

NOTICE OF PREPARATION OF A DRAFT ENVIRONMENTAL IMPACT REPORT

TO: Agencies and Interested Parties

FROM: California Department of Water Resources

DATE: **May 17, 2013**

SUBJECT: Announcement of:

- 1) Notice of Preparation of an Environmental Impact Report on the Prospect Island Tidal Habitat Restoration Project
- 2) Public Scoping meeting to be held on **Monday June 10, 2013**
- 3) Scoping comments due by **June 21, 2013**

LEAD AGENCY: California Department of Water Resources (DWR)

PROJECT NAME: Prospect Island Tidal Habitat Restoration Project

PROJECT AREA: Prospect Island (Sacramento - San Joaquin River Delta)

The Department of Water Resources (DWR), lead agency implementing the California Environmental Quality Act (CEQA) (Public Resources Code Section 2100 et seq.), will prepare an Environmental Impact Report (EIR) for the Prospect Island Tidal Habitat Restoration Project. We need to know the views of your agency as to the scope and content of the environmental information that is germane to your agency's statutory responsibilities in connection with the proposed project. Your agency may need to use this EIR when considering your permit or other approvals for the project. We are also seeking input from the public on the scope and content of the EIR.

The project description, location, and the potential environmental effects are contained in the attached materials. A copy of the Initial Study is not attached.

Due to time limits mandated by State law, your response must be submitted at the earliest possible date, but **no later than June 21, 2013**. We will need the name of a contact person in your agency. Please send your response to

Dan Riordan

Department of Water Resources, P.O. Box 942836, Sacramento, CA 94236

Fax: 916-376-9688, Email: dan.riordan@water.ca.gov

May 17, 2013

Date



Dean F. Messer
Chief, Division of Environmental Services
California Department of Water Resources
(916) 376-9700

NOTICE OF PREPARATION for the Prospect Island Tidal Habitat Restoration Project Environmental Impact Report

INTRODUCTION

The Department of Water Resources (DWR) will prepare an Environmental Impact Report (EIR) for the Prospect Island Restoration Project (project) in Solano County, California. The EIR will be prepared in compliance with the California Environmental Quality Act (CEQA)(Public Resources Code Section 21000 et seq.) and the CEQA Guidelines (California Code of Regulations Title 14, Chapter 3, Sections 15000-15387), as amended. DWR will be the lead agency under CEQA. In accordance with CEQA, the lead agency is responsible for the scope, content, and legal adequacy of the document. The EIR will evaluate the environmental effects of implementing a plan to restore tidal freshwater emergent marsh wetland and open water habitats on Prospect Island. The project description, location, and anticipated environmental issues are presented below.

Purpose of the Notice of Preparation: The purpose of a notice of preparation (NOP) is to notify responsible and trustee agencies, Federal agencies involved in approving or funding a project, and interested parties that an EIR will be prepared.

The NOP is an important step in the environmental scoping process, which is designed to determine the range of issues to be addressed in the EIR. The objectives of scoping include:

- Ensuring agency and public involvement in the environmental review process,
- Determining which specific impacts must be evaluated in the EIR,
- Establishing a reasonable range of alternatives, and
- Identifying the scope of issues that must be discussed in order to adequately and accurately address the potential impacts of the project as they relate to permitting and approval authority.

The Draft EIR (DEIR) will incorporate public concerns associated with the project and associated project alternatives, and will be sent out for a 45-day public review period, during which time both written and verbal comments regarding the adequacy of the document will be solicited.

The Final EIR (FEIR) will address the comments received on the DEIR during the public review period. The FEIR will be furnished to all who commented on the DEIR, and made available to anyone who requests a copy during the public comment period. The draft and final EIRs must: (1) provide a full and fair discussion of the project's significant environmental impacts, and (2) inform decision-makers and the public of the feasibility and potential impacts of a reasonable range of alternatives that could avoid or minimize adverse impacts.

The final step in the CEQA process for the EIR is certification of the FEIR and adoption of a series of Findings and a Mitigation Monitoring and Reporting Plan. A certified EIR indicates that the environmental document has been completed in compliance with CEQA. The CEQA Findings indicate that the decision-making body of the lead agency reviewed and considered the FEIR prior to approving the project, and that the FEIR reflects the lead agency's independent judgment and analysis.

Project Location

The Prospect Island Tidal Habitat Restoration Project site is an approximately 1600-acre property located in Solano County, in the northern portion of the Sacramento - San Joaquin River Delta (see Figure 1). Prospect Island falls under two ownerships: the majority of the island (northern 1,300 acres) is owned by DWR, and the southern, 300-acre portion is owned by the Port of West Sacramento (Port). Prospect Island is located immediately east of, and technically is still an element of, the southern end of the Yolo Bypass. The Island became separated from the Bypass with construction of the Sacramento Deep Water Ship Channel (DWSC) in the 1960s. The site is bounded on the east by Miner Slough, on the west by the DWSC, on the south by the confluence of the DWSC and Miner Slough, and on the north by an east-west levee that runs from Arrowhead Harbor to the DWSC.

Project Objectives

The project is intended to partially fulfill the 8,000-acre tidal habitat restoration obligations of DWR, contained within the Reasonable and Prudent Alternative (RPA) of the U.S. Fish and Wildlife Service Delta Smelt Biological Opinion (USFWS 2008) and referenced in the National Marine Fisheries Service Salmonid Biological Opinion (NMFS 2009), for long-term coordinated operations of the State Water Project (SWP) and the federal Central Valley Project (CVP). The project also could serve as partial habitat fulfillment of tidal restoration objectives under the proposed Bay Delta Conservation Plan (BDCP), upon its approval.

The objectives of the wetlands restoration at Prospect Island, in meeting the tidal restoration obligations described above, are to:

- 1) Enhance primary and secondary productivity and food availability for native fishes within Prospect Island and surrounding Delta waterways;
- 2) Increase the quantity and quality of salmonid rearing habitat within and in the areas surrounding Prospect Island;
- 3) Increase the amount and quality of habitats to support other listed species, to the extent they can be supported by site conditions and natural processes;
- 4) Provide other ecosystem benefits associated with increased Delta freshwater tidal marsh habitat, including water quality enhancement, recreation, and carbon sequestration;
- 5) To the greatest extent practical, promote habitat resiliency to changes in future Delta conditions, such as land use conversions, climate change, sea level rise, and invasive species; and

- 6) Avoid promoting conditions adverse to project biological objectives, such as those which would favor establishment or spread of invasive exotic species.

PROJECT DESCRIPTION

Background

Historically, the project area was tidal marshland, with Prospect Slough to the west and north, and Miner Slough to the east and south. Levees were constructed during the later 19th century and the land was converted to agricultural uses. Prospect Island is part of the Yolo Bypass floodplain; however construction of the DWSC in the 1960s isolated Prospect Island from the main reach of the Yolo Bypass.

The 1,300-acre northern portion of Prospect Island was purchased by the U.S. Bureau of Reclamation (USBR) in 1994 to be part of a proposed North Delta National Wildlife Refuge. Agriculture on the island ceased, but efforts to establish a refuge were not successful. Without near-term implementation of a restoration project that had been planned by the USACE and DWR, USBR initiated the process to transfer or sell the island to another entity. DWR acquired the northern portion of Prospect Island from USBR in January 2010. The DWR land is currently inundated, due to a broken flap gate which allows limited water exchange between Prospect Island and Miner Slough.

The southern, Port-owned portion of Prospect Island is subject to a greater, yet still limited, tidal exchange through a levee breach that was repaired with very large rock (about 3- to 5-foot diameter), and remains permeable but not navigable. The internal cross levee that separates the two parcels is currently intact.

Proposed Restoration Actions

The project would entail restoration of emergent wetlands and subtidal habitats on both properties comprising the approximately 1600-acre Prospect Island. The EIR will evaluate individual and cumulative impacts of up to five alternatives, as well as the 'no project' alternative, in accordance with CEQA. These alternatives have not yet been defined.

The design elements from which restoration alternatives will be developed are illustrated in Figure 2, and include the following. Individual alternatives may draw upon some or all of these design elements:

- 1) Breaching of perimeter levees in one or more locations on Miner Slough and/or breaching into the California Department of Fish and Wildlife Miner Slough Wildlife Area, for the purpose of restoring tidal connectivity;
- 2) Breaching of the cross levee between the northern DWR and southern Port properties, for the purpose of promoting target ecological functions;
- 3) Installation of a fixed or variable-height weir at the northeastern corner of the project site, for the purpose of providing winter high-flow connectivity to Miner Slough and upstream sloughs that connect to the Sacramento River;

- 4) Excavation of subtidal-elevation tidal slough channels within Prospect Island, for the purpose of facilitating internal tidal circulation and external connectivity;
- 5) Placement of the soils excavated in creation of internal subtidal channels to locations elsewhere within Prospect Island, for the purpose of raising subsided site elevations and/or for improving erosion protection of levees retained on the site;
- 6) Import of clean, suitable sediment from off-site sources, for the purpose of raising subsided site elevations, and/or for improving erosion protection of levees retained on the site;
- 7) Provision of physical access to adjacent properties currently accessed via existing Prospect Island levees.

PROPOSED SCOPE OF EIR

The EIR will analyze, describe, and evaluate all potential environmental impacts of the range of alternatives presented in the document. Individual and cumulative impacts, to be identified following completion of the scoping comment period, in accordance with CEQA, will be evaluated. The range of alternatives may be refined, revised, or expanded as a result of the scoping process.

For each issue listed below, the EIR will include a discussion of the parameters used in evaluating impacts; potential impacts from the various alternatives; and, if applicable, recommended mitigation to reduce the impacts to below a level of significance. Impact analyses will include discussion of direct and indirect impacts, short and long-term impacts, and cumulative impacts. In addition, each impact discussion will identify any areas of known controversy. Finally, the EIR will identify any unavoidable adverse impacts that would result from project implementation.

The issues presented below are preliminary in both scope and topic. Additional issues may be identified during the scoping process.

Air Quality and Greenhouse Gas

The EIR will evaluate potential effects that the proposed project could have on short-term air quality including greenhouse gases (GHGs) due to emissions resulting from construction operations including earthmoving, dredging, and/or filling and from post-construction adaptive management activities.

Agricultural Resources

Although the project site has been flooded for a number of years, the project will remove agriculturally mapped lands from future agricultural use. The EIR will describe site soils, the history of agricultural uses and flooding on the site, its land type mapping by the California Department of Conservation, and assess any project effects on loss of agricultural resources, including any prime agricultural soils and Williamson Act issues.

Biological Resources

Aquatic Biological Resources

One of the primary objectives of the Prospect Island Tidal Habitat Restoration Project is to enhance rearing habitat, foraging habitat, and food availability for native fishes. By increasing tidal open water and edge habitats, tidal circulation, and aquatic productivity, the proposed project is expected to benefit Chinook salmon, steelhead, delta smelt, green sturgeon, Sacramento splittail, and other Delta-dependent aquatic species. However, the EIR will evaluate potential effects on existing habitat for listed fish species that could result from breaching Prospect Island levees, and whether conditions that may be harmful to these listed species could develop within portions of the restored habitat.

Wetland Biological Resources

A key secondary objective of the Prospect Island Habitat Tidal Restoration Project is to enhance tidal marsh habitats to support a wide range of native wetland plant and wildlife species including special status species. The EIR will evaluate the potential effects of breaching of levees, creation of tidal slough channels, and placement of fill on freshwater tidal emergent marsh, and subtidal open water aquatic habitats, including submerged aquatic vegetation.

Terrestrial Biological Resources

As part of the project design, the (already limited) amount of upland terrestrial habitat and aquatic-terrestrial transitional habitat, including riparian forest and riparian scrub-shrub habitat, may be reduced. The EIR will evaluate the potential for detrimental impacts to special-status terrestrial and avian species, including species that use riparian habitats.

Cultural Resources

A cultural resources assessment has been prepared for the property (Parus Consulting, April 2012). No site resources were found to be eligible for the National Register of Historic Places. In addition, due to the substantial ground disturbance that has previously occurred on the site, no impacts are anticipated, therefore no additional study is proposed in the EIR.

Geology and Soils

Potential geologic impacts could include erosion during and/or after construction resulting from proposed levee reconfiguration and breaching, slough channel excavation, or soil placement. The EIR will consider existing and reconfigured perimeter levee stability, and existing and modified island soil stability.

Hazards and Hazardous Materials

The EIR will address potential site contamination issues associated with project construction activities, and based on a Phase I Environmental Site Assessment (ASTM E1527-05) to be conducted in support of the project. Potential hazards to boaters, if any, will be evaluated.

Hydrology and Water Quality

The EIR will evaluate potential project effects on hydrology, including changes in local Delta hydrodynamics, tidal ranges, and the flood conveyance capacities of Miner Slough and the Yolo Bypass, as well as potential for breach-induced crosscurrents in the DWSC or Miner Slough, potential scour effects to on-site levees or the Ryer Island Miner Slough levee, and potential effects on Ryer Island groundwater levels.

The EIR will evaluate potential short-term water quality effects during construction through the release of turbidity and sediment-borne contaminants introduced by re-suspension of bottom sediments, and the release of sediments excavated and emplaced as part of planned levee breaches and other reconfigurations. Potential short-term effects of accidental releases of fuel, lubricants, and other materials used by construction equipment will be evaluated.

The EIR will evaluate long-term effects on water quality that could result from hydraulic exchanges of water from the Prospect Island site to the surrounding waterways, potentially affecting the transport of turbidity, sediment-borne contaminants, and methylmercury, and changes in disinfection byproduct formation potential in potable water supplies due to natural organic matter and dissolved organic carbon (DOC) sources within Prospect Island.

Recreation

The EIR will evaluate potential project impacts to recreational use of the Arrowhead Harbor and to hunting and fishing activities along Miner Slough and the DWSC.

Aesthetics

The EIR will evaluate potential effects of the various project components on the aesthetic character of the project site.

Land Use/Planning

The EIR will evaluate the project's conformance with Solano County and other applicable land use plans and policies, and with adjacent land uses.

Mineral Resources

The EIR will determine if the project may affect mineral and gas rights over, under, or across the property held by third party entities.

Noise

The EIR will evaluate the potential for temporary noise effects that may result from project construction, with respect to property owners occupying housing adjacent to Prospect Island, on Ryer Island, and users of Arrowhead Harbor.

Public Services

The EIR will evaluate the potential for changes in demand on local police and fire protection services or other public facilities, if any.

Population and Housing

The EIR will evaluate the potential for changes in population or housing, if any.

Transportation/Traffic

The EIR will evaluate potential of the project to affect ingress/egress easements along the DWSC and/or Miner Slough levees as a result of transport of earth and other materials and equipment to and/or from the site, or of other construction or post-construction adaptive management activities.

Utilities/Service Systems

The EIR will identify any potential effects of construction and operation of the project on utility infrastructure.

SCOPING PROCESS

This NOP is being circulated for a 35-day comment period, beginning on May 17, 2013. Public participation in the environmental scoping process is an important step in determining the full range of issues to be addressed in the EIR. DWR requests your comments on the scope and content of the EIR, as outlined in this NOP.

Pursuant to CEQA Section 21080.4(a), responsible and trustee agencies are asked to provide, in writing, the scope and content of the environmental information that is germane to their statutory responsibilities, as these agencies will need to use the EIR prepared by DWR when considering permits or other approvals for the project. Responsible and trustee agencies are also requested to provide a list of the permits and/or other approvals that must be obtained in order to implement the project (see Table 1).

A formal scoping hearing has been scheduled for **Monday, June 10, 2013, from 7:00 PM to 9:00 PM at the City of West Sacramento Community Center Community Room, 1075 West Capitol Avenue, West Sacramento, CA.**

Written or oral comments can be provided at the public scoping meeting below, or written comments may also be provided directly to Dan Riordan at DWR **no later than June 21, 2013.**

Dan Riordan
Department of Water Resources
P.O. Box 942836
Sacramento, CA 94236
Tel: (916) 376-9738
Fax: 916-376-9688
Email: dan.riordan@water.ca.gov

Table 1: Potential Agency Actions and Approvals

The following actions and approvals are anticipated to be required.

REGULATION	AGENCY	TRIGGER	COMPLIANCE MECHANISM
Section 404, Clean Water Act	Sacramento District, US Army Corps of Engineers (USACE)	Discharge of dredge or fill material into Waters of the U.S.	Individual Permit, Letter of Permission (LOP), or Nationwide Permit (NWP)
Section 10, Rivers and Harbors Act	Sacramento District, USACE	Work in, under, or over a navigable water of the U.S.	Individual Permit, LOP, or NWP
Section 401, CWA	Central Valley Regional Water Quality Control Board (CVRWQCB)	Federal action that has the potential to result in a discharge to waters of the State	Water Quality Certification
Porter-Cologne Water Quality Control Act	CVRWQCB	Action that has the potential to result in a discharge to waters of the State, including surface or ground waters	Waste Discharge Requirements, typically folded into the Section 401 Water Quality Certification
Section 303(d), CWA, Delta Methylmercury TMDL	CVRWQCB	Action that has potential to result in discharge of methylmercury to Delta waters	Control Study
Section 402, CWA	CVRWQCB	Construction-related activities that disturb 1 or more acres	Permit Registration Documents
Title 23 CCR, Division 1	Central Valley Flood Protection Board	Projects that involve construction, enlargement, revetment, or alteration of any levee, embankment, canal, or bed of any drainage within the Sacramento or San Joaquin River watersheds, or on any land adjacent to or within the overflow basins of such drainages	Encroachment Permit
Section 1602 et. seq., FGC	California Department of Fish and Wildlife (CDFW), Bay-Delta Region	Activity that may substantially modify a river, stream or lakebed	Streambed Alteration Agreement
Delta Reform Act	Delta Stewardship Council	Projects that are carried out, approved, or funded by a state or local agency; that occur within the boundaries of the Delta or Suisun Marsh; and that are covered by one or more provisions of the Delta Plan, including habitat restoration actions	Consistency Determination

REGULATION	AGENCY	TRIGGER	COMPLIANCE MECHANISM
Federal Endangered Species Act	US Fish and Wildlife Service (USFWS), Sacramento Office; National Marine Fisheries Service (NMFS), Sacramento Office	Federal action that may affect a federally-listed species or result in destruction or adverse modification of their critical habitat	ESA compliance documents; e.g., Biological Opinion(s) or Not Likely to Adversely Affect determination(s).
Magnuson-Stevens Fishery Conservation and Management Act	NMFS, Sacramento Office	Potential effects on Essential Fish Habitat (EFH)	EFH Conservation Recommendations
Migratory Bird Treaty Act	USFWS, Migratory Bird Division	Take of any migratory bird, or collection of any part, nest, or eggs of a migratory bird	None
California Endangered Species Act	CDFW, Bay-Delta Region	Action that may affect state-listed plants or wildlife	2081(b) Permit: State-listed species; 2080.1 Consistency Determination: species that are State- and federally-listed
National Historic Preservation Act	State Historic Preservation Officer	Federal action that may affect historic resources	Varies
California State Leasing and Permitting Regulations	State Lands Commission	Modification of sovereign lands of the State	State Lands Lease Amendment
Federal Navigation Regulations	US Coast Guard	Work or operation in a navigable water that may affect the safe navigation of vessels	Local Notice to Mariners

Figure 1. Prospect Island Tidal Habitat Restoration Project Location Map

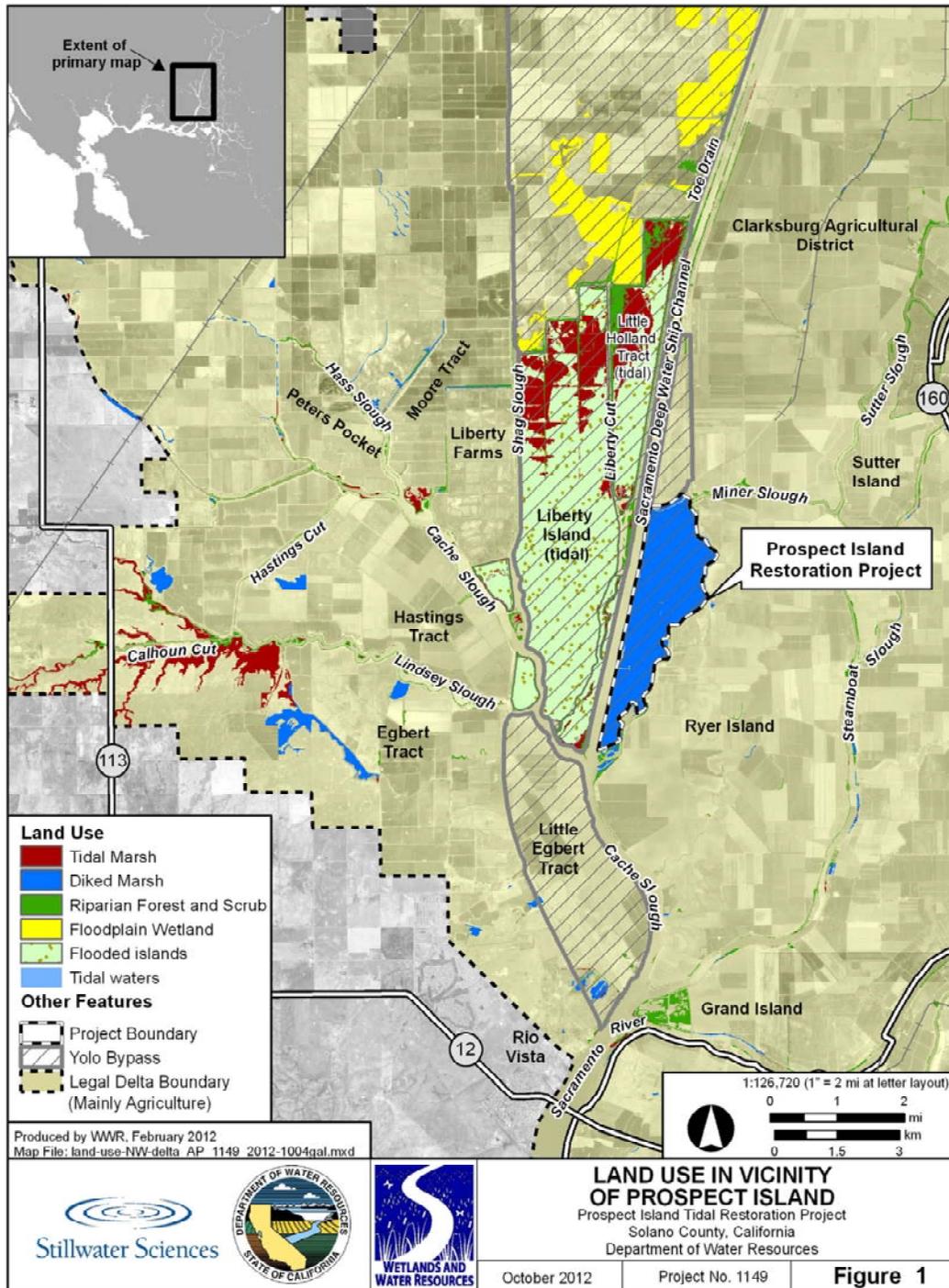
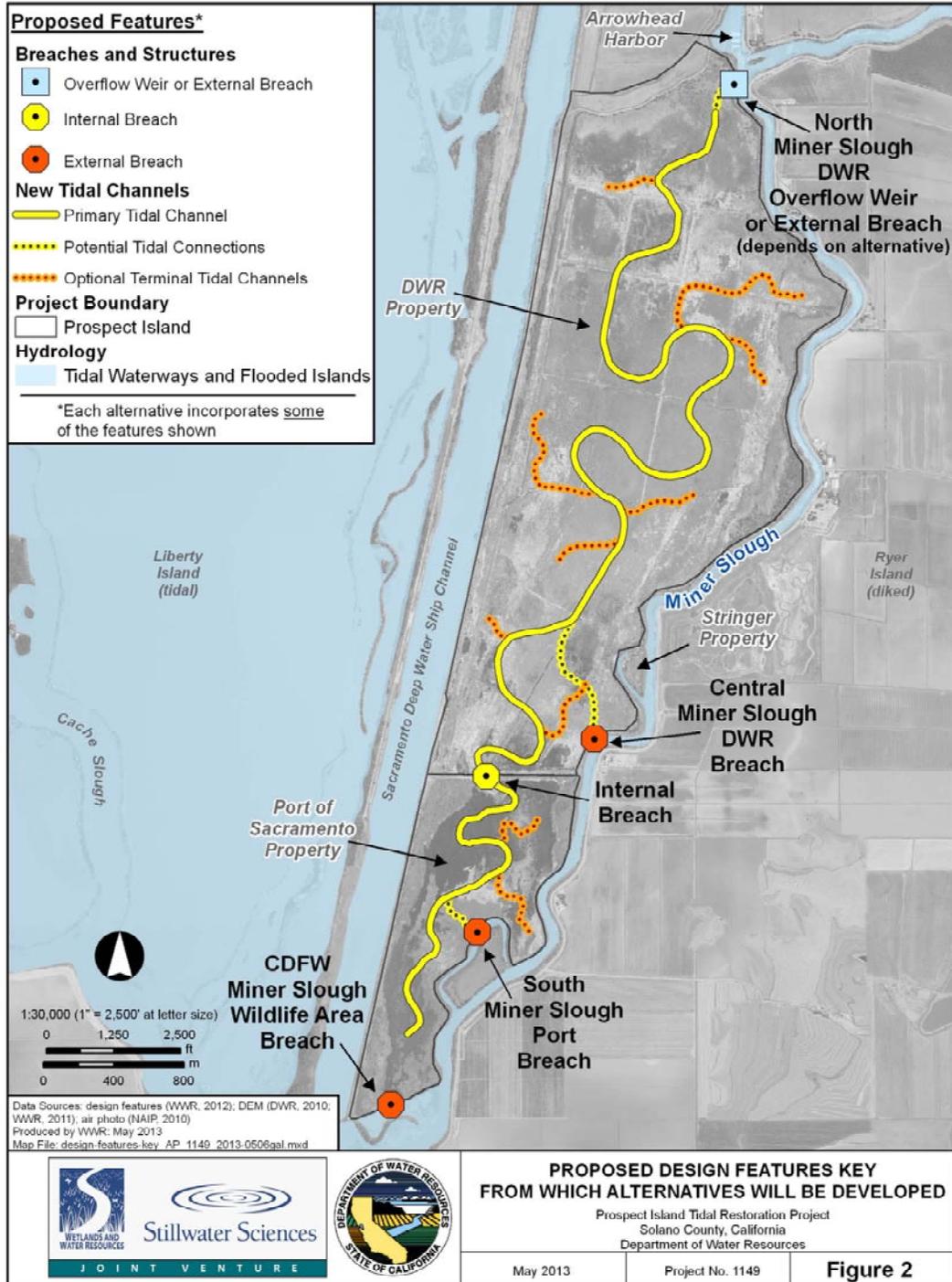


Figure 2. Prospect Island Restoration Design Elements



ATTACHMENT NO. 1

Distribution List

NOP DISTRIBUTION:

This Notice of Preparation was sent to entities listed below.

State of California

- California Air Resources Board
- California Department of Fish and Wildlife
- California Department of Conservation
- California Department of Parks and Recreation
- California Department of Food and Agriculture
- California Department of Toxic Substances Control
- California Department of Transportation, District 3
- California Department of Transportation, District 4
- California Natural Resources Agency
- California State Clearinghouse
- California State Coastal Conservancy
- California State Lands Commission
- California State Senator District 3 (Wolk)
- California State Assembly District 11 (Frazier)
- Central Valley Flood Protection Board
- State Water Resources Control Board
- Central Valley Regional Water Quality Control Board
- Delta Conservancy
- Delta Protection Commission
- Delta Stewardship Council
- University of California Natural Reserve System
- State Historic Preservation Office

Federal

- U.S. Environmental Protection Agency
- U. S. Army Corps of Engineers, Sacramento District
- U. S. Bureau of Reclamation
- U. S. Fish and Wildlife Service
- U.S. Coast Guard, Eleventh District
- National Marine Fisheries Service (National Oceanic and Atmospheric Administration Fisheries)
- USDA-Natural Resource Conservation Service (Dixon and Elk Grove Service Centers)
- Office of Historic Preservation
- Congressional Representative, District 3 (John Garamendi)
- Congressional Representative, District 5 (Mike Thompson)
- Office of Senator Dianne Feinstein, Sacramento Field Office
- Office of Senator Barbara Boxer, Sacramento Field Office

Indian Tribes

Cortina Wintun Band of Indians
Cortina Wintun Environmental Protection Agency
Wintu Tribe of Northern California
Yocha Dehe Wintun Nation

Local Agencies

City of Rio Vista
City of West Sacramento
Contra Costa County Administrator
Contra Costa County Water Agency
Central Delta Water Agency
North Delta Water Agency
Sacramento County
San Joaquin County Administrator
Solano County Administrator
Solano County Community Development Department
Solano County Department of Resource Management
Solano County Water Agency
South Delta Water Agency
State and Federal Contractors Water Agency
Yolo County Administrator
Yolo County Agricultural Commission
Yolo County Counsels Office
Yolo County Intergovernmental Affairs

Public Districts

Alameda County Resource Conservation District
Association of Bay Area Governments
Contra Costa Mosquito and Vector Control District
Contra Costa Resource Conservation District
Contra Costa Water District
Dixon Resource Conservation District
North Delta Conservancy
Port of West Sacramento
Reclamation District 150
Reclamation District 307
Reclamation District 501
Reclamation District 900
Reclamation District 999
Reclamation District 2068
Reclamation District 2098
Sacramento Area Council of Governments
Sacramento Yolo Port District

Sacramento Yolo Mosquito and Vector Control District
San Joaquin Mosquito Abatement District
Solano County Mosquito Control District
Solano Resource Conservation District
Suisun Resource Conservation District
Westlands Water District
Yolo County Flood Control and Water Conservation District
Yolo Resource Conservation District
Yolo-Solano Air Quality Management District

Non-Governmental Organizations

Allied Fishing Groups
American Rivers
AquAlliance
Bar Pilots Association for San Francisco Bay and Delta
CA Waterfowl Association
California Sportfishing Protection Alliance
California Water Alliance
Center for Collaborative Policy CSUS
Central Valley Habitat Joint Venture
Defenders of Wildlife
Delta Counties Coalition
Discover the Delta
Ducks Unlimited
Environmental Defense Fund
Environmental Water Caucus
Farm Bureau Delta Caucus
Friends of Swainson's Hawk
Native American Heritage Commission
Natural Heritage Institute
Natural Resources Defense Council
North Delta CARES
Planning and Conservation League
Restore the Delta
Sierra Club- Mother Lode Chapter
Solano County Farm Bureau
Solano County Land Trust
The Bay Institute
The Nature Conservancy, Sacramento Office
Trust for Public Land
Yolo Basin Planning Forum
Yolo County Farm Bureau
Yolo County Heritage Foundation
Yolo County Land Owners Association

Yolo Land Trust

Adjacent Property Owners

Brimmer, John & Kathy
Fahn, Alexander & Shirley
Fonss, John G
Gladys Company, Inc.
Hall, Jerry & Susan
Islands, Inc
Lewis Nixon Co.
Nakahara, Craig
Ryer Island Bird Farm, LLC
Stringer, John & Lorraine
Terminello, William

Other Interested Parties

AECOM
Ann Burris
AnnPatrick LLC
Archer & Ficklin, Inc.
Bill Eisenstein
Bob Shaeffer
BSK, Inc
CDM
Charles Tyson
Chris Wilkinson
Chuck Dalldorf
Conaway Ranch
Dan Ramos
Dustin Smith
Glen Holstein
Glide In Ranch
Greg Garriss
Harris Ranch
Herb & Lynell Pollock
HRS
James Patterson
JB Environmental Communications
Karen Medders
Kearns & West
Kent Brittan (UCD Emeritus)
Kesner Flores
M Stripling
MWH

Ostrach Consulting
Pacific Gas and Electric Company
San Luis and Delta-Mendota Water Authority (Greg Zlotnick)
T Rodrigues
Tim Miramontes
Tom Zuckerman
Wildlands
Yolo Flyway Farms
Yolo Law