



**DELTA STEWARDSHIP COUNCIL**  
*A California State Agency*

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January 16, 2018

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Via email: [EIR-EIS-Comments@SitesProject.org](mailto:EIR-EIS-Comments@SitesProject.org)

**RE: Comments on Draft Environmental Impact Report/Environmental Impact Statement  
for the Sites Reservoir Project, SCH#2001112009**

Dear Mr. Thomson:

Thank you for the opportunity to review and comment on the Draft Environmental Impact Statement/Environmental Impact Report (Draft EIR/EIS) for the Sites Reservoir Project (Project) dated August 2017.

In March 2017, the Council transmitted comments on the Notice of Preparation for this project. In that letter we highlighted several Delta Plan regulatory policies that are relevant to your Project and provided recommendations for your consideration. Thank you for your consideration of our comments, which are intended to assist the Sites Project Authority (Sites Authority) in preparing environmental documents that can be a foundation to use in your Delta Plan consistency certification. Below we offer information on the relevance of the Project as a covered action under the Delta Plan; listing of relevant Delta Plan Policies and our recommendations on where and how they can be addressed in the Draft EIR/EIS; and offer Council services to provide early consultation to assist Sites Authority in filing a consistency certification.

**Comments on the Draft EIR/EIS**

The Draft EIR/EIS describes the proposed project facilities to be located in Glenn and Colusa counties. The Project proposes the following facilities: up to 11 dams; a pumping plant with associated power facilities; use of two existing Sacramento River diversions and associated canals; a proposed new inlet/outlet structure and pipeline; potential power generation facilities, up to five recreational areas; and miscellaneous roads and bridges for access. The Project

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*"Coequal goals" means the two goals of providing a more reliable water supply for California and protecting, restoring, and enhancing the Delta ecosystem. The coequal goals shall be achieved in a manner that protects and enhances the unique cultural, recreational, natural resource, and agricultural values of the Delta as an evolving place."*

*– CA Water Code §85054*

would divert water from the Sacramento River west to the proposed reservoir facilities for water storage until water is withdrawn from the reservoir to serve various Project partner entities.

The Draft EIR/EIS lists the Project primary objectives to:

- Enhance water management flexibility in the Sacramento Valley.
- Increase reliability of California water supplies.
- Provide storage and operational benefits for programs to enhance water supply reliability, both locally and State-wide, benefit Delta water quality, and improve ecosystems by providing:
  - Net improvements in ecosystem conditions in Sacramento River system and Delta
  - Net improvements in water quality conditions in the Sacramento River system and Delta
  - Net improvements in State-wide water supply reliability for agricultural and urban uses to help meet water demands during drought periods and emergencies, or to address shortages resulting from regulatory and environmental restrictions
  - Net improvements in water supply reliability for fish protection, habitat management (including refuges), and other environmental water needs

The Draft EIR/EIS states that the Sites Authority has submitted an application to the California Water Commission's Water Storage Investment Program (WSIP) to seek partial funding for public benefits from the Project under the Proposition 1 (Prop 1) Water Quality, Supply, and Infrastructure Improvement Act of 2014. A project is not eligible for WSIP funding "...unless it provides measurable improvements to the Delta ecosystem or to the tributaries to the Delta". (See Water Code section 79752.)

Based on the Project objectives, Council staff believe your Project meets the definition of a covered action. (See Water Code section 85057.5.) Although the Project's infrastructure will be located outside the legal Delta boundary, the Project nevertheless will "occur,...in part, within the boundaries of the Delta." (See *ibid.*) As stated in the Project's primary objectives, the Project's proposed operations will provide, "net improvements in ecosystem conditions and water quality in the Sacramento River system and Delta", as well as, "net improvements in water supply reliability for fish protection, habitat management and other environmental water needs". Furthermore, eligibility for Prop 1 funding for which you have applied requires the Project to provide "measurable improvements to the Delta ecosystem or to the tributaries to the Delta". (See Water Code section 79752.) This requires the filing of a certification of consistency with the Delta Plan's applicable policies. (See Water Code section 85225.)

The Draft EIR/EIS acknowledges the Council's jurisdiction and responsibility in Table 1-1 in the Introduction of the Draft EIR/EIS. The Council recommends that the 2009 Delta Reform Act, the Delta Plan, and the consistency certification requirement also be listed under section 4.2 *State Policies or Approvals under Chapter 4 Environmental Compliance and Permit Summary* of the Draft EIR/EIS.

The following Draft EIR/EIS chapters also offer opportunities to address relevant Delta Plan policies. Relevant Delta Plan policies are listed in parentheses next to the relevant Draft EIR/EIS chapters. Note that the Delta Plan Policy G P1 is a general policy to be addressed in the appropriate locations throughout the Draft EIR/EIS document.

- Chapter 6 Surface Water Resources (WR P1)
- Chapter 7 Surface Water Quality (ER P1)
- Chapter 8 Fluvial Geomorphology and Riparian Habitat (ER P1 and ER P5)
- Chapter 12 Aquatic Biological Resources (ER P1 and ER P5)
- Chapter 15 Wetlands and Other Waters (ER P1 and ER P5)

### **Delta Plan Policies and Consistency**

The Delta Plan includes regulatory policies that are applicable to all covered actions. Below, we have highlighted a few key regulatory policies from the Delta Plan that may be specifically relevant to the Project and a potential Delta Plan certification of consistency.

**Detailed Findings to Establish Consistency with the Delta Plan: Delta Plan Policy G P1** (23 Cal.Code Regs section 5002) requires that ecosystem restoration and water management covered actions include adequate provisions for continued implementation of adaptive management, appropriate to the scope of the action. This requirement is satisfied through A) the development of an adaptive management plan that is consistent with the framework described in Appendix 1B of the Delta Plan (<http://deltacouncil.ca.gov/sites/default/files/2015/09/Appendix%201B.pdf>) and B) documentation of adequate resources to implement the proposed adaptive management plan. Funding of any monitoring, on-going mitigation, and the facilitation of the adaptive management plan needs to be identified and secure.

Mitigations Measures: Delta Plan Policy **G P1** requires that actions not exempt from CEQA and subject to Delta Plan regulations must include applicable feasible mitigation measures consistent with those identified in the Delta Plan Program EIR or substitute mitigation measures that are equally or more effective. Mitigation Measures in the Delta Plan's Mitigation and Monitoring Report Program is available at: ([http://deltacouncil.ca.gov/sites/default/files/documents/files/Agenda%20Item%206a\\_attach%202.pdf](http://deltacouncil.ca.gov/sites/default/files/documents/files/Agenda%20Item%206a_attach%202.pdf))

Best Available Science and Adaptive Management: Delta Plan Policy **G P1** also states that actions subject to Delta Plan regulations must document use of best available science as relevant to the purpose and nature of the project. The regulatory definition of "best available science" is provided in Appendix 1A of the Delta Plan (<http://deltacouncil.ca.gov/sites/default/files/2015/09/Appendix%201A.pdf>). We recommend that the Project have an adaptive management strategy and plan consistent with the framework in Appendix 1B of the Delta Plan.

The Delta Science Program's Adaptive Management Liaisons are available to provide further consultation and guidance to help the District with the appropriate application of best available science and adaptive management. Please contact Darcy Austin ([Darcy.Austin@deltacouncil.ca.gov](mailto:Darcy.Austin@deltacouncil.ca.gov)) of the Delta Science Program to schedule an appointment.

**Reduce Reliance on the Delta through Improved Regional Water Self-Reliance:** Delta Plan Policy **WR P1** (23 Cal.Code Regs section 5003) requires proposed actions to export water from, transfer water through, or use water in the Delta shall contribute to reduced reliance on the Delta and improve regional self-reliance. If this action is deemed a covered action under the Delta Plan, the Project should describe how it will reduce reliance on the Delta, in particular to export of water, by improving regional water self-reliance.

**Delta Flow Objective:** Delta Plan Policy **ER P1** (23 Cal.Code Regs section 5005) requires that the State Water Resources Control Board's Bay Delta Water Quality Control Plan flow objectives shall be used to determine consistency with the Delta Plan. For purposes of Water Code section 85057.5(a)(3) and section 5001(j)(1)(E) this subsection covers a proposed action that could significantly affect flow in the Delta. This policy may apply because the Draft EIR/EIS listed a Project primary objective to provide, "Net improvements in State-wide water supply reliability for agricultural and urban uses to help meet water demands during drought periods and emergencies, or to address shortages resulting from regulatory and environmental restrictions". This objective could impede and/or alter Delta flows that are subject to meeting the Bay Delta Water Quality Control Plan flow objectives. The hydrology modeling, coordinated operations, and the system wide water management proposed for the DEIR could be used to show compliance with this policy. The Project should describe how it will operate to meet the Bay Delta Water Quality Control Plan flow objectives.

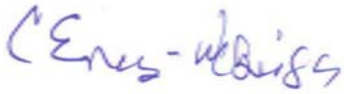
**Avoid Introductions of and Habitat Improvements for Invasive Nonnative Species:** Delta Plan Policy **ER P5** (23 Cal.Code Regs section 5009) calls for avoiding introduction and habitat improvements for invasive, nonnative species or mitigating these potential impacts in a manner that appropriately protects the ecosystem. This policy may apply because the Draft EIR/EIS listed a Project primary objective to provide, "Net improvements in water supply reliability for fish protection, habitat management (including refuges), and other environmental water needs." This objective may change or alter the ecology of fish and plant species in the project areas, "The potential for new introductions of or improved habitat conditions for nonnative invasive species, striped bass, or bass must be fully considered and avoided or mitigated in a way that appropriately protects the ecosystem." Alternating flow through Delta channels may induce and colonize invasive plant species, such as *Egeria densa* (Brazilian Water Weed) and/or water hyacinth, which could choke off Delta channels. Proposed hydrology and fisheries analysis in the DEIR would be useful for demonstrating compliance with this policy. The Project should describe how it can avoid introduction of and habitat for invasive nonnative species.

Rob Thomson, Project Manager  
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**Closing Comments**

Council staff look forward to continued coordination through our early consultation process and discussions of the Project applicable Delta Plan policies. I encourage you to contact my staff Anthony Navasero ([Anthony.Navasero@deltacouncil.ca.gov](mailto:Anthony.Navasero@deltacouncil.ca.gov)) with your questions, comments, or concerns.

Sincerely,

A handwritten signature in blue ink that reads "C Enos-Nobriga". The signature is written in a cursive, slightly slanted style.

Cassandra Enos-Nobriga  
Deputy Executive Officer  
Delta Stewardship Council