email to: cspurr@water.ca.gov

Or fax to: (916) 653-9745

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CENTRAL VALLEY FLOOD PROTECTION PLAN

PROGRAM ENVIRONMENTAL IMPACT REPORT

PUBLIC SCOPING MEETING

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TUESDAY, NOVEMBER 16, 2010

SACRAMENTO AREA SEWER DISTRICT BUILDING

10060 GOETHE ROAD

SACRAMENTO, CALIFORNIA

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Reported by: Jamie Lynne Guiles, CSR No. 8086

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TUESDAY, NOVEMBER 16, 2010

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MR. ARRICH: Okay. I guess we're going to go ahead and get started. Can everybody hear me okay? Okay. Great.

Welcome to our Central Valley Flood Protection Plan Program Environmental Impact Report scoping meeting. We held one meeting last night in Chico, and today is our second of three meetings. I appreciate everybody being here.

I want to acknowledge the planning team for the set-up, all the displays, and getting the facility arranged. A couple of things. There's refreshments in the back corner. There's restrooms out the door to the right and then a little bit to the left. We're going to keep this fairly informal. And I'm going to give a brief presentation.

My name is Jeremy Arrich. I'm the chief of the Central Valley Flood Planning Office for the Department of Water Resources. And my responsibility is to work with many other people to develop the Central Valley Flood Protection Plan. I'll give a brief presentation, and Crystal Spurr will follow me. And she's with our FloodSAFE Environmental Stewardship and Statewide Resources Office.

So as I mentioned, we have two brief presentations. One on the Central Valley Flood Protection Plan, and the other on the CEQA process. It's an open house after we do the formal presentation. So we have five different stations in the back. Station one is where you can sign in if you didn't sign in. We have a station on the planning process, CEQA process, potential environmental impacts, and we also have a stenographer, Jamie, over here to my right, who is going to take down your oral comments. She's also recording this presentation and any questions you may ask. But if you have formal statements you would like to make or formal questions, you can sit with her during the open house format and she'll record those comments as well. I would say that's the most effective way to get your comments on the record is to go see Jamie.

So what we hope to get out of today's meeting, we'd like to share basic information about the Central Valley Flood Protection Plan and the associated documentation process. And we want to seek your input, public and agency input, on both the content and scope of the proposed Program Environmental Impact Report.

So to start with, a brief overview of the Central Valley Flood Protection Plan. As a result of 2007 flood legislation and other bills, the Department of Water

1 Resources is required to develop the Central Valley Flood
2 Protection Plan. And there are sections of the water --
3 sections that were added to the Water Code as a result of
4 the legislation.
5 Senate Bill 5 in 2007 requires the state to
6 develop the Central Valley Flood Protection Plan by
7 January 1st, 2012. And the Board is required to adopt the
8 plan by July 1st of 2012. That's a very ambitious
9 deadline for us to do what we'd like to do in the time
10 frame that we have.
11 We've heard concerns throughout the process of
12 the schedule and the difficulties in meeting it. There's
13 a growing recognition within the department that we may
14 not be able to meet the schedule and develop the type of
15 contents that we'd like to by 2012, January 1st. So we
16 are currently re-evaluating our schedule. And that's
17 about all the information I have. But I wanted to let you
18 know that the legislative deadline is January 1st. But we
19 are re-evaluating the schedule at this time. And the plan
20 is to update every five years. Currently it's years
21 ending in 2 and 7.
22 So as you know, there's been a lot of attention
23 on flood risk. And the Central Valley recognizes a need
24 -- a recognition for need of improvement of our flood
25 protection system. So one of the purposes of the Central

Valley Flood Protection Plan is to improve flood risk management in the valley. This is a system-wide plan. We're going to be looking at the system as a whole, both structural and non-structural.

Also, as you can imagine, there are different levels of understanding and perspectives of the flood management system and/or problems and opportunities. So we want to promote a common understanding of our flood management system from various perspectives. State, local, federal, tribal, and other perspectives. We want to get on the same page understanding the problems, risks and opportunities for improving the system.

In addition to our FloodSAFE program, we're collecting a lot of data. Some of you may be aware of the geotechnical work happening on the levies. Data is being collected on the channels and whatnot. So along with these new data and information, we want to share this with local agencies as they move forward with their flood management improvement over time.

So we've developed several goals. We have primary goals and secondary goals. Our primary goal is to improve flood management in the Central Valley. We're really focusing on public safety, reducing the chance of flooding, and reducing the damage of flooding if it does occur. Improving our flood preparedness and emergency

1 response capabilities. The primary goal is improving
2 flood risk management.
3 There are four supporting goals. One is improve
4 operations and maintenance, promote the ecosystem, improve
5 institutional support, and promote multi-benefit projects.
6 So in order to kind of narrow the focus of our
7 efforts, we've developed two -- what we call two planning
8 areas in our geographic scope. The first is what you see
9 here in the orange, the state flood planning area. This
10 includes lands that are currently receiving protection
11 from the state flood control facilities. Those are
12 facilities that the state gave assurance to the government
13 that we would operate and maintain in perpetuity. So the
14 state flood management is primarily limited to this area
15 in orange in terms of the land that is protected by a
16 specific facility.
17 The second planning area is the system-wide
18 planning area. The flood management system is very
19 expensive and includes upstream reservoirs that impact the
20 state flood control facilities. So we've broadened the
21 scope to the system-wide area to capture the impacts of
22 upstream reservoirs and other facilities that may not be
23 part of the state financed system but will be a part of
24 its operation.
25 Give you kind of a brief overview of what's going

1 to be in the CVFPP in 2012. And I'll go through a little
2 more detail after this slide.
3 It's going to be a vision for sustainable,
4 integrated flood management that uses a system-wide
5 approach. It will have an implementation element to
6 support long-term flood management improvement. Some type
7 of implementation framework, if you will. And it will
8 include recommendations for near-term policy action,
9 institutional changes and future studies.
10 The vision will basically describe the
11 perspectives heard through the communication and
12 engagement process. We've had an extensive communication
13 process with our stakeholders. We're going to capture
14 those perspectives as well as the perspectives of the
15 state from all the data we've been collecting and
16 information we've been developing through the FloodSAFE
17 plan.
18 The vision will compare a range of potential
19 approaches for improving flood management. We're going to
20 look at some broad approaches how we can improve the flood
21 management system. That will help us articulate the
22 vision more clearly, and the vision will provide the
23 foundation for informed state decision-making. There will
24 be updates every five years. So we want to make sure
25 we're making informed decisions to invest wisely in our

1 flood provision.

2 The second element of the 2012 plan is the

3 implementation element. It will describe the process of

4 updating the plan every five years. It will describe the

5 state, federal and local agency roles and responsibilities

6 regarding flood management, state cost-sharing approach,

7 and sustainable -- long-term sustainable financing

8 strategy. So the legislation requires us to develop a

9 long-term sustainable financing plan. And we think in

10 2012 we can make headway toward developing that strategy

11 towards that end and to help further compliance of that as

12 we go into 2012.

13 And lastly, it will provide guidance for cities

14 and counties for planning and implementation. Because

15 there's triggers that one flood protection plan is adopted

16 by the Board. There are other triggers, land use

17 implications that affect the local agencies. And we'll

18 try to do the best we can to help articulate and show how

19 they can best utilize the plan and develop improvements.

20 And finally, the recommendation portion of this

21 Central Valley Flood Protection Plan. We will recommend

22 policy and institutional changes necessary for long-term

23 implementation of the plan, and detailed studies needed to

24 identify specific projects that can provide system-wide

25 benefits. And our plan will provide guidance for

post-plan repairs and improvements while system-wide studies continue. So we're looking to learn a lot through the process and figure out what are the best steps to move forward so we can make progress in the short-term with feasibility-type studies, and what type of guidance does the state want long-term for flood plan management improvement.

Does anybody have any questions for me? That's the end of my presentation here before I turn it over to Crystal. Okay. Thank you.

MS. SPURR: Good afternoon. My name is Crystal Spurr. I'm a staff environmental scientist with the Department of Water Resources. And I'm the person on staff that's primarily responsible for overseeing the preparation of the Program Environmental Impact Report that will support the Central Valley Flood Protection Plan. DWR has hired consultants to assist in preparing the Program EIR.

The Program EIR will be prepared in accordance with CEQA and CEQA guidelines. DWR has a lead agency agreement with the Central Valley Flood Protection Board that designates DWR as a lead agency for CEQA and the Board as a responsible agency.

As the lead agency, DWR will be responsible for the preparation, review and certification the Program EIR

and making sure it's in compliance with the CEQA requirements. As a responsible agency, the Board will review the Program EIR and may submit comments to the DWR through the preparation process. The Board will also independently consider the Program EIR and reach its own conclusion on whether and how to rely on the Program EIR prior to the Board's adoption of the Central Valley Flood Protection Plan.

In starting the process, we prepared a notice of preparation and sent it out on October 27th for a 30-day comment review period that ends on November 26th, 2010. This NOP begins the scoping process to solicit comments on the scope and content of the Program EIR. As Jeremy pointed out, we're holding three scoping meetings. One last night in Chico, and today, and the third will be in Modesto on Thursday evening at 8:00 p.m.

Copies of the notice of preparation, if you don't have one, can be found at station one, which is at the entrance of the room. And if you'd like to be on our mailing list to receive future notices of the Program EIR, please sign in at station one as well.

This graphic shows the preliminary Program EIR study area. It is larger than the system-wide planning area, but it will include a system-wide planning area. And the reason we are studying a larger area is because

1 potential management actions that may be considered within
2 the system-wide planning area could have effects that
3 extend beyond that area, including altered downstream
4 flows or water quality conditions within the Central
5 Valley's waterways and floodplains, consequences of borrow
6 activities at sites outside of the system-wide planning
7 area, and habitat loss or population effects on animal
8 species that move over large areas.
9 The three areas we will be studying include the
10 San Joaquin area and Foothills. This area includes the
11 Sacramento-San Joaquin Valley into the surrounding
12 foothills along several major waterways. Because the
13 system-wide planning area is included within this area,
14 most of the potential management actions would occur in
15 this area.
16 The second area that we'll be studying is the
17 Delta-Suisun Marsh. This area includes the Delta and
18 portions of Suisun Marsh that may experience effects to
19 water flows or quality as a result of potential upstream
20 management actions. The boundary at Suisun Marsh is at
21 the western end of Montezuma Slough.
22 The third area that we'll be studying is the
23 Sacramento-San Joaquin watersheds. The Sacramento-San
24 Joaquin Valley watersheds are those portions of the
25 watersheds upstream of the system-wide planning area that

may experience effects as a result of potential management actions in those watersheds.

We will be having an analysis of the Program EIR at a program level. There will be no project level analysis. Within this Program EIR, we will consider the broad environmental effects, direct, indirect, and cumulative of the Central Valley Flood Protection Plan. Direct effects are typically effects that are the result of a project or action that occur at the same time and in the same place as the project or action. Indirect effects are considered to be secondary effects and are later in time and farther removed in distance but are reasonably foreseeable. Cumulative effects are two or more individual effects that when considered together are determined to be considerable or significant.

We will also evaluate at a broad level of a reasonable range of feasible flood management alternatives. And that is a requirement of CEQA. The Program EIR will identify broad, feasible approaches and mitigation measures to reduce potentially significant environmental impacts.

We will consider all of the comments that are made during this scoping process when we prepare the Program EIR. The draft Program EIR will be prepared and then released for a 45-day public review period. A notice

of availability of the draft Program EIR will be distributed through our mailing list and then noticed in three newspapers. We will also hold public meetings to receive comments on the draft Program EIR. And those meetings, the dates, times and locations will be in a notice of availability.

Once the draft EIR has been released for public review and the 45-day public review period is over and we have all the comments, we will then respond to the comments made on the draft Program EIR. We'll also include in the final EIR any changes to the draft. A notice of availability and final Program EIR will be distributed through our mailing list. DWR will then make a decision -- once the final Program EIR has been released and the notice has been issued, DWR will then make a decision on the certification of the Program EIR in coordination with the Central Valley Flood Protection Plan Board for their adoption of the plan. The Board will then, as I said before, use the Program EIR in their decision process for approving the Central Valley Flood Protection Plan.

And as Jeremy pointed out, the remainder of the scoping meeting will be open house. And if you would like to have your comments on the record, we'd like you to go to the court reporter and do those officially. If you'd

like one of the DWR staff to be with you to make those comments, we'll be glad to do that. Or there are cards on the table at station five if you'd like to make written comments. If you've brought written comments with you, you can submit them now. Or if you'd like to submit written comments on a later date, you can do that until 5:00 p.m. on November 26th. This is where you can send them to. So we're going to adjourn to the open house, unless anyone has any questions. Okay. We'll be available for questions at the five stations. We also have a Spanish interpreter if it's needed.

(The proceedings concluded at 3:30 p.m.)

--o0o--

1 REPORTER'S CERTIFICATE

2

3 STATE OF CALIFORNIA)

4) ss.

5 COUNTY OF SACRAMENTO)

6

7 I, JAMIE LYNNE GUILES, a Certified Shorthand

8 Reporter, licensed by the state of California and

9 empowered to administer oaths and affirmations pursuant to

10 Section 2093 (b) of the Code of Civil Procedure, do hereby

11 certify:

12 That the said proceedings were recorded

13 stenographically by me and were thereafter transcribed

14 under my direction via computer-assisted transcription.

15 That the foregoing transcript is a true record of

16 the proceedings which then and there took place.

17 That I am a disinterested person to said action.

18 IN WITNESS WHEREOF, I have subscribed my name on

19 November 30th, 2010.

20

21 Jamie Lynne Guiles
Certified Shorthand Reporter No. 8086

22

23

24

25

This page left blank intentionally.

CENTRAL VALLEY
FLOOD MANAGEMENT
PLANNING PROGRAM

FloodSAFE
CALIFORNIA

Attachment C – Comments

February 2011

Spurr, Crystal

From: Ariel Ambruster [aambrust@yahoo.com]
Sent: Friday, October 29, 2010 10:19 AM
To: Spurr, Crystal
Cc: 'Roger Putty'
Subject: FW: CVFPP NOP For Review

Follow Up Flag: Follow up
Flag Status: Completed

From: Edell, Stuart [mailto:SEdell@buttecounty.net]
Sent: Thursday, October 28, 2010 7:50 AM
To: Ariel Ambruster
Cc: Scott Rice; Roger Putty; Swanson, Keith
Subject: RE: CVFPP NOP For Review

The last paragraph on page 1 of the notice should also reference AB162 (Wolk)

Stuart Edell, P.E.
Deputy Director
Butte County Public Works
7 County Center Drive
Oroville, CA 95965
Tel 530.538.7266
Fax 530.538.7171
email sedell@buttecounty.net

COUNTY OF BUTTE E-MAIL DISCLAIMER: This e-mail and any attachment thereto may contain private, confidential, and privileged material for the sole use of the intended recipient. Any review, copying, or distribution of this e-mail (or any attachments thereto) by other than the County of Butte or the intended recipient is strictly prohibited. If you are NOT the intended recipient, please contact the sender immediately and permanently delete the original and any copies of this e-mail and any attachments thereto.

From: Ariel Ambruster [mailto:aambrust@yahoo.com]
Sent: Wednesday, October 27, 2010 5:03 PM
To: PBratcher@dfg.ca.gov; troscoe@dfg.ca.gov; jcarlon@riverpartners.org; mcross@riverpartners.org; Edell, Stuart; tntcube@frontiernet.net; ghelfip@SacCounty.NET; lsheringer@clearwire.net; aindrieri@frontiernet.net; svelazquez@frontiernet.net; jason@jasonlarrabee.com; JLinhart@countyofglenn.net; gwerner@tnc.org; cbdd61@yahoo.com; delovinlife@yahoo.com; xminusmax@yahoo.com; Tom.D.Karvonen@usace.army.mil; oserrano@colusa-nsn.gov; jstrong@ari-slc.com; kelly_moroney@fws.gov; ewlarsen@ucdavis.edu; mtompkins@newfields.com; LBair@rd108.org; segreco@ucdavis.edu; bullgoose@aol.com; deercreekwatershed@gmail.com; amber_eve@mac.com
Cc: Roger.G.Putty@us.mwhglobal.com; ngm@water.ca.gov; mrandall@water.ca.gov; mcmanus@water.ca.gov; srice@water.ca.gov; erica.bishop@us.mwhglobal.com; fougeres@gmail.com; aambrust@yahoo.com; talbot.judie@gmail.com; nelsonn@water.ca.gov; kswanson@water.ca.gov
Subject: CVFPP NOP For Review
Importance: High

Dear Upper Sacramento Regional Management Action Work Group Members,

Attached you will find a copy of the Notice of Preparation (NOP) for the Central Valley Flood Protection Plan (CVFPP) Program Environmental Impact Report (PEIR). As required by the California Environmental Quality Act, this NOP begins the public scoping process for the PEIR and provides information on three main topics:

- The proposed project location
- A brief description of the CVFPP
- A statement of the probable environmental effects from adoption of the CVFPP

The NOP also provides the dates, times, and locations of three public scoping meetings 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 PEIR. Specific information on the scoping meetings is available in the attachment.

If you are unable to attend the scoping meetings but would like to provide comments in writing, please send them to Crystal Spurr at the address below or email to cspurr@water.ca.gov no later than 5 p.m. on November 26, 2010.

Crystal Spurr
Staff Environmental Scientist
California Department of Water Resources
1416 9th Street, Room 1148
Sacramento, CA 95814

Please feel free to contact me with any additional questions, and thanks for your time.

Sincerely,

Ariel

Ariel Ambruster
Upper Sacramento Regional Conditions Work Group
Facilitation Support
Center for Collaborative Policy
Office: 510-528-5006
Cell: 510-356-7432
aambrust@yahoo.com
www.csus.edu/ccp

Spurr, Crystal

From: Danelle Stylos [DStylos@ci.oakdale.ca.us]
Sent: Sunday, October 31, 2010 12:15 PM
To: Spurr, Crystal
Subject: RE: Notice of Preparation (NOP) for the Central Valley Flood Protection Plan Program EIR - Available for Review and Public Comment

Follow Up Flag: Follow up
Flag Status: Completed

Ms. Spurr,

Will a map of the affected areas be available at the scoping meetings? As the City designated Flood Management Coordinator, I am interested in the land use component because the City of Oakdale is updating its General Plan and I would like to review your information to see if it creates unforeseen project impacts that we may need to address in our comprehensive General Plan update.

Regards,

Danelle Stylos
Community Development & Services Director

City of Oakdale
120 South Sierra Avenue
Oakdale, CA 95361
209-845-3625

From: Spurr, Crystal [mailto:cspurr@water.ca.gov]
Sent: Thursday, October 28, 2010 2:34 PM
To: aabbs@tehcoapcd.net; abritton@cityoflakeport.com; admin@ci.dunsmuir.ca.us; admin@dityoforoville.org; air@mariposacounty.org; AirDistrict@co.amador.ca.us; angelia_bradford@sbcglobal.net; apcd@modoccounty.us; apco@fraqmd.org; aredamonti@gridley.ca.us; baracco@cdepot.net; barbert@siskiyou.ca.us; BEDSWORTH@PPIC.ORG; Bill.Zumwalt@co.kings.ca.us; billp@cityofwestsacramento.org; bpeters@alpinecountryca.gov; bshane@co.tuolumne.ca.us; bsiebe@ci.plymouth.ca.us; buers@saccounty.net; carla.thompson@ci.shasta-lake.ca.us; carmor@dfg.ca.gov; cburrola@ci.fowler.ca.us; churley@slcc.net; cindy.siegfried@co.nevada.ca.us; city@dospalos.org; CITYMANAGER@CI.FIREBAUGH.CA.US; citymanager@cityoforland.com; citymgr@losbanos.org; ckuts@cd.co.contra-costa.ca.us; cmontgomery@co.lassen.ca.us; colfaxprice@foothill.net; comdev@atwater.org; commdev@parlier.ca.us; connie.cochran@ci.stockton.ca.us; cragsdale@airquality.org; crobertson@cityofalturas.org; cruzramos@kermantel.net; ctyadm@ione-ca.com; cwhite@ccidwater.org; Cy.Oggins@slc.ca.gov; davidhanham@angelscamp.gov; dbh@cityofselma.com; dccengineering@citilink.net; dcook@liveoakcity.org; ddowswell@ci.dixon.ca.us; dennis.mckeown@dhs.gov; dhoggatt@ci.pittsburg.ca.us; dlamon@marysville.ca.us; dmarston@dfg.ca.gov; dneiman@clearlake.ca.us; dobermeyer@countyofglenn.net; DOKITA@SCWA.COM; Donald.L.Drysdale@conservation.ca.gov; donna@livingtoncity.com; dougg@lcaqmd.net; DPC@delta.ca.gov; dpeterson@cityofescalon.org; drandall@cityofmadera.com; dray@parks.ca.gov; dshabazian@sacog.org; Danelle Stylos; dwightk@cityofclovis.com; ebeavers@fairfield.ca.gov; edwylie@sonoraca.com; enlthenius@ci.brentwood.ca.us; eveerkamp@raneymanagement.com; fretasr@co.stanislaus.ca.us; fujii.laura@epa.gov; gbennitt@nccn.net; gnyhoff@modestogov.com; grobson@co.tehama.ca.us; gwhite@co.calaveras.ca.us; hak@colusanet.com; hgitelma@co.napa.ca.us; HORIZUMIJ@SACCOUNTY.NET; info@cityofnewman.com; jdhightower@riverbank.org; jdriscoll@cityofplacerville.org; jgrindstaff@calwater.ca.gov; jhamilton@ci.redding.ca.us; jjakel@ci.antioch.ca.us; Mercado, Juan; jnoneal@ppeng.com; jonathanschnal@countyofplumas.com; Punia, Jay; jsingle@dfg.ca.gov; jstoufer@corning.org; juliae@ci.vallejo.ca.us; jwagoner@bcaqmd.org; k.downs@ci.portola.ca.us; kchadwick@lodi.gov; keith.bergthold@fresno.gov; khess@cityofdavis.org; kim_hunter@modoccounty.us; kkauffman@sewd.net; kmiller@folsom.ca.us; kmrowka@waterboards.ca.gov; kschenk@mariposacounty.org; ksmith@dfg.ca.gov; kzuidervaart@cityofripon.org; lgrewal@co.calaveras.ca.us; lindadpc@citlink.net; lmontna@co.sutter.ca.us; lpatlan@cityofkerman.org; lsjld@elite.net; lwiederhold@ci.chowchilla.ca.us; marcella.mctaggart@edcgov.us; Maria Rea;

mblack@countyofglenn.net; mcarson@cityofvacaville.com; mike.mcgowan@yolocounty.org; mike@vcapcd.org; mjohnson@placer.ca.gov; mjreagan@solanocounty.com; mmofield@ci.anderson.ca.us; mnelson@ci.manteca.ca.us; msplanning@siskiyou.net; mwdonaldson@parks.ca.gov; nahc@pacbell.net; nelia.dyer@cityofwinters.org; nmanji@dfg.ca.gov; nunnisd@sbcglobal.net; pcreedon@waterboards.ca.gov; pdevereux@rd1000.org; pjunker@cityofranchocordova.org; planner@cityofwilliams.org; planning@biggs-ca.gov; planning@ci.galt.ca.us; planning@ci.patterson.ca.us; planning@cityofcolusa.com; planning@co.amador.ca.us; planning@sierracounty.ws; planning@turlock.ca.us; planningdept@roseville.ca.us; planningmail@yahoo.com; planningweb@cityofmerced.org; pubinfo@dbw.ca.gov; randy.wilson@co.nevada.ca.us; rbaldwin@sjgov.org; rcampbell@ci.lincoln.ca.us; Rd1001@syix.com; rd108@rd108.org; richardc@co.lake.ca.us; rkachadourian@ci.sanger.ca.us; rmull@co.shasta.ca.us; robborc@sti.net; ronlong70_@hotmail.com; rsherman@citrusheights.net; rtretheway@cityofsacramento.org; rtrout@co.el-dorado.ca.us; Russ Strach; sally.ziolkowski@dhs.gov; scdrm@snowcrest.net; seyed.sadredin@valleyair.org; sherri.abbas@rocklin.ca.us; sholsinger@cityofwilliams.org; speters@ci.jackson.ca.us; sscully@cityofgustine.com; stimboe@ci.red-bluff.ca.us; Steve Watanabe; tbettner@gcid.net; tchristo@placer.ca.gov; tclark@hughson.org; techiburu@elkgrovecity.org; tehama@theskybeam.com; Tom.Maruyama@calema.ca.gov; tom.westbrook@ci.ceres.ca.us; toml@cityofgrassvalley.com; truark@ci.lathrop.ca.us; tschudin@cwnet.com; tsnellings@buttecounty.net; webmaster@cityofwoodland.org; whartman@co.yuba.ca.us; willis@ci.oakley.ca.us; wwong@auburn.ca.gov; xminusmax@aol.com
Cc: Meredith Parkin
Subject: Notice of Preparation (NOP) for the Central Valley Flood Protection Plan Program EIR - Available for Review and Public Comment

To All Responsible and Trustee Agencies,

Attached you will find a copy of the Notice of Preparation (NOP) for the Central Valley Flood Protection Plan (CVFPP) Program Environmental Impact Report (PEIR). As required by the California Environmental Quality Act, this NOP begins the public scoping process for the PEIR and provides information on three main topics:

- The proposed project location
- A brief description of the CVFPP
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The NOP also provides the dates, times, and locations of three public scoping meetings 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 PEIR. Specific information on the scoping meetings is available in the attached NOP.

If you are unable to attend the scoping meetings but would like to provide comments in writing, please send them to Crystal Spurr at the address included in the NOP or by email to cspurr@water.ca.gov no later than 5 p.m. on November 26, 2010.

Please feel free to contact me with any questions. Thank you for your time.

Crystal Spurr
Staff Environmental Scientist
Floodway Ecosystem Sustainability Branch
FloodSAFE Environmental Stewardship and Statewide Resources Office
Department of Water Resources

Office: (916) 653-0992
Mobile: (916) 531-3641
Fax: (916) 653-9745
cspurr@water.ca.gov

Meredith Parkin

From: Ben Gettleman [bgettleman@kearnswest.com]
Sent: Wednesday, November 03, 2010 2:04 PM
To: Eric Clyde
Cc: Pam Jones
Subject: FW: CVFPP NOP For Review

Another comment from Margit…

From: margithind@comcast.net [mailto:margithind@comcast.net]
Sent: Wednesday, November 03, 2010 12:07 PM
To: Ben Gettleman
Subject: Re: CVFPP NOP For Review

One comment--map does not appear to include Suisun Marsh... could be my poor eyesight, or scale of map? or an omission?

Margit Aramburu

----- Original Message -----
From: "Ben Gettleman" <bgettleman@kearnswest.com>
To: "margithind@comcast.net" <margithind@comcast.net>, "lcapuchino@ci.mendota.ca.us" <lcapuchino@ci.mendota.ca.us>, "sgreen@csufresno.edu" <sgreen@csufresno.edu>, "larkinhh@aol.com" <larkinhh@aol.com>, "lsjld@elite.net" <lsjld@elite.net>, "kelliejacobs@co.merced.ca.us" <kelliejacobs@co.merced.ca.us>, "dkoehler@riverparkway.org" <dkoehler@riverparkway.org>, "wluce@friantwater.org" <wluce@friantwater.org>, "cotnlady@inreach.com" <cotnlady@inreach.com>, "promero@water.ca.gov" <promero@water.ca.gov>, "jshelton@dfg.ca.gov" <jshelton@dfg.ca.gov>, "David.P.VanRijn@usace.army.mil" <David.P.VanRijn@usace.army.mil>, "ranthony@mercedid.org" <ranthony@mercedid.org>, "jerryl@fresnofloodcontrol.org" <jerryl@fresnofloodcontrol.org>, kseligman@krcd.org, "Pal Hegedus" <phegedus@rbf.com>, sstadler@krcd.org, "erik vink" <erik.vink@tpl.org>, johncaindeltawater@gmail.com, jcain@americanrivers.org, "Jennifer hobbs" <Jennifer_hobbs@fws.gov>, "Tyler Willsey" <Tyler_Willsey@fws.gov>
Cc: "Mike Inamine" <inamine@water.ca.gov>, "James A. Eto (jeto@water.ca.gov)" <jeto@water.ca.gov>, "Brian E. Smith [besmith@water.ca.gov]" <besmith@water.ca.gov>, "Ernest Taylor" <etaylor@water.ca.gov>, "Elizabeth Hubert" <ehubert@water.ca.gov>, "Eric.S.Clyde@us.mwhglobal.com" <Eric.S.Clyde@us.mwhglobal.com>, "Pam Jones" <pjones@kearnswest.com>
Sent: Wednesday, October 27, 2010 4:06:36 PM
Subject: CVFPP NOP For Review

Dear Upper San Joaquin Regional Management Action Work Group Members,

Attached you will find a copy of the Notice of Preparation (NOP) for the Central Valley Flood Protection Plan (CVFPP) Program Environmental Impact Report (PEIR). As required by the California Environmental Quality Act, this NOP begins the public scoping process for the PEIR and provides information on three main topics:

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If you are unable to attend the scoping meetings but would like to provide comments in writing, please send them to Crystal Spurr at the address below or email to cspurr@water.ca.gov no later than 5 p.m. on November 26, 2010.

Crystal Spurr
Staff Environmental Scientist
California Department of Water Resources
1416 9th Street, Room 1148
Sacramento, CA 95814

Please feel free to contact me with any additional questions. Thank you for your time.

Best,
Ben

Benjamin Gettleman
Kearns & West, Inc.
475 Sansome Street, Suite 570
San Francisco, CA 94111
office: 415-391-7900
mobile: 415-505-0644
fax: 415-391-8223
www.kearnswest.com

CALIFORNIA STATE LANDS COMMISSION
100 Howe Avenue, Suite 100-South
Sacramento, CA 95825-8202

PAUL D. THAYER, *Executive Officer*
(916) 574-1800 FAX (916) 574-1810
California Relay Service From TDD Phone **1-800-735-2929**
from Voice Phone **1-800-735-2922**

Contact Phone: **(916) 574-1890**
Contact FAX: **(916) 574-1885**

November 8, 2010

File Ref: SCH # 2010102044

California Department of Water Resources
Attn: Crystal Spurr
Staff Environmental Scientist
1416 9th Street, Room 1148
Sacramento, Ca 95814

Subject: Notice of Preparation (NOP) for the Draft Program Environmental Impact Report (DPEIR) for the Central Valley Flood Protection Plan.

Dear Ms. Spurr:

The California State Lands Commission (CSLC or Commission) staff has reviewed the subject NOP and has the following comments. Under the California Environmental Quality Act (CEQA), the CSLC is a Trustee Agency for this project and, depending on the final alternative selected, may also be a Responsible Agency.

The State of California acquired sovereign ownership of all tidelands and submerged lands and beds of navigable waterways upon its admission to the United States in 1850. The State holds these lands for the benefit of all people of the State for statewide Public Trust purposes, which include waterborne commerce, navigation, fisheries, water-related recreation, habitat preservation and open space. The boundaries of these State-owned lands generally are based upon the last naturally occurring location of the ordinary high or low water marks prior to artificial influences. On tidal waterways, the State's sovereign fee ownership extends landward to the Ordinary High Water Mark as it last naturally existed. On navigable non-tidal waterways, the State holds fee ownership of the bed landward to the ordinary low water mark and a Public Trust easement landward to the ordinary high water mark, as they last naturally existed. Such boundaries may not be readily apparent from present day site inspections. The State's sovereign interests are under the jurisdiction of the CSLC.

This is to advise that there are numerous river, stream and sloughs in the Central Valley, Sacramento-San Joaquin Delta, and Suisun Marsh in which the State of California has ownership or an interest and which are under the jurisdiction of the Commission. The ownership and interest range from fee ownership, which would require a lease for any project located on sovereign lands, to a public trust easement for trust uses and to a right for public navigation. The Commission will need to review and comment on any of the proposed projects that involve any river, stream and coastal

waterway. As a CEQA responsible/trustee agency, the CSLC requests the opportunity for consultation for all proposed projects under consideration of this DPEIR.

To the extent the Central Valley Flood Protection Plan (Plan) involves State-owned sovereign lands owned in fee by the State and under the jurisdiction of the Commission, such as the Sacramento River, current leases will need to be modified as required. Detailed site locations and descriptions will need to be submitted to the Commission to determine the exact extent of the Commission's leasing jurisdiction.

Queries of the Natural Diversity Database (CNDDB) and the U.S. Fish and Wildlife Service (USFWS) Special Status Species Database should be conducted to identify any special-status plant or wildlife species that may occur in the region. The potential for such species to occur on the project site or in the project area should be addressed in the DPEIR.

One of the major stressors of the Sacramento River system is introduced species. Therefore, the DPEIR should consider a range of alternatives for prevention programs for terrestrial and aquatic invasive species (including quarantine, early detection, and early response) to slow the introduction of invasive species, such as the Quagga mussel, into high demand and sensitive areas. As part of the alternative analysis, the design of the proposed plan should take into consideration the current and proposed aquatic invasive species prevention programs. In addition, in light of the recent decline of pelagic organisms and in order to protect at-risk fish species, the DPEIR should examine if the objectives of the plan would favor non-native fisheries within the Sacramento River.

The DPEIR should also evaluate noise and vibration impacts on fish and birds from construction activities in the water, construction on the levees and land-side supporting structures of the Sacramento River, and flood control facilities. Mitigation measures may be needed that would include species-specific work windows as defined by California Department of Fish and Game (CDFG), USFWS, and NOAA Fisheries.

Any construction activities along the water-side bank should consider water quality issues, such as increased turbidity and sedimentation, and make all the necessary arrangements to reduce or mitigate for these concerns.

An evaluation of potential submerged cultural resources in the project area will need to be undertaken. Any submerged archaeological site or submerged historic resource remaining in state waters for more than 50 years is presumed to be significant. The title to all abandoned shipwrecks and all archaeological sites and historic or cultural resources on or in the tide and submerged lands of California is vested in the State and under the jurisdiction of the Commission. The Commission maintains a shipwrecks database of known and potential vessels located on the State's tide and submerged lands; however, the location of many shipwrecks remains unknown. The recovery of objects from any submerged archaeological site or shipwreck requires a salvage permit under Public Resources Code (PRC) section 6309. On statutorily granted tide and

submerged lands, a permit may be issued only after consultation with the local grantee and a determination by the Commission that the proposed salvage operation is not inconsistent with the purposes of the legislative grant. An evaluation pursuant to Code of Federal Regulations section 106 should be made, as well, to determine any potential terrestrial cultural resources in the plan areas where construction can occur.

Greenhouse gas (GHG) emissions information consistent with the California Global Warming Solutions Act (AB 32) should be included in the DPEIR. This would include a determination of the GHGs that will be emitted as a result of construction and ongoing maintenance of the levee system, a determination of the significance of those impacts, and mitigation measures to reduce any impacts found to be significant.

An evaluation of the temporary and permanent loss of recreation resources in the specific areas during the construction of the Sacramento River levee and flood control facilities improvements should be included in the DPEIR. These impacts should include mitigation measures, which might include alternative public access points, for residents and tourists within the area.

The DPEIR should discuss the potential changes and impacts to current transportation routes into and out of areas during the construction of the proposed Sacramento River levee improvements and flood control facilities. Once again, these impacts should include mitigation measures for the residents and tourists of the area.

The DPEIR should consider the effects of sea level rise on all resource categories potentially affected by the proposed Plan. Please note that when applying for a surface lease from the CSLC, staff has been directed to request information concerning the potential effects of sea level rise on proposed projects; and, if applicable, require applicants to indicate how they plan to address sea level rise and what adaptation strategies are planned during the projected life of each project. For further information, please see "A Report on Sea Level Rise Preparedness," which the Commission approved at its meeting on December 17, 2009 (the Report and accompanying Staff Report can be found on CSLC's website: http://www.slc.ca.gov/). One of the recommendations from the Report is to direct CSLC staff to consider the effects of sea level rise to hydrology, soils, geology, transportation, recreation, and other resource categories in all environmental determinations associated with CSLC leases.

Additional permits may be required to conduct levee repairs and projects under the DPEIR and include: U.S. Army Corps of Engineers (sections 408, 404, and Section 10 of the Safe Rivers and Harbors Act), the CDFG (Section 1600), and the Regional Water Quality Control Board (Fish and Game Code Section 401). Regional and county permitting jurisdictions may include Air Quality Management Districts or Air Pollution Control Districts. A table listing all such permits would be helpful.

As a responsible agency, the Commission will need to rely on the DPEIR for the issuance of any applicable leases and, therefore, we request that you consider our comments prior to adoption of the final PEIR. Please contact Mary Hayes, Public Land

Manager, at (916) 574-1843 or by email at Mary.Hayes@slc.ca.gov for information about our leasing requirements. For questions and comments related to the environmental review, please contact Christopher Huitt at (916) 574-1938 or by e-mail at Christopher.Huitt@slc.ca.gov. If you have any questions involving the Shipwreck and Historic Maritime Resources Program please contact Staff Counsel Pam Griggs at (916) 574-1854 or by email at Pamela.Griggs@slc.ca.gov.

Sincerely,

Cy R. Oggins, Chief
Division of Environmental Planning
and Management

cc: Office of Planning and Research
State Clearinghouse
P. Griggs, CSLC
M. Hays, CSLC
C. Huitt, CSLC

San Joaquin Valley
AIR POLLUTION CONTROL DISTRICT

HEALTHY AIR LIVING™

November 9, 2010

Crystal Spurr, Staff Environmental Scientist
California Department of Water Resources
1416 9th Street, Room 1148
Sacramento, CA 95814

Project: Central Valley Flood Protection Plan

District CEQA Reference No: 20100832

Dear Mrs. Spurr:

The San Joaquin Valley Unified Air Pollution Control District (District) has reviewed the Notice of Preparation (NOP) for the Central Valley Flood Protection Plan project. The District offers the following comments:

Emissions Analysis

1) The District is currently designated as extreme nonattainment for the 8-hour ozone standard, attainment for PM10 and CO, and nonattainment for PM2.5 for the federal air quality standards. At the state level, the District is designated as nonattainment for the 8-hour ozone, PM10, and PM2.5 air quality standards. The District recommends that the Air Quality section of the Environmental Impact Report (EIR) include a discussion of the following impacts:

   a) **Criteria Pollutants:** Project related criteria pollutant emissions should be identified and quantified. The discussion should include existing and post-project emissions.

      i) Construction Emissions: Construction emissions are short-term emissions and should be evaluated separate from operational emissions. The District recommends preparation of an Environmental Impact Report (EIR) if annual construction emissions cannot be reduced or mitigated to below the following levels of significance: 10 tons per year of oxides of nitrogen (NOx), 10 tons

Seyed Sadredin
Executive Director/Air Pollution Control Officer

Northern Region
4800 Enterprise Way
Modesto, CA 95356-8718
Tel: (209) 557-6400 FAX: (209) 557-6475

Central Region (Main Office)
1990 E. Gettysburg Avenue
Fresno, CA 93726-0244
Tel: (559) 230-6000 FAX: (559) 230-6061

Southern Region
34946 Flyover Court
Bakersfield, CA 93308-9725
Tel: 661-392-5500 FAX: 661-392-5585

www.valleyair.org www.healthyairliving.com

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per year of reactive organic gases (ROG), or 15 tons per year particulate matter of 10 microns or less in size (PM10).

ii) Operational Emissions: Permitted (stationary sources) and non-permitted (mobile sources) sources should be analyzed separately. The District recommends preparation of an Environmental Impact Report (EIR) if the sum of annual permitted and non-permitted emissions cannot be reduced or mitigated to below the following levels of significance: 10 tons per year of oxides of nitrogen (NOx), 10 tons per year of reactive organic gases (ROG), or 15 tons per year particulate matter of 10 microns or less in size (PM10).

b) **Nuisance Odors:** The project should be evaluated to determine the likelihood that the project would result in nuisance odors. Nuisance orders are subjective, thus the District has not established thresholds of significance for nuisance odors. Nuisance odors may be assessed qualitatively taking into consideration of project design elements and proximity to off-site receptors that potentially would be exposed objectionable odors.

c) **Health Impacts:** Project related health impacts should be evaluated to determine if emissions of toxic air contaminants (TAC) will pose a significant health risk to nearby sensitive receptors. TACs are defined as air pollutants that which may cause or contribute to an increase in mortality or serious illness, or which may pose a hazard to human health. The most common source of TACs can be attributed to diesel exhaust fumes that are emitted from both stationary and mobile sources. Health impacts may require a detailed health risk assessment (HRA).

Prior to conducting an HRA, an applicant may perform a prioritization on all sources of emissions to determine if it is necessary to conduct an HRA. A prioritization is a screening tool used to identify projects that may have significant health impacts. If the project has a prioritization score of 1.0 or more, the project has the potential to exceed the District's significance threshold for health impacts of 10 in a million and an HRA should be performed.

If an HRA is to be performed, it is recommended that the project proponent contact the District to review the proposed modeling approach. The project would be considered to have a significant health risk if the HRA demonstrates that project related health impacts would exceed the District's significance threshold of 10 in a million.

More information on TACs, prioritizations and HRAs can be obtained by:

- E-mailing inquiries to: hramodeler@valleyair.org; or
- Visiting the District's website at:

  http://www.valleyair.org/busind/pto/Tox_Resources/AirQualityMonitoring.htm.

2) In addition to the discussions on potential impacts identified above, the District recommends the EIR also include the following discussions:

   a) A discussion of the methodology, model assumptions, inputs and results used in characterizing the project's impact on air quality. To comply with CEQA requirements for full disclosure, the District recommends that the modeling outputs be provided as appendices to the EIR. The District further recommends that the District be provided with an electronic copy of all input and output files for all modeling.

   b) A discussion of the components and phases of the project and the associated emission projections, including ongoing emissions from each previous phase.

   c) A discussion of project design elements and mitigation measures, including characterization of the effectiveness of each mitigation measure incorporated into the project.

   d) A discussion of whether the project would result in a cumulatively considerable net increase of any criteria pollutant or precursor for which the San Joaquin Valley Air Basin is in non-attainment. More information on the District's attainment status can be found online by visiting the District's website at:

   http://valleyair.org/aqinfo/attainment.htm.

District Rules and Regulations

3) The proposed project may be subject to District rules and regulations, including: Regulation VIII (Fugitive PM10 Prohibitions), Rule 4102 (Nuisance), and Rule 4641 (Cutback, Slow Cure, and Emulsified Asphalt, Paving and Maintenance Operations). In the event an existing building will be renovated, partially demolished or removed, the project may be subject to District Rule 4002 (National Emission Standards for Hazardous Air Pollutants).

4) Based on information provided, the District concludes that the proposed project may be subject to District Rule 9510 (Indirect Source Review).

5) This project may be subject to District Rule 2010 (Permits Required) and Rule 2201 (New and Modified Stationary Source Review) and will require District permits. Prior to construction, the project proponent should submit to the District an application for an Authority to Construct (ATC). For further information or assistance, the project proponent may contact the District's Small Business Assistance (SBA) Office at (209) 557-6446.

6) The above list of rules is neither exhaustive nor exclusive. To identify other District rules or regulations that apply to this project or to obtain information about District permit requirements, the applicant is strongly encouraged to contact the District's Small Business Assistance (SBA) Office at (661) 392-5665. Current District rules can be found online at the District's website at:

   www.valleyair.org/rules/1ruleslist.htm.

The District recommends that a copy of the District's comments be provided to the project proponent. If you have any questions or require further information, please call Mark Montelongo at (559) 230-5905.

Sincerely,

David Warner
Director of Permit Services

for: Arnaud Marjollet
Permit Services Manager

DW:mm

cc: File

Spurr, Crystal

From: Rupinder Jawanda [rupinder_jawanda@dot.ca.gov]
Sent: Tuesday, November 09, 2010 1:36 PM
To: Spurr, Crystal
Subject: Caltrans Comments - CVFPP NOP

Ms. Spur,

We appreciate the opportunity to review and comment on the NOP for the Central Valley Flood Protection Program EIR.

While we have no specific comments to provide at this time based on the information we have received, we respectfully request that you provide our office with copies of any further action(s) taken on this project.

Encroachment Permit

All work proposed and performed within the State right-of-way must be in accordance with Caltrans' standards and require a Caltrans Encroachment Permit prior to commencing construction, surveying or other activities in the right-of-way. For more information on encroachment permits, the requirements, and an application form, please visit our web page at http://www.dot.ca.gov/hq/traffops/developserv/permits/ and click on "Encroachment Permits" or contact the Caltrans District 3, Office of Permits at (530) 741-4403.

If you should have any questions or require additional information, please do not hesitate to contact me.

Regards,

RUPINDER JAWANDA
Transportation Planner
Department of Transportation - North Office
703 B Street, Marysville, CA 95901
P 530.740.4989

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Spurr, Crystal

From: Sachs.Carol@epamail.epa.gov
Sent: Wednesday, November 03, 2010 10:53 AM
To: Spurr, Crystal
Subject: EIR for the Central Valley Flood Protection Plan

Follow Up Flag: Follow up
Flag Status: Completed

Crystal--
I am interested in knowing if there will be any NEPA actions connected to the Central Valley Flood Protection Plan. If there is, do you know which agency would be responsible for preparing the document, the Army Corps of Engineers, or the Bureau of Reclamation's?
Thank you
Carol Sachs

US EPA, Region 9
CED--II
75 Hawthorne Street
San Francisco, CA 94705

415 972-3860

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State of California
Department of Fish and Game

Flex your POWER

Memorandum

Date: November 16, 2010

To: Ms. Crystal Spurr
Staff Environmental Scientist
Department of Water Resources
1416 9th Street, Room 1148
Sacramento, California 95814

From: Dave Zezulak, Ph.D.
Environmental Program Manager
ECD/Water Branch
Department of Fish and game

Subject: Notice of Preparation of Program Environmental Impact Report for the Central Valley Flood Protection Plan (SCH# 2010102044)

The Department of Fish and Game has reviewed the Notice of Preparation (NOP) for a Program Environmental Impact Report (PEIR) for the Central Valley Flood Protection Plan (CVFPP) (SCH# 2010102044). The Department of Fish and Game (DFG) is providing these comments as a Responsible Agency having jurisdiction over natural resources which are held in trust for the people of the State of California (California Environmental Quality Act Guidelines Section 15380 et seq.). DFG offers the following comments regarding the project:

1. The PEIR should address direct, indirect, and cumulative impacts expected to adversely affect biological resources, with specific measures to offset such impacts. We recommend the following be included in the PEIR's discussion of the impacts biological resources:

   - The regional setting is critical to an assessment of environmental impacts. Special emphasis should be placed on resources that are rare or unique to a given region (CEQA Guideline, § 15125(a)).

   - Project impacts should be analyzed relative to their effects on off-site habitats, and populations. This should include nearby public lands, open space, adjacent natural habitats, and riparian ecosystems. Impacts to and maintenance of wildlife corridor/movement areas, including access to undisturbed habitat in adjacent areas, should be provided.

- A cumulative effects analysis should be developed (CEQA Guidelines, § 15130). The CVFPP should be evaluated with regard to regional Habitat Conservation Plans within its planning area, notably the Bay Delta Conservation Plan http://baydeltaconservationplan.com/Home.aspx .

2. The PEIR should address the project's impact on State or Federally-listed rare, threatened, or endangered species. The DFG recommends that the EIR contain lists of sensitive species known to occur in the counties and maps that show their distribution and important habitats areas. The DFG's California Natural Diversity Data Base in Sacramento should be contacted at (916) 327-5960 to obtain current information regarding any previously reported sensitive species and habitats, including Significant Natural Areas (Chapter 12 of the Fish and Game Code), Significant Ecological Areas identified near or adjacent to the project area. The CVFFP should provide methods of avoiding impacts to sensitive species and critical habitats through conversation plans, or other acceptable instruments.

3. The CVFFP should reference the letter prepared by DFG and Department of Water Resources to the U.S. Army Corps of Engineers (April 15, 2010) http://www.water.ca.gov/floodsafe/docs/DWRLetter_and_attachment.pdf regarding concerns with the Corp's levee vegetation management policy. The letter should be used to guide strategies for determining critical risk factors, long-term management and maintenance of vegetation on levees, and the negative effects of wholesale removal of levee vegetation.

4. The PEIR should address noxious weeds which may proliferate after ground disturbance activities. Noxious (or invasive) weeds are plants that are considered to be troublesome, aggressive, intrusive, detrimental, or destructive to native species, and difficult to control or eradicate. We recommend the use of native species from local genetic material only, or proven non-invasive non-natives for landscaping, erosion control, restoration, and other vegetation establishment. Species listed as noxious weeds by the California Exotic Pest Plant Council, California Department of Food and Agriculture, or under the Federal Noxious Weed Act of 1974 (7 USC 2802(c)) should not be used. DFG recommends that the CVFFP include a policy which requires that mitigation, restoration, erosion control, and revegetation use native plants obtained from a local genetic source to the greatest extent possible, and that long term management of restored areas include methods to control exotic invasive weed species.

5. DFG is concerned with potential impacts to water hydrology and water quality, such as pollution or sedimentation, which result in impacts to aquatic resources, permanent streams, intermittent drainages, floodplains and wetlands. We recommend that the PEIR address these potential changes and provide mitigation to ensure that the post-project hydrologic regimes allows for the continued viability of aquatic resources. The PEIR should identify and

provide protection through the establishment of Goals, Objectives, Plan Policies, Management Actions or other means that avoid impacts. Additional consideration should be given to existing State and federal permit conditions and planning agreements including but not limited to the Water Project's Operations Criteria and Plan (OCAP), the San Joaquin Agreement, the Vernal Adaptive Management Plan (VAMP), the Sacramento River Conservation Area Handbook http://www.sacramentoriver.org/srcaf/index.php?id=handbook , and State and federal recovery plans and biological opinions for listed aquatic and terrestrial species.

6. The CVFFP should use the Ecological Restoration Program Conservation Strategy and Strategic Plan http://www.dfg.ca.gov/ERP/reports_docs.asp to guide the Ecological Functions section of the document. These documents provide ongoing guidance for habitat restoration in a transparent and scientifically robust, peer reviewed environment for implementation of the 30-year CALFED Bay-Delta Record of Decision.

7. In order to comply with Public Resources Code Section 21081.6, a detailed monitoring program must be developed for all required mitigation conditions. The monitoring program should include the following:

    a. Specific criteria to measure effectiveness of mitigation

    b. Annual monitoring for a minimum of five years.

    c. Annual monitoring reports (submitted to the lead agency and the DFG), each of which include corrective recommendations that shall be implemented in order to ensure that mitigation efforts are successful.

Pursuant to Public Resources Code Sections 21092 and 21092.2, the DFG request written notification of proposed actions and pending decisions regarding this project. Written notification should be directed to this office.

This project will have an impact to fish and/or wildlife habitat. Assessment of fees under Public Resources Code Section 21089 and as defined by Fish and Game Code Section 711.4 is necessary. Fees are payable by the project applicant upon filing of the Notice of Determination by the lead agency.

If the DFG can be of further assistance, please contact Ms. Terry Roscoe, Senior Environmental Scientist at (916) 969-6334 troscoe@dfg.ca.gov

cc: Ms. Terry Roscoe
Department of Fish and Game
830 S Street
Sacramento, CA 95811

State Clearinghouse
Office of Planning and Research
1400 Tenth Street
P.O. Box 3044
Sacramento, CA 95812-3044

Butte County Department of Development Services

TIM SNELLINGS, DIRECTOR | PETE CALARCO, ASSISTANT DIRECTOR

7 County Center Drive
Oroville, CA 95965
(530) 538-7601 Telephone
(530) 538-2140 Facsimile
www.buttecounty.net/dds
www.buttegeneralplan.net

ADMINISTRATION * BUILDING * PLANNING

November 19, 2010

Crystal Spurr
Staff Environmental Scientist
California Department of Water Resources
1416 9th Street, Room 1148
Sacramento, CA 95814

Dear Ms. Spurr:

Butte County received the NOP for the Central Valley Flood Protection Plan Program EIR (SCH#2010102044). The following comments are provided for your consideration in the CEQA Process. You may contact Pete Calarco, Assistant Director, Development Services or Stuart Edell, Deputy Director, Public Works regarding these comments.

The NOP indicates that your agency will develop a range of alternatives and includes a list of potential actions. While not a requirement of CEQA, please notify us with the list of alternatives, if possible, before release of the Draft PEIR.

Butte County has recently adopted a comprehensive update to the General Plan, known as Butte County General Plan 2030, on October 26, 2010. General Plan 2030, its program EIR and other supporting documents may assist you in the evaluation of impacts, for example, to the Land Use and Planning category in the NOP. These can be found at the County website under the following link:
http://www.buttecounty.net/Development%20Services/General%20Plan%20Official%20Adoption%20Page.aspx

We generally agree with the outline of issues to address as listed in the NOP. It appears from the NOP that the project description may be further refined through your planning process. For example, the NOP states that *the CVFPP will include a conservation framework that will describe how environmental stewardship would be an integral part of the actions to improve the flood management system in the Central Valley.* The County is not able to provide NOP comments on portions of the plan yet to be developed.

The following items are provided to assist your office in establishing the scope of analysis for the Program EIR. Please consider these preliminary as it relates to the level of project information available at this time. The County may have additional comments as the CVFPP is further developed.

1. Evaluate the effects on the land inventory for all housing affordability ranges according to the Regional Housing Needs Allocation (RHNA) in Butte County including the very low and low income housing as provided in the recently adopted Housing Element.

2. Evaluate the effect on existing housing, in particular, the very low and low income affordability ranges. significant rehabilitation of existing housing may be cost prohibitive in affected locations and the potential for displacement of existing housing. This may contribute to the decline of the condition of housing stock and/or blight if rehabilitation is not feasible.

3. Public Safety is the primary goal of the Central Valley Flood Protection Plan. The plan and PEIR should address emergency access, alternative routes, early warning, and related safety issues.

4. Butte Basin is a critical part of the State Plan of Flood Control, Flood Relief Structures (FRS) and Weirs reduce the peak Sacramento River flood flows from Northern California to flows that can pass through the leveed section of the Sacramento River. The State of California Central Valley Flood Protection Board requires permits for any change in the basin that is over 18" above existing grade through Title 23 CCR Section 135. 3Bs is an important Flood Relief Structure (FRS) in Butte Basin, however it was never designed or constructed to State or Corps standards. Head cuts to the 3Bs allow Sacramento River flows to enter Butte Basin when the River is well below flood stage, endangering the public, reducing the storage capacity of Butte Basin and needlessly damaging agriculture and infrastructure. The Program Environmental Impact Report (PEIR) needs to evaluate the alternatives of this high frequency flooding of Butte Basin, versus constructing the 3Bs FRS to Corps standards, preserving critical flood storage, making flood damages manageable and protecting the public health and safety.

5. Continued Operation and Maintenance (O&M) is critical to the functions of any facilities, especially flood control facilities. Throughout the system O&M has been shackled/delayed/inadequate primarily due to problems with O&M funding, timely issuance of permits from the regulatory agencies such as Department of Fish and Game, Army Corps of Engineers, National Marine Fisheries and U S Fish and Wildlife Service and conflicting permit requirements between these agencies. The PEIR needs to address impacts/consequences related to the lack of O&M on an area wide and system wide basis.

6. The PEIR needs to evaluate the need to protect critical facilities including agricultural facilities. Examples being:

    a. The Butte County Rice Growers Association bulk chemical storage facility in the Cherokee Canal (State Maintenance Area 13 (MA13)), with levees only providing a 25-year level of protection. Flooding of the facility would result in damage or total destruction of downstream habitat, species and agricultural operations. PEIR needs to evaluate the benefit/cost aspects of providing a higher level of protection for critical agricultural facilities such as this one.

    b. The California Cooperative Rice Research Foundation California Rice Experiment Station (CRES), rice seed facility also within Cherokee Canal MA13. CRES is currently responsible for public rice variety development in California and produces, processes, and stores the basic seed (breeder and foundation seed) of all public rice varieties. More than 95% of California's annual rice acreage is planted with public rice varieties developed at CRES. The germplasm (elite breeding stocks) for rice plant breeding in California is also developed and stored at CRES. Flooding of CRES would be devastating to California because of the loss of virtually priceless rice germplasm and seed stored at the facility. PEIR needs to evaluate the cost/benefit aspects of providing a higher level of protection for critical agricultural facilities such as this one.

    c. The M&T pumping facilities, a hard point in the Sacramento River. This agricultural/environmental pumping facility was relocated from Big Chico Creek to protect threatened and endangered anadromous fish populations. Water from the facility is used to serve adjacent agriculture and managed wetlands (federal, state and private). The current meandering of the Sacramento River is resulting in the need for dredging of the River to keep the pump facilities operational. Either the River or the pump intake needs to be relocated to allow for pumping without dredging. Construction of this facility was financed with Federal, State and local funds, the original design criteria did not anticipate meander. The PEIR should establish criteria for determining whether the benefit/cost ratio is greater for relocation of the facility or redirection of the river. In the instance of the GCID intake facility, stabilization of the river in its present location was considered the greatest benefit/cost ratio.

    d. The City of Chico recently completed a multimillion dollar project to extend their Sewerage Outfall facility to the current meander of the River. This is in the same area as the M&T pump facilities. The River may meander further to the west requiring additional facility extensions in the future, stabilizing or redirecting the River meander would eliminate the need for facility relocation construction related impacts in the River. The

PEIR should establish criteria for the protection of critical hard points (infrastructure) in the River.

7. The PEIR should address impacts if the flood protection system is not properly designed or maintained. Example 3Bs FRS in Butte Basin has not been designed to restrict overflows to actual flood events, the result being that Butte Basin is flooded more frequently, endangering the public and needlessly damaging infrastructure, agriculture and interstate commerce. This impacts the sustainability of all operations within the basin especially agriculture. If a farmer can plan on a certain frequency of flooding, he can build that into the total cost of his operation and determine if it is feasible. Butte Basin does not provide reliable protection to a certain frequency event (flooded twice in January 2010-a drought year), which impacts the economic viability of agricultural operations. Flooding also closes roads, interrupting interstate commerce and also impacting agricultural operations by making it harder if not impossible to get the goods to market. The PEIR needs to establish criteria to accurately determine the benefits of sustained agriculture (remembering that impacts to agriculture go well beyond the farmer, food processer, vendor, equipment supplier, chemical industry, labor, local agencies…), to be used in evaluating the true benefit /cost ratio for projects.

If you have any questions, regarding the items in this letter, please contact this office.

Sincerely,

Pete Calarco
Assistant Director

CITY OF
ROSEVILLE
TRADITION • PRIDE • PROGRESS

Community Development
311 Vernon Street
Roseville, California 95678-2649

November 19, 2010

Crystal Spurr, Staff Environmental Scientist
California Department of Water Resources
1416 9th Street, Room 1148
Sacramento, CA 94814

Subject: Central Valley Flood Protection Plan NOP Comment (SCH# 2010102044)

Dear Ms. Spurr:

The City of Roseville has reviewed the subject Notice of Preparation (NOP) for preparation of a Program Environmental Impact Report (PEIR) for the Central Valley Flood Protection Plan (CVPPP) dated October 27, 2010. The City has concerns related to flood control and water supply as discussed below.

Flood Control

The City of Roseville has constructed and maintains significant flood control improvements along local streams tributary to the Sacramento River. According to NOP Exhibit 1, while the City of Roseville is not located within the Systemwide Planning Area (SPA) (Project Location), we understand that our flood control improvements, standards and practices could potentially be affected. We reach this conclusion based on the following statements contained in the NOP under the heading, Probably Environmental Effects:

> "*.... actions may be taken by flood management entities that could lead to significant changes to the overall makeup, configuration, operations and maintenance of existing flood management facilities in the SPA (Systemwide Planning Area), as well as include new flood management facilities. Potential actions could occur within <u>or tributary to</u> the SPA and significantly alter the physical conditions of the Central Valley's waterways and floodplains*".

While the City is not located within the SPA, it is located within an area <u>tributary to</u> the SPA, and therefore understands the proposed project could cause changes to the City's existing flood control facilities, operations, standards and/or maintenance practices. To address these concerns the PEIR should evaluate the environmental impact of any proposed regulatory changes that would require alteration to existing City flood control facilities, operations, maintenance practices and/or related policies.

Water Supply

The City of Roseville serves as the primary water supplier for development within its corporate boundaries. The City's current surface water supply is American River water diverted from Folsom Lake. The City receives up to 66,000 acre-feet per year of Folsom Lake surface water through contracts with the USBR, Placer County Water Agency and San Juan Water District. This water is delivered to and treated at the City's water treatment plant located on Barton Road in Granite Bay. The City's treatment plant has capacity of 100-million gallons per day and uses a conventional treatment process of flocculation/sedimentation, filtration, and disinfection.

The City understands that the proposed CVFPP may result in actions by flood management entities that could lead to significant changes to the overall makeup, configuration, operations and maintenance of exiting applicable flood management facilities. If changes in flood storage and flood releases from reservoirs are approved as part of the CVFPP, water supplies in the State Water Project (SWP) and Central Valley Project (CVP) service areas, including Folsom Lake which provides the City's primary water supply, could potentially be affected. For example operational changes that propose lower water storage levels at Folsom Lake to allow increased flood storage can reduce existing municipal and industrial water supplies available to the City of Roseville and have an affect on reliability of any water deliveries. Current reliability estimates are based on historical precipitation patterns and current operational constraints. Any changes to operations would require re-evaluation of supply reliability. Lower lake levels could also lead to higher water temperatures which could impact the City's treatment process and create down stream temperature related biological impacts. Reduced storage levels can also impact the ability to divert water when Folsom Lake water level draws down to the point that it approaches the "intake" elevation. Changes to hydrodynamic characteristics could also result in changes to sediment and other water quality parameters that could affect the City's supply and treatment process.

To address the above concerns the City requests that the PEIR evaluate potential impacts to the City's water supply due to any proposed changes to SWP or CVP operations. This should include an assessment of potential reduction in Folsom Lake municipal and industrial water supply available to Roseville, changes in water quality (including sedimentation and temperature), reduced ability to divert water from Folsom Lake for municipal and industrial purposes, and potential impacts to treatment processes at the City's water treatment plant.

Thank you for your consideration of our comments. Please feel free to contact me with any questions (916-774-5334).

Sincerely,

Mark Morse

Mark Morse
Environmental Coordinator

Lee Higgins
Environmental Project Manager

Chevron Environmental Management Company
6111 Bollinger Canyon Road
BR1Y/3484
San Ramon, CA 94583
Tel (925) 543-2365
Fax (925) 543-2323
leehiggins@chevron.com

November 24, 2010

Ms. Crystal Spurr
Staff Environmental Scientist
California Department of Water Resources
1416 9th Street, Room 1148
Sacramento, California 95814

Subject: **Comments for the Notice of Preparation of the Program Environmental Impact Report for the Central Valley Flood Protection Plan**
Chevron Environmental Management Company
Historical Pipeline Portfolio–Bakersfield to Richmond

Dear Ms. Spurr:

Chevron Environmental Management Company (CEMC) recently became aware of the Notice of Preparation (NOP) for the Program Environmental Impact Report (PEIR; State Clearinghouse Number 2010102044) for the Central Valley Flood Protection Plan (CVFPP). The purpose of this letter is to notify the California Department of Water Resources (DWR) as to the location of formerly active crude-oil pipelines in the Central Valley of California (Figure 1), and to provide background information about the former pipelines. The intent is that information regarding the location and construction of these pipelines will be incorporated into the CVFPP PEIR and future project engineering and environmental plans.

Portions of former Old Valley Pipeline (OVP) and Tidewater Associated Oil Company (TAOC) crude-oil pipelines existed in the vicinity of the proposed planning area boundaries relevant to the CVFPP. The former pipelines are or were located in portions of Contra Costa County, San Joaquin County, Stanislaus County, Merced County, and Fresno County. The historic pipelines were constructed in the early 1900s and carried crude oil from the southern San Joaquin Valley to the Bay Area. Operations for the OVP ceased in the 1940s, and in the 1970s for the TAOC pipelines.

The pipelines were originally installed at depths ranging from 18 inches to 10 feet below ground surface. The steel pipelines were typically encased in a protective coating composed of coal tar and asbestos-containing felt material (ACM). When pipeline operations ceased, the pipelines were taken out of commission. The degree and method of decommission varied; in some instances the pipelines were removed, while in others they remain in place.

Evidence of historic releases associated with the former OVP and TAOC pipelines is sometimes identified during the course of underground utility work and other subsurface construction activities near the former pipeline rights of ways (ROWs). Residual weathered crude oil associated with former OVP

and TAOC pipeline operations can usually be observed visually; however, analytical testing is necessary to confirm the identity of the affected material. Analytical results from risk assessments performed by CEMC at numerous historical pipeline release sites confirm that soil affected by the historic release of crude oil from the pipelines is non-hazardous.

Figure 1 illustrates where the former OVP and TAOC ROWs are located in the Systemwide Planning Area (also defined as the Sacramento-San Joaquin River Flood Management System Area) and the Preliminary CVFPP PEIR Study Area.

CEMC recommends that the DWR be prepared to potentially address residual weathered crude oil, pipelines, and ACM from the former OVP and/or TAOC pipelines during subsurface construction activities. This potentiality is easily managed with some advanced planning. CEMC would appreciate being informed of any proposed projects, encountered petroleum, pipelines, and pipeline-related ACM in the vicinity of the former OVP and TAOC ROWs.

In addition, to facilitate the identification of Central Valley infrastructure and flood management system projects proposed for construction along the pipeline ROWs, CEMC requests Geographic Information System (GIS) planning data for proposed infrastructure and flood management system projects. At your request, CEMC will provide GIS data that illustrates the location of the former OVP and TAOC pipelines in the Central Valley.

For more information regarding these historic pipelines, please visit http://www.hppinfo.com/. If you have any questions, require additional information, or would like to request more detailed maps, please contact SAIC-Benham consultants Tom Burns (thomas.a.burns@saic.com) at (916) 979-3748 or Daniel Anzelon (anzelond@saic.com) at (858) 826-3316.

Sincerely,

Lee Higgins

LPH/klg

Enclosures:
Figure 1. Historical Pipeline Rights of Ways – Central Valley Flood Protection Plan

cc: Mr. Tom Burns – SAIC-Benham
3800 Watt Avenue, Suite 210, Sacramento, California 95821
Mr. Mike Jenkins – SAIC-Benham (letter only)
3800 Watt Avenue, Suite 210, Sacramento, California 95821

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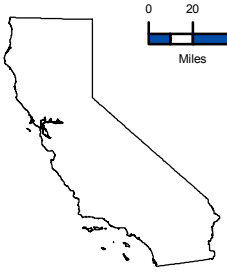
Map is a relative representation of current and historical data and should be verified for exact legal or underground work.



CALIFORNIA LOCATION MAP

0 20 40 Miles

Historical Old Valley Pipeline (OVP)

Historical Tidewater Associated Oil Company (TAOC) Pipeline

Source: California Department of Water Resources, "Notice of Preparation - Program Environmental Impact Report for the Central Valley Flood Protection Plan" (October 27, 2010)

HISTORICAL PIPELINE RIGHTS OF WAYS

CENTRAL VALLEY FLOOD PROTECTION PLAN

Central Valley, California

DATE: 11/8/2010	ANALYST: HOANGTA	FIGURE:
SAIC From Science to Solutions	The Benham Companies, LLC A Wholly Owned Subsidiary	1

FILE: \\SACGIS\GISCAD\HPBTRMANAGEMENTSTRATEGY\POTENTIAL PROJECTS\CENTRALVALLEYFLOODPLAN\PROJECTS\FIGURE 1\HPPMS_FIG1_CENTRALVALLEYFLOODPLAN_2010_11.MXD

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California Regional Water Quality Control Board
Central Valley Region
Katherine Hart, Chair

Linda S. Adams
Secretary for Environmental Protection

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Arnold Schwarzenegger
Governor

29 November 2010

Crystal Spurr
California Department of Water Resources
1416 9th Street, Room 1148
Sacramento, CA 95814

COMMENTS ON NOTICE OF PREPARATION FOR PROGRAM ENVIRONMENTAL IMPACT REPORT (PEIR), CENTRAL VALLEY FLOOD PROTECTION PLAN (CVFPP), SCH#2010102044

The California Environmental Quality Act (CEQA) provides an opportunity for the State and Regional Water Quality Control Boards (Water Boards) to exercise their authority to require avoidance, minimization and mitigation of impacts to the waters of the state. The Water Boards regulate discharges to protect the quality of waters of the state, broadly defined as "the chemical, physical, biological, bacteriological, radiological, and other properties and characteristics of water which affects its use."[1] Early consultation is encouraged, as project reconfiguration may be required to avoid and minimize impacts to waters of the state.

In case the applicant chooses to move forward with alternatives that may result in potentially significant or significant environmental impacts, even after all feasible mitigation measures are implemented, the applicant must perform an anti-degradation analysis[2] since that analysis is required for further permitting actions, such as a Clean Water Act (CWA) Section 401 Water Quality Certification.

The project location includes two of the major watersheds in the state, the San Joaquin River and the Sacramento River watersheds. In addition, the Sacramento-San Joaquin Delta will be impacted by the activities covered by the plan. Although the primary objective of the CVFPP is to improve flood risk management, the Water Boards are concerned about the impacts the proposed activities may have on the beneficial uses of the aquatic resources and aquatic dependent resources. A number of the aquatic resources are already listed as impaired due to a number of pollutants and extensive historical hydromodification activities that lead to the creation of the Central Valley levee system. In addition, those receiving waters serve as the habitat or sustain the habitat for a diverse range of plant and wildlife species, some of them on the brink of extinction.

The Water Boards are encouraged that the NOP recognizes the need that the PEIR must identify and address any direct, indirect, or cumulative effects on the ecological resources of the Central Valley floor and the Delta. In addition, the NOP contains references to the need to

[1] California Water Code, §13050.
[2] State Water Resources Control Board Resolution No. 68-16 ("Statement of Policy With Respect to Maintaining High Quality Waters in California") and Code of Federal Regulations Part 40 (40 CFR) Section 131.12

address and integrate environmental solutions into flood management activities and that the CVFPP will include a conservation framework that will describe how environmental stewardship would be an integral part of actions to improve the flood management system in the Central Valley.

Effects of Redevelopment on Water Quality

Watersheds are complex natural systems in which physical, chemical, and biologic components interact to create the beneficial uses of water on which our economy and well-being depend. Poorly planned redevelopment upsets these natural interactions and degrades water quality through a web of interrelated effects. The primary impacts of poorly planned redevelopment projects on water quality are:

- **Direct, indirect and cumulative impacts** – the plan must include a robust analysis of the direct, indirect and cumulative physical impacts of filling and excavation of wetlands, riparian areas, and other waters, performed from the site to the watershed level;
- **Pollutants** – the generation of pollutants during and after construction;
- **Hydrologic modification** – the alteration of flow regimes and groundwater recharge by the proposed activities;
- **Watershed-level effects** – the disruption of watershed-level aquatic functions, including pollutant removal, floodwater retention, and habitat connectivity.

These impacts typically degrade water quality, increase peak flows and flooding, and destabilize stream channels, resulting in engineered solutions to the disrupted flow patterns and, ultimately, near-total loss of natural functions and values in the affected basins. Many examples of such degradation exist in California and elsewhere. The Water Boards' are mandated to prevent such degradation.

Comments on the Proposed Development

The PEIR for this project should attempt to characterize all project-specific, cumulative, direct, and indirect impacts of the project on the quality of waters of the state as defined above, and identify alternatives and other mitigation measures to reduce and eliminate such impacts. This analysis should be done at the:

- individual project size level;
- regional or subwatershed/subdrainage area; and
- watershed level.

Analyses should include:

1. <u>Avoidance and Minimization Analysis</u>

   There are many ways a proposed project can degrade water quality, and this complicates analysis. Fortunately, avoiding or minimizing any step in a pollution pathway will eliminate or reduce subsequent effects, and will simplify the associated needed analyses; and a small number of key variables control most of the pathways causing water quality degradation. We strongly encourage avoidance as the primary strategy to address water quality concerns.

   For this issue, the PEIR needs to include:

   a. Measures to avoid or minimize each potential cause of water quality degradation.

b. An analysis of why any remaining impacts cannot be avoided or further minimized.

c. Proposed mitigation alternatives that addresses and offsets both the quantity and the quality of the resources impacted.

2. Alternatives Analysis

Because development projects can individually and cumulatively cause major water quality impacts, we strongly encourage as much as possible a low-impact planning approach. Low impact design (LID) strategies should be identified wherever possible. LID provides opportunities to avoid and minimize impacts starting at the source and at initial phases of planning and design of a project. It also provides opportunities for mitigation close to the source avoiding expensive, end-of-pipe, treatment controls.

The PEIR should include a low-impact approach, as appropriate, based on principles and practices described in the documents listed, *Low Impact Development References*. The low impact development analysis should be performed starting at the lot-level, continuing at sub-drainage, culminating at the watershed level.

3. Identification of Affected Waters

A clear understanding of the location and nature of the waters potentially affected by this project is fundamental to fulfillment of our regulatory responsibilities.

1. The PEIR should provide regional-scale and 1:24,000-scale (or other appropriate scale for the project) maps and a description of all waters potentially affected by the proposed project, tabulated and organized by watershed (drainage basin) and waterbody type, e.g., wetlands, riparian areas (as defined by the National Academy of Sciences),[3] streams, other surface waters, and groundwater basins (a greater level of discrimination is usually appropriate, e.g. of wetland type). An estimate of the quality status of the resource should be included.
2. The PEIR needs to contain additional specific information regarding waterbodies. For waterbodies expected to be directly affected, identify the acreage and, for drainage or shoreline features, the number of linear feet potentially impacted, and sum the total affected acres and linear feet by waterbody type.
3. A figure should be included in the PEIR that identifies any “isolated” wetlands or other waters excluded from federal jurisdiction by court decisions.[4]

[3] “Riparian areas are transitional between terrestrial and aquatic ecosystems and are distinguished by gradients in biophysical conditions, ecological process, and biota. They are areas through which surface and subsurface hydrology connect water bodies with their adjacent uplands. They include those portions of terrestrial ecosystems that significantly influence exchanges of energy and matter with aquatic ecosystems (i.e., a zone of influence). Riparian areas are adjacent to perennial, intermittent, and ephemeral streams, lakes, and estuarine-marine shorelines” (National Research Council. *Riparian Areas, Functions and Strategies for Management.* National Academy of Sciences, Washington, D.C. 2002). Riparian areas are created and maintained by periodic inundation by overbank flood flows from the adjacent surface water bodies.

[4] E.g., U.S. Supreme Court, *Solid Waste Agency of Northern Cook County v. U.S. Army Corps of Engineers*, 2001.

4. Characterization of Impacts

As noted above, we believe avoidance is the best strategy for managing potential water quality impacts. In case avoidance is not achievable, a description of the overriding considerations must be included.

For unavoidable impacts, understanding how pollution pathways will operate is essential to managing them.

The PEIR should include descriptions that:

a. Specify the causes, nature, and magnitude of all proposed impacts. Provide a level of analyses commensurate with the size and complexity of the project and its potential water quality impacts.
b. Quantify impacts as definitively as feasible, using appropriate modeling and adequate data. Modeling approaches should be documented; and data deficiencies or other factors affecting the reliability of the results identified and characterized; and
c. Identify whether impacts will be temporary or permanent.

5. Hydrologic Disruption Analysis

Because of the significant potential that the project may impact the flow regime in the receiving waters we strongly encourage a robust analysis of those impacts.

The PEIR should attempt to:

a. Determine the existing status hydrograph profile. The PEIR should include alternatives and mitigations analyses measures to maintain the adequate flow regime to protect the aquatic species; and
b. Provide a meaningful analysis of potential cumulative impacts to watershed hydrology from the planned redevelopment activities in the watershed(s) or planning area.

6. Habitat Connectivity Analysis

Riparian corridors and other waters within the regulatory purview of the Central Valley Water Boards play an important role in maintaining habitat connectivity. Both aquatic and terrestrial habitat (see Attachment 1, *Terrestrial Habitat Connectivity Related To Wetland, Riparian and Other Aquatic Resources)* fragmented by impacts to streams, riparian areas, or other waters. The analysis must include the areas adjacent to the proposed project(s) and how the proposed redevelopment will assure connectivity and viability with the neighboring natural resources or corridors throughout the watersheds/subwatersheds and riparian corridors. The plan should identify how the proposed redevelopment is harmonized with the adjacent natural features pre development and determine any areas of potential enhancement.

The PEIR should attempt to:

a. Analyze the regional importance of movement corridors in and along waterbodies, the potential effect of disrupting such corridors, how those disruptions will be avoided, and the potential for enhancing such corridors through mitigation measures, including connectivity and continuity with adjacent natural features or corridors.

b. Include information regarding any sensitive plant and animal species that likely utilize the corridors.
c. Identify any impacts to riparian or other waters that could compromise future remediation of existing connectivity barriers; and
d. To inform these analyses, consider the information and literature referenced in Attachment 1, *Terrestrial Habitat Connectivity Related To Wetland, Riparian, and Other Aquatic Resources*, including recent data on the role of riparian corridors as movement corridors in California.
e. Within the geographical area of the CVFPP a number of local Habitat Conservation Plans and Natural Community Conservation Plans are in various phases of development and some have been already approved. The PEIR should describe how the proposed CVFPP will coordinate and leverage the activities within the planning area with the communities that have an already approved Habitat Conservation Plan or are in advance stages of planning.

Other information to consider in development of the CVFPP.

Bay Protection and Toxic Cleanup Act (California Water Code Section 13390 et. seq.): In accordance with the Bay Protection and Toxic Cleanup Act, the Water Boards adopted a Consolidated Toxic Hot Spot Cleanup Plan that identified the toxic hot spots. Toxic hot spots that may be affected by flood protection activities are (1) Mercury in the entire Delta and the Cache Creek watershed including Clear Lake and (2) Low Dissolved Oxygen concentrations in the San Joaquin River in the vicinity of the City of Stockton. In accordance with California Water Code Section 13395, waste discharge requirements must include requirements to prevent the creation of new toxic hot spots and the maintenance or further pollution of existing toxic hot spots. The Regional Board has developed specific control programs to address the toxic hot spots mentioned above. These control programs are further discussed below.

Mercury

In addition to the provisions in the Bay Protection and Toxic Cleanup Act (BPTCA) discussed above, the Central Valley Water Board recently amended the Water Quality Control Plan for the Sacramento River and San Joaquin River Basins to include a mercury control program for the Delta. Part of the impetus for the control program was to address provisions of the BPTCA. The Delta control program assigns methylmercury load and waste load allocations for sources discharging to the Delta and Yolo Bypass. These allocations are to be met as soon as possible but no later than 2030. Open water areas within channels and floodplains are one of the sources that are assigned allocations. Agencies responsible for managing these areas are required to conduct control studies and evaluate options to reduce methylmercury in open waters. The agencies are also required to implement feasible controls for inorganic mercury.

The Delta Control Program has specific requirements for dredging and dredge material reuse that will be included in the Clean Water Act 401 Water Quality Certification. Agencies that dredge are also required to conduct studies and apply the studies prior to the Phase 1 review.

Dissolved Oxygen in the Deep Water Ship Channel

The Central Valley Water Board has adopted a control program for dissolved oxygen that was intended to, among other things, implement the Bay Protection and Cleanup Act provisions. The control program assigns responsibility for addressing the dissolved oxygen problem to three types of responsible entities: 1) entities discharging oxygen demanding substances, 2) entities responsible for maintaining the shape, depth and size of the Ship Channel, and 3) entities that control flows entering the Delta from the San Joaquin River. These entities are all responsible for conducting studies and taking steps to improve the dissolved oxygen problem in the Ship Channel.

The Stockton Deep Water Ship Channel Low DO Control Program has specific requirements for any project that has the potential to impact dissolved oxygen conditions in the DWSC. These requirements will be included in the Clean Water Act 401 Water Quality Certification. Agencies with projects that have the potential to impact dissolved oxygen conditions in the DWSC must evaluate and fully mitigate those impacts.

Other Contaminants to Consider

Organochlorine Pesticides

Many of the Central Valley's waterways are included in the Clean Water Act section 303(d) list of Impaired Water Bodies due to elevated levels of organochlorine pesticides (like DDT). OC pesticides are generally sediment bound and activities that disturb sediment may cause increased OC pesticide concentrations in the water column. The increased pollutant concentrations may be temporary during the disturbance or last longer if buried pollutant sources are exposed to the water column.

Mitigation Monitoring and Reporting Program

The PEIR should include a proposed Mitigation Monitoring and Reporting Program (MMRP) as required by California Public Resource Code Section 21081.6 and CEQA Guidelines, California Code of Regulations Section 15097. The MMRP must include the elements outlined in this comment letter for purposes of monitoring how they are addressed through the entire process of adopting the PEIR, and throughout the design and implementation phase of the project. CEQA Guidelines Section 15041 grants the Central Valley Water Board the authority to require changes in a project to lessen or avoid effects of that part of the project which the Responsible Agency will be called on to approve or permit.

Low Impact Development References

http://www.opr.ca.gov/ceqa/pdfs/Technical_Advisory_LID.pdf
http://www.epa.gov/smartgrowth/
http://www.waterboards.ca.gov/water_issues/programs/low_impact_development/index.shtml

We welcome the opportunity to work with you to make this project an example of environmental sustainability in California. If we may clarify any of our comments or be of further assistance, please contact me at (916) 464-4736 or email *dradulescu@waterboards.ca.gov*.

Dan Radulescu, P.E.
Lead of the 401 WQC and Storm Water Unit

Attachment

cc: State Clearinghouse
Bill Orme, 401 Certification and Wetlands Unit, State Water Resources Control Board

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ATTACHMENT 1

State Water Resources Control Board

Terrestrial Habitat Connectivity Related To Wetland, Riparian and Other Aquatic Resources,

Terrestrial Habitat Connectivity as Related To Wetland, Riparian, and Other Aquatic Resources

"Habitat connectivity" refers to the need for plant and animal populations to have some mobility over the landscape, i.e., to avoid becoming "isolated" or "disjunct."[1] A large body of research has demonstrated that such "isolated" populations face a high probability of eventual extinction, even if their immediate habitats are spared.[2] In general, the smaller such an isolated population, the more quickly it will die out. Urban development typically fragments habitat by creating artificial landscapes which are movement barriers for most species. Unless mitigation measures are taken, isolated, non-viable populations are created as buildings, roads, and landscaping cut off lines of movement.

In the context of wetlands, "habitat connectivity" refers to three related phenomena:

a. The need of some animals to have access to both wetland and upland habitats at different parts of their life cycle. Some wetland animals, e.g., some amphibians and turtles, require access at different seasons and/or at different life stages to both wetland and to nearby upland. Preserving the wetland but not access to upland habitat will locally exterminate such species.[3]

b. The ecological relationship between separate wetlands. Some wetland communities and their associated species comprise networks of "patches" throughout a landscape. Wetland plants and animals are adapted to the presence of wetland complexes within a watershed and are dependent on moving among the wetlands within the complex, either regularly or in response to environmental stressors such as flood or drought, local food shortage, predator pressure, or influx of pollution. Removing one such water from the complex will reduce the biological quality of the rest, and at some point the simplified wetland complex will be incapable of supporting at least some of the species, even though some wetlands remain.[4]

c. The role wetlands and riparian corridors play in allowing larger-scale movements. Some strategically located wetlands and continuous strips of riparian habitat along streams facilitate connectivity at watershed and regional scales for terrestrial as well as aquatic and amphibious species.

As noted above, habitat connectivity is critical to biodiversity maintenance, and will become more so because of global warming. Significant range shifts and other responses to global warming have already occurred. The ability of biotic populations to move across the landscape may be critical to their survival in coming decades.[5]

---

[1] Such mobility may occur at the level of the individual organism (e.g., a bird or turtle travelling between separated wetlands) and/or of the population (e.g., a plant species colonizing a new wetland through seed dispersal); and over different time scales.

[2] For the effects of habitat fragmentation and population isolation on the survival of plants and animals, see for example:

K. L. Knutson and V.L. Naef, *Management Recommendations for Washington's Priority Habitats: Riparian*, Washington Dept. of Fish and Wildlife, Olympia, WA, December 1997, p. 71.

R.F Noss and A.Y Cooperrider, *Saving Nature's Legacy; Protecting and Restoring Biodiversity,* Washington, D.C., Island Press, 1994, pp. 33-34, 50-54, 59-62, 61-62.

D.E. Saunders, R.J. Hobbs, and C.R. Margules, "Biological Consequences of Ecosystem Fragmentation: A Review," *Conservation Biology* 5(1), March 1991, pp. 18-32.

Michael E.Soulé, "Land Use Planning and Wildlife Maintenance, Guidelines for Conserving Wildlife in an Urban Landscape," *Journal of the American Planning Association* 57(3), 1991, pp. 313-323.

Michael E. Soulé, "The Effects of Habitat Fragmentation on Chaparral Plants and Vertebrates," *Oikos* 63, 1992, pp. 39-47.

United States Federal Interagency Stream Restoration Working Group, *Stream Corridor Restoration: Principles, Practices, and Processes*, October 1998, [Online]. Available from: http://www.usda.gov/stream_restoration. Printed copy available from: National Technical Information Service (NTIS), Springfield, VA, pp. 2-80, 2-82.

[3] Regarding the relationship between wetland/riparian and upland habitats, see for example:

Vincent J. Burke and J. Whitfield Gibbons, "Terrestrial Buffer Zones and Wetland Conservation: A Case Study of Freshwater Turtles in a Carolina Bay," *Conservation Biology* 9(6), 1995, pp. 1365-1369;

C. Kenneth Dodd , Jr. and Brian S. Cade, "Movement Patterns and the Conservation of Amphibians Breeding in Small Temporary Wetlands," *Conservation Biology* 12(2), 1998, pp. 331-339;

Raymond D. Semlitsch, "Biological Delineation of Terrestrial Buffer Zones for Pond Breeding Salamanders," *Conservation Biology* 12(4), 1997, pp. 1113-1119.

Hilty, J. A. and Merenlender, A. M. Use of Riparian Corridors and Vineyards by Mammalian Predators in Northern California. Conservation Biology 18(1) 126-135; 2004 February.

[4] Regarding the ecological relationship between separated wetlands, see for example:

C. Scott Findley and Jeff Houlahan, "Anthropogenic Correlates of Species Richness in Southeastern Ontario Wetlands, *Conservation Biology* 11(4), 1997, pp. 1000-1009;

Lisa A. Joyal, Mark McCollough, and Malcom L. Hunter, Jr., "Landscape Ecology Approaches to Wetland Species Conservation: A Case Study of Two Turtle Species in Southern Maine," *Conservation Biology* 15(6), 2001, pp. 1755-1762;

Raymond D. Semlitsch and J. Russell Bodie, "Are Small, Isolated Wetlands Expendable?" *Conservation Biology 12(5),* 1998, pp.1129-1133;

National Research Council, *op. cit.,* 2001, p. 42;

Nature Conservancy, *op. cit.*, July 2000, p. 10.

[5] Recent reports comprehensively review observed effects of global change on plant and animal range shifts, advancement of spring events, and other responses. See:

Terry L. Root, Jeff T. Price, Kimberly R. Hall, Stephen H. Schnieder, Cynthia Rosenzweig, and Alan Pounds, "Fingerprints of Global warming on Wild Animals and Plants," *Science* 421:2, January 2003, pp. 57-60.

Camille Parmesan and Gary Yohe, "A Globally Coherent Fingerprint of Climate Change Impacts cross Natural Systems," *Science* 421:2, January 2003, pp. 37-42.

Thomas, et al. “Extinction risk from climate change”, *Nature* 427, January 2004, pp. 145-148

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Flex your power!
Be energy efficient!

November 29, 2010

Crystal Spurr, Staff Environmental Specialist
California Department of Water Resources
1416 9th Street, Room 1148
Sacramento, CA 95814

NOP for Central Valley Flood Protection Plan Program (CVFPP) EIR (SCH #2010102044)

Dear Ms. Spurr:

The California Department of Transportation (Caltrans) appreciates the opportunity to comment on the subject Notice of Preparation.

Responsive to legislation enacted in California in 2007 and 2008, the CVFPP is intended to provide a system-wide approach toward implementation of potential flood management improvements in the Central Valley, focusing on lands currently protected by the State Plan of Flood Control. The primary goal of the project is to improve flood risk management. Supporting goals to this end are identified as improvement of operations and maintenance, promotion of ecosystem functions, improvements to institutional support and the promotion of multi-benefit projects.

The Caltrans Local Development-Intergovernmental Review (LD-IGR) Program is your partner is stewardship of the public interest, our part of which are the present and future mobility needs of California. From the map provided in your NOP, it appears that the Caltrans districts potentially affected by the project are 2, 3, 4, 5 and 6. We offer the following comments at this time:

1. Please note that any measures under the CVFPP that encroach into Caltrans right of way would require and Encroachment Permit issued by Caltrans. As defined in CEQA section 211060, Caltrans would act as a Responsible Agency for projects requiring an Encroachment Permit. An application for an Encroachment Permit must include appropriate environmental studies and a copy of the environmental document adopted by the Lead Agency. These documents should identify Caltrans as a Responsible Agency and should include the identification of impacts to cultural resources, biological resources, hazardous waste locations, and other resources within Caltrans right of way. Appropriate avoidance, minimization and mitigation measures must be identified. Contact information for the district Encroachment Permits offices may be found at: http://dot.ca.gov/hq/traffops/developserv/permits/pdf/manual/Appendix_G_(WEB).pdf

2. The proposed Central Valley Flood Protection Plan will require creation and analysis of multiple models for various waterways and reservoirs. State highways in the entire valley could be impacted as a result of the proposed projects. For hydraulics review, we will request electronic copies of all models (HEC-RAS, HEC-HMS, etc.), even if water surface elevations are not altered by more than one foot.

3. Local agencies favor constructing new bridges to span 200-year water surface elevations in waterways. It would be appropriate to include 200-year water surface analyses in any new models developed.

4. Given statewide emphasis on greenhouse gas emissions, we would like your analysis to consider potential sea-level rise resulting from climate change. Caltrans has numerous facilities that may be affected by rising sea levels.

5. A Traffic Management Plan (TMP) should be prepared and submitted for Caltrans review to minimize traffic impacts to the State Highway System during construction. The traffic control plan should discuss the expected dates and duration of construction, as well as traffic mitigation measures. We recommend that to the extent possible, the applicant should limit truck trips during morning and evening peak traffic periods (6-9 AM and 3-6 PM) to avoid exacerbating congestion.

6. At any time in which project-level planning occurs, please contact LD-IGR staff in the Caltrans district in which the project is to be located as early in your process as possible. This will allow for collaborative approaches that consider both flood protection and state transportation facilities, and our staff can provide more specific guidance.

Please let us know if we can be of assistance as you continue your planning and environmental review. Additional resources may be found at the LD-IGR Program website:

http://dot.ca.gov/hq/tpp/offices/ocp/igr_ceqa.html

My telephone number is 916.651.8201, and my I can be reached via e-mail at: gary.arnold@dot.ca.gov.

Sincerely,

Gary S. Arnold

Statewide Local Development-Intergovernmental Review Coordinator
Office of Community Planning

c: M. Gonzalez, LD-IGR Coordinator, District 2
A. Begley, Chief, Transportation Planning – South, District 3
L. Carboni, Chief, IGR/CEQA Branch, District 4
B. Rider, Chief, IGR North, District 5
M. Navarro, IGR Program Leader/Coordinator, District 6
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STANISLAUS COUNTY ENVIRONMENTAL REVIEW COMMITTEE

November 29, 2010

Crystal Spurr
Staff Environmental Scientist
CA Dept of Water Resources
1416 9th Street, Room 1148
Sacramento CA 95814

SUBJECT: **ENVIRONMENTAL REFERRAL – CALIFORNIA DEPARTMENT OF WATER RESOURCES – NOTICE OF PREPARATION PROGRAM ENVIRONMENTAL IMPACT REPORT FOR THE CENTRAL VALLEY FLOOD PROTECTION PLAN**

Ms. Spurr:

The Stanislaus County Environmental Review Committee (ERC) has reviewed the subject project and has no comments at this time.

The ERC appreciates the opportunity to comment on this project.

Sincerely,

Christine Almen

Christine Almen, Senior Management Consultant
Environmental Review Committee

cc: ERC Members

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DEPARTMENT OF THE ARMY
U.S. ARMY ENGINEER DISTRICT, SACRAMENTO
CORPS OF ENGINEERS
1325 J STREET
SACRAMENTO CA 95814-2922

REPLY TO
ATTENTION OF

December 9, 2010

Regulatory Division SPK-2010-01370

Crystal Spurr, Staff Environmental Scientist
California Department of Water Resources
1416 9th Street, Room 1148
Sacramento, CA 95814

Dear Ms. Spurr:

We are responding to your October 27, 2010 Notice of Preparation of a Program Environmental Impact Report for the Central Valley Flood Protection Plan (the "PEIR"). Your identification number is SPK-2010-01370. The project location for the PEIR includes lands protected by facilities of the State Plan of Flood Control (as described in California Water Code section 9110(f), and California Public Resources Code section 5096.805(e) & (j)), lands subject to flooding under current facilities and operation of the Sacrament-San Joaquin River Flood Management System, watersheds that are tributaries to the Central Valley, and the Sacramento-San Joaquin Delta (including Suisun Marsh).

The Corps of Engineers' jurisdiction within the project location is under the authority of Section 404 of the Clean Water Act for the discharge of dredged or fill material into waters of the United States, as well as Section 10 of the Rivers and Harbors Act of 1899 for work in all navigable waters of the United States. Waters of the United States include, but are not limited to, rivers, perennial or intermittent streams, lakes, ponds, wetlands, vernal pools, marshes, wet meadows, and seeps.

Projects tiered from the PEIR's environmental review that result in the discharge of dredged or fill material into waters of the United States, or require work within navigable waters of the United States, will require Department of the Army authorization prior to starting work. Consequently, the PEIR should include language requiring that the California Department of Water Resources ascertain the extent of waters on tiered project sites by preparing wetland delineations, in accordance with the "Minimum Standards for Acceptance of Preliminary Wetland Delineations", under "Jurisdiction" on our website at the address below, and submit it to this office for verification. Furthermore, the PEIR should require the California Department of Water Resources to apply for Department of the Army authorization if it is determined that future projects tiering from PEIR will result in the discharge of dredged or fill material into waters of the United States, or will require work within navigable waters of the United States.

Additionally, the range of alternatives considered for future projects tiering from the PEIR should include alternatives that avoid impacts to wetlands or other waters of the United States. Every effort should be made to avoid project features which require the discharge of dredged or

fill material into waters of the United States. In the event it can be clearly demonstrated there are no practicable alternatives to filling waters of the United States, mitigation plans should be developed to compensate for the unavoidable losses resulting from project implementation.

Finally, if waters of the United States are going to be impacted by any future project tiering from the PEIR, cultural resource sites within the defined federal permit area will need to be evaluated according to the standards of the National Environmental Policy Act. All eligible or potentially eligible cultural resource sites to the National Register of Historic Places within the permit area will be subject to Section 106 of the National Historic Preservation Act, 1966, as amended. The Corps of Engineers must also comply with the terms and conditions of the Federal Endangered Species Act with regards to our permitting process. You may need to supply a recent biological assessment of the project site for us to comply with the federal Endangered Species Act.

Please refer to identification number SPK-2010-01365 in any correspondence concerning this project. If you have any questions, please contact me by email at *Kathleen.A.Dadey@usace.army.mil*, or by telephone at 916-557-7253. For more information regarding our program, please visit our website at *www.spk.usace.army.mil/regulatory.html.*

Sincerely,

Kathleen A. Dadey, Ph.D.
California Delta Branch

State Water Resources Control Board

Division of Water Quality

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Linda S. Adams
Acting Secretary for Environmental Protection

Edmund G. Brown Jr.
Governor

JAN 1 9 2011

Ms. Crystal Spurr
California Department of Water Resources
1496 Ninth Street, Room 1148
Sacramento, CA 95814

Dear Ms. Spurr,

NOTICE OF PREPARATION (NOP) COMMENTS REGARDING THE PROPOSED CENTRAL VALLEY FLOOD PROTECTION PLAN DRAFT PROGRAM ENVIRONMENTAL IMPACT REPORT (PEIR)

The State Water Resources Control Board (State Water Board) staff has reviewed the Notice of Preparation of a Program Environmental Impact Report/Programmatic Environmental Impact Statement (PEIR/PEIS) for the Central Valley Flood Protection Plan (CVFPP). The proposed project is located in areas administered by the San Francisco Bay Regional Water Quality Control Board and Central Valley Regional Water Quality Control Board (Regional Water Boards). Although we recognize the importance of the CVFPP project, we nevertheless note that it has the potential to adversely impact water quality and beneficial uses during construction/implementation as well as over the life of the project. Because of these potential effects, State Water Board staff requests that the following concerns be addressed in the forthcoming Draft PEIR/PEIS.

The size and scope of the proposed CVFPP does not allow a comprehensive review of all on-the-ground details. This review, therefore, covers several general topics of concern and provides examples of classes of specific concerns that will need to be addressed in a PEIR/PEIS and in development of subsequent project implementation plans.

STATE WATER AND REGIONAL WATER BOARD JURISDICTION

Clean Water Act Section 401 requires that anyone proposing to conduct a project that requires a federal permit, or that involves dredge or fill activities that may result in a discharge to surface waters, including wetlands, is required to obtain a Water Quality Certification (Certification) verifying that the project activities will comply with State water quality standards. Since the overall CVFPP spans more than one Regional Water Board, the State Water Board will issue the Certification. State Water Board staff will consult with Regional Water Board staff on all conditions of the Certification.

The State Water Board and Regional Water Boards have responsibility for all State waters which include waters of the United States as a subset. Any stormwater discharge or discharge of any pollutant, including dredge and fill material, shall be regulated under State and Regional Water Board permits.

In addition, dischargers whose projects disturb one or more acres of soil or whose projects disturb less than one acre but are part of a larger common plan of development that in total disturbs one or more acres, are required to obtain coverage under the State Water Board's General Permit for Discharges of Storm Water Associated with Construction Activity.

State Water Board staff will work closely with Regional Water Board staff in development of all certification and storm water permit conditions, including mitigation and monitoring requirements.

PROVISION FOR ANALYSIS OF A FULL RANGE OF ALTERNATIVES

The State Water Board and Regional Water Boards (collectively Water Boards) require projects subject to their permitting authority to avoid and minimize impacts to all waters of the State to the maximum extent practicable, and to ensure no net loss of wetlands. For this reason, the Water Boards expect that full consideration and analysis of water quality impacts be included in all project alternatives of the Draft PEIR/PEIS.

PROVISION OF FULL INFORMATION ON ALTERATIVES

The PEIR/PEIS must clearly identify, describe and locate all the environmental impacts associated with potential activities including the proposed activities that address vegetation maintenance, levee erosion, channel capacity, seepage encroachment, and seismic loadings. The PEIR/PEIS must also clearly identify all waters of the State, including wetlands, which may be affected by the various proposed activities and alternatives.

AVOIDANCE, MINIMIZATION, AND MITIGATION MEASURES

Activities covered in the CVFPP have the potential to effect waters of the State. Avoidance and minimization measures should be incorporated into all construction and maintenance activities that may impact waters, including wetland areas, streams, and drainage channels. If avoidance is infeasible, construction and maintenance measures should be specified that would minimize disturbance to the fullest extent possible.

For unavoidable impacts to waters of the State, mitigation for the loss of their functions and beneficial uses shall be provided. State Water Board staff will work with the Department of Water Resources and other regulatory agencies to ensure that this goal

is met. The Draft PEIR/PEIS should discuss likely mitigation approaches for each potential unavoidable impact, including potential types of mitigation, sites, timing and financial assurances.

HYDROLOGY

Potential significant effects to the aquatic resources should be evaluated using a watershed approach. The loss of functions and services of impacted water bodies, including wetlands, streams and riparian areas should be appraised considering the condition of aquatic resources in the impacted watershed. Every effort should be made to protect existing hydrology through the incorporation of "low impact development" design techniques, such as limiting impervious surfaces and controlling runoff through ground infiltration methods. For any proposed change to existing flow volume, channel location/size, or rate of discharge, an evaluation should be made of the effects on current patterns, water circulation, normal water fluctuation, and salinity. Consideration should also be given to the potential diversion or obstruction of flow, alterations of bottom contours, or other significant changes in the hydrologic regime. Any potential surface and ground water effects should be evaluated in the PEIR/PEIS. Water quality considerations should be included in project plans to repair or modify existing or new infrastructure.

BIOLOGICAL RESOURCES

Development associated with implementation of the proposed CVFPP would contribute to the on-going loss of wildlands and agricultural lands, which currently provide habitat for a variety of federal and State listed special status species, as well as other wildlife and plant resources. Two important types of wildlife habitat are riparian and wetland habitats. These habitats can be threatened by development, erosion, and sedimentation, as well as by poor water quality. The water quality requirements of wildlife pertain to the water directly ingested, the aquatic habitat itself, and the effect of water quality on the production of food materials. Waterfowl habitat is particularly sensitive to changes in water quality. Riparian corridors and levees are important in habitat connectivity. The Project could substantially reduce these habitats and restrict the movement of several species. The PEIR/PEIS should fully describe the potential project related impacts to animal and plant species habitat, including wetlands and riparian areas and commit to habitat preservation measures that protect water quality, species movement and habitat needs.

MITGATION MONITORING AND REPORTING

If applicable, a Mitigation Monitoring and Reporting Program (MMRP) should be proposed for any required mitigation sites as required by California Public Resource Code Section 21081.6 and CEQA Guidelines, California Code of Regulations Section

15097. The MMRP must be based on a watershed approach and include site selection, development and long-term management as well as performance criteria.

AVOIDANCE OF SPECIAL AREAS

Special efforts should be made to avoid impacts to wetlands and waters of the State in areas of ecological integrity, such as California State Parks and similar sites. These areas typically contain waters of the State with important habitat and recreational beneficial uses.

CUMULATIVE EFFECTS

A full discussion of the cumulative effects of the proposed project should be included in the PEIR/PEIS. The CVFPP should incorporate design elements that re-establish or improve current environmental conditions and beneficial uses of waters in impacted watersheds to lessen cumulative effects.

IN CONCLUSION

State Water Board staff thanks the California Department of Water Resources for this opportunity to comment on this project. Please continue to include our agency in all future correspondence regarding this project. We are available to discuss the project and our comments in detail. For questions or comments, contact Ms. Catherine Woody at (916) 341- 5785 (CWoody@waterboards.ca.gov) or Mr. Bill Orme at (916) 341-5464 (borme@waterboards.ca.gov.

Sincerely,

E L Haven

Elizabeth L. Haven
Assistant Deputy Director
Division of Water Quality

cc: (See next page)

cc: Mr. Mike Jewell, Chief
Regulatory Branch, Sacramento District
U.S. Army Corps of Engineers
1325 J Street
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Mr. Jason Brush, Chief
Wetlands Regulatory Office
U.S. Environmental Protection Agency
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75 Hawthorne Street
San Francisco, CA 94105

Mr. Kent Smith, Acting Regional Manager
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North Central Region
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San Francisco Bay Regional Water Quality Control Board
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