

# The Metropolitan Water District of Southern California

# Agenda

The mission of the Metropolitan Water District of Southern California is to provide its service area with adequate and reliable supplies of high-quality water to meet present and future needs in an environmentally and economically responsible way.

## **OW&S Committee**

T. Quinn, Chair  
S. Faessel, Vice Chair  
L. Ackerman  
D. Alvarez  
J. Armstrong  
A. Chacon  
G. Cordero  
D. De Jesus  
D. Erdman  
L. Fong-Sakai  
S. Goldberg  
C. Kurtz  
R. Lefevre  
C. Miller  
M. Petersen  
G. Peterson  
N. Sutley

## **One Water and Stewardship Committee**

Meeting with Board of Directors \*

**June 12, 2023**

**3:00 p.m.**

## **Monday, June 12, 2023 Meeting Schedule**

**08:30 a.m. EOT  
10:30 a.m. DMCP  
12:30 p.m. Break  
01:00 p.m. LRAC  
03:00 p.m. OWS**

Agendas, live streaming, meeting schedules, and other board materials are available here: <https://mwdh2o.legistar.com/Calendar.aspx>. A listen only phone line is available at 1-877-853-5257; enter meeting ID: 873 4767 0235. Members of the public may present their comments to the Board or a Committee on matters within their jurisdiction as listed on the agenda via in-person or teleconference. To participate via teleconference (833) 548-0276 and enter meeting ID: 876 9484 9772 or click <https://us06web.zoom.us/j/87694849772?pwd=V3dGZGRYUjJ3allqdUxXTIJRM044Zz09>

**MWD Headquarters Building • 700 N. Alameda Street • Los Angeles, CA 90012**

**Teleconference Locations:**

**8700 Beverly Boulevard, Ste M313 • Los Angeles, CA 90048**

**3008 W. 82nd Place • Inglewood, CA 90305**

\* The Metropolitan Water District's meeting of this Committee is noticed as a joint committee meeting with the Board of Directors for the purpose of compliance with the Brown Act. Members of the Board who are not assigned to this Committee may participate as members of the Board, whether or not a quorum of the Board is present. In order to preserve the function of the committee as advisory to the Board, members of the Board who are not assigned to this Committee will not vote on matters before this Committee.

## **1. Opportunity for members of the public to address the committee on matters within the committee's jurisdiction (As required by Gov. Code Section 54954.3(a))**

## **2. SUBCOMMITTEE REPORTS**

- a. Report from Subcommittee on Bay-Delta [21-2191](#)
- b. Report from Subcommittee on Demand Management and Conservation Programs and Priorities [21-2192](#)

## **\*\* CONSENT CALENDAR ITEMS -- ACTION \*\***

## **3. CONSENT CALENDAR OTHER ITEMS - ACTION**

- a. Approval of the Minutes of the One Water and Stewardship Committee for May 8, 2023 (Copies have been submitted to each Director, Any additions, corrections, or omissions) [21-2180](#)

**Attachments:** [06132023 OWS 3A \(05082023\) Minutes](#)

#### **4. CONSENT CALENDAR ITEMS - ACTION**

- 7-7 By a two-thirds vote, authorize payment of up to \$932,800 for support of the Colorado River Board and Six Agency Committee for fiscal year 2023/24; the General Manager has determined that the proposed action is exempt or otherwise not subject to CEQA [21-2284](#)

**Attachments:** [06132023 OWS 7-7 BL](#)  
[06122023 OWS 7-7 Presentation](#)

- 7-8 Adopt Mitigated Negative Declaration for the Delta Smelt and Native Species Preservation Project and take related CEQA actions [21-2286](#)

**Attachments:** [06132023 OWS 7-8 B-L](#)  
[06122023 OWS 7-8 Presentation](#)

**\*\* END OF CONSENT CALENDAR ITEMS \*\***

#### **5. OTHER BOARD ITEMS - ACTION**

NONE

#### **6. BOARD INFORMATION ITEMS**

NONE

#### **7. COMMITTEE ITEMS**

- a. Update on Metropolitan's Groundwater Storage and Delivery Programs [21-2304](#)

**Attachments:** [06122023 OWS 7a Presentation - REVISED](#)

- b. Update on Stormwater Activities [21-2306](#)

**Attachments:** [06122023 OWS 7b Presentation](#)



- c. Update on Water Surplus and Drought Management [21-2305](#)

**Attachments:** [06132023 OWS 7c Report](#)  
[06122023 OWS 7c Presentation](#)

## 8. MANAGEMENT REPORTS

- a. Colorado River Manager's Report [21-2177](#)

**Attachments:** [06122023 OWS 8a Report](#)

- b. Bay-Delta Manager's Report [21-2178](#)

**Attachments:** [06122023 OWS 8b Report](#)  
[06122023 OWS 8b Presentation](#)

- c. Water Resource Management Manager's Report [21-2179](#)

**Attachments:** [06122023 OWS 8c Presentation](#)

## 9. FOLLOW-UP ITEMS

NONE

## 10. FUTURE AGENDA ITEMS

## 11. ADJOURNMENT

**NOTE:** This committee reviews items and makes a recommendation for final action to the full Board of Directors. Final action will be taken by the Board of Directors. Committee agendas may be obtained on Metropolitan's Web site <https://mwdh2o.legistar.com/Calendar.aspx>. This committee will not take any final action that is binding on the Board, even when a quorum of the Board is present.

Writings relating to open session agenda items distributed to Directors less than 72 hours prior to a regular meeting are available for public inspection at Metropolitan's Headquarters Building and on Metropolitan's Web site <https://mwdh2o.legistar.com/Calendar.aspx>.

Requests for a disability-related modification or accommodation, including auxiliary aids or services, in order to attend or participate in a meeting should be made to the Board Executive Secretary in advance of the meeting to ensure availability of the requested service or accommodation.

**THE METROPOLITAN WATER DISTRICT OF SOUTHERN CALIFORNIA**  
**MINUTES**

**ONE WATER AND STEWARDSHIP COMMITTEE**

**May 8, 2023**

Chair Quinn called the teleconference meeting to order at 1:30 p.m.

Members present: Chair Quinn, Vice Chair Faessel, Directors Ackerman, Alvarez, Armstrong, Cordero, Erdman, Goldberg, Kurtz, Lefevre, Miller, Peterson, and Sutley.

Members Absent: Directors Chacon, De Jesus, Fong-Sakai, and Petersen.

Other Board Members present: Abdo, Dennstedt, Dick, Garza, Kassakhian, Luna, Ortega, Repenning, Seckel, and Smith.

Committee staff present: Coffey, Crosson, Hasencamp, Munguia, Neudeck, Schlotterbeck, Upadhyay and Wheeler.

**1. OPPORTUNITY FOR MEMBERS OF THE PUBLIC TO ADDRESS THE COMMITTEE ON MATTERS WITHIN THE COMMITTEE’S JURISDICTION (As required by Gov. Code Section 54954.3(a))**

Public speakers included:

1. Brian Laddusaw, Rubidoux Community Services District, spoke in support of item 8-4.
2. Craig Miller, General Manager, Western Municipal Water District, spoke in support of item 8-4.

Following public speakers, Chair Quinn announced that the Board was in receipt of letters of support for item 8-4 from Western Municipal Water District, Foothill Municipal Water District, and Three Valleys Water District.

**2. SUBCOMMITTEE REPORTS**

- A. Subject:** Report from Subcommittee on Bay-Delta

**Presented by:** Chair Quinn

Chair Quinn reported on four Information items that were discussed at the April 25, 2023, Subcommittee on Bay-Delta meeting:

- Update from the Delta Conveyance Authority Representatives
- Science Update on Delta Smelt Preservation Project
- Update on Delta Island Collaborative Landscape Planning

- Proposed Grant Opportunity for Webb Tract

**CONSENT CALENDAR ITEMS - ACTION**

**3. CONSENT CALENDAR OTHER ITEMS – ACTION**

- A.** Approval of the Minutes of the One Water and Stewardship Committee for April 10, 2023.

**4. CONSENT CALENDAR ITEMS – ACTION**

None

Director Erdman made a motion, seconded by Director Peterson, to approve the consent calendar consisting of item 3A.

The vote was:

Ayes: Directors Ackerman, Alvarez, Armstrong, Cordero, Erdman, Faessel, Goldberg, Kurtz, Lefevre, Miller, Peterson, Quinn, and Sutley.  
Noes: None.  
Abstentions: None.  
Absent: Directors Chacon, De Jesus, Fong-Sakai, and Petersen.

The motion for item 3A passed by a vote of 13 ayes, 0 noes, 0 abstentions, and 4 absent.

**END OF CONSENT CALENDAR ITEMS**

**5. OTHER BOARD ITEMS - ACTION**

- 8-3** Subject: Adopt a resolution to support an approximately \$20,900,000 grant application to the Sacramento -San Joaquin Delta Conservancy to develop a multi-benefit landscape opportunity on Webb Tract; and authorize the General Manager to accept the grant if awarded; the General Manager has determined that the proposed actions are exempt or otherwise not subject to CEQA.

Presented by: Malinda Stalvey, Sr. Environmental Specialist, Bay Delta Initiatives

Motion: Adopt a resolution to support an approximately \$20,900,000 grant application to the Sacramento-San Joaquin Delta Conservancy to develop a multi-benefit landscape opportunity on Webb Tract; and authorize the General Manager or designated representative to accept the grant if awarded.

Ms. Nina Hawk, Manager provided background information and introduced Ms. Stalvey.

Ms. Stalvey gave a presentation on the proposed resolution supporting an approximately \$19.7420.9 million grant application that would fund the development of a multi-benefit landscape opportunity.

Ms. Hawk added comments emphasizing the conditions of the grant.

The following Directors provided comments or asked questions:

- |           |             |
|-----------|-------------|
| 1. Miller | 4. Alvarez  |
| 2. Dick   | 5. Peterson |
| 3. Ortega | 6. Smith    |

Staff responded to the Directors questions and comments.

After completion of the presentation, Director Kurtz made a motion, seconded by Director Peterson, to approve item 8-3.

The vote was:

Ayes:	Directors Ackerman, Armstrong, Cordero, Erdman, Faessel, Goldberg, Kurtz, Lefevre, Miller, Peterson, Quinn, and Sutley.
Noes:	None.
Abstentions:	Director Alvarez.
Absent:	Directors Chacon, De Jesus, Fong-Sakai, and Petersen.

The motion for item 8-3 passed by a vote of 12 ayes, 0 noes, 1 abstention, and 4 absent.

**8-4** Subject: Authorize the General Manager to enter into an agreement with Western Municipal Water District, Rubidoux Community Services District, West Valley Water District, and San Bernardino Valley Municipal Water District to deliver water to Western's service area through facilities not owned by Metropolitan or Western; the General Manager has determined that the proposed action is exempt or otherwise not subject to CEQA

Presented by: Jessica Arm, Associate Resource Specialist, Water Resource Management

Motion: Authorize the General Manager to enter into an agreement with Western Municipal Water District, Rubidoux Community Services District, West Valley Water District, and San Bernardino Valley Municipal Water District to deliver water to Western's service area through facilities not owned by Metropolitan or Western.

Ms. Arm provided a presentation on the proposed agreement to deliver Metropolitan water supplies to Western Municipal Water District's service area through facilities owned and operated by San Bernardino Valley Municipal Water District and West Valley Water District.

Chair Quinn paused the presentation to ask the committee if there were questions, as the presentation has been provided before, and she called for a motion. Director Peterson made a motion, seconded by Director Lefevre.

The following Directors provided comments or asked questions:

- |              |           |
|--------------|-----------|
| 1. Sutley    | 4. Garza  |
| 2. Goldberg  | 5. Ortega |
| 3. Repenning |           |

After a committee discussion, the committee voted to approve item 8-4.

The vote was:

Ayes: Directors Ackerman, Alvarez, Armstrong, Cordero, Faessel, Goldberg, Kurtz, Lefevre, Miller, Peterson, Quinn, and Sutley.

Noes: None.

Abstentions: None.

Absent: Directors Chacon, De Jesus, Fong-Sakai, and Petersen.

The motion for item 8-4 passed by a vote of 13 ayes, 0 noes, 0 abstentions, and 4 absent.

Chair Quinn announced a reordering of the Agenda items 7d and 8-5.

## **7. COMMITTEE ITEMS**

d. Subject: Update on Water Surplus and Drought Management

Presented by: Noosha Razavian, Associate Resource Specialist

Ms. Razavian provided an abbreviated report that included an update on Metropolitan's water supply demand balance.

The following Directors provided comments or asked questions:

1. Lefevre
2. Sutley

Staff responded to the Directors questions and comments.

## **5. OTHER BOARD ITEMS - ACTION**

**8-5**      Subject:                      Review and maintain the General Manager's implementation of the Cyclic Cost-Offset Program effective April 15, 2023, pursuant to the Program terms approved by the Board on April 9, 2019; the Program previously was determined to be exempt or otherwise not subject to CEQA.

Presented by:                      Anna Garcia, Associate Resource Specialist

Recommendation:              Review and maintain the General Manager's implementation of the Cyclic Cost-Offset Program effective April 15, 2023, pursuant to the Program terms approved by the Board on April 9, 2019 (No motion or vote is required for this option; the Report will be received and filed.)

Ms. Garcia provided a presentation on the Cyclic Cost-Offset Program that increases Metropolitan's water management opportunities by helping member agencies offset costs incurred while capturing water they otherwise would not have purchased from Metropolitan. Ms. Garcia reviewed background information and Program terms.

The following Directors provided comments or asked questions:

- |              |              |             |
|--------------|--------------|-------------|
| 1. Sutley    | 4. Lefevre   | 7. Smith    |
| 2. Goldberg  | 5. Kurtz     | 8. Peterson |
| 3. Armstrong | 6. Repenning | 9. Ortega   |

Staff responded to the Directors questions and comments.



## **6. BOARD INFORMATION ITEMS**

NONE

## **7. COMMITTEE ITEMS (Continued)**

Chair Quinn announced that Agenda item 7b would be heard before the remaining Committee Items.

b. Subject: Science update: Salmon update

Presented by: Cory Phillis, Sr. Resource Specialist, Bay Delta  
Mr. Phillis gave an oral presentation on the recent planned closures of commercial and recreational fisheries off the California and Oregon coast.

The following Directors provided comments or asked questions:

1. Quinn
2. Peterson

Chair Quinn announced that Agenda Item 7c would be heard next.

c. Subject: Annual Climate Action Plan and Update on Climate Vulnerability and Risk Assessment

Presented by: Malinda Stalvey, Sr. Environmental Specialist, Bay Delta Initiatives  
Adrian Hightower, Manager, Special Projects, Sustainability, Resilience, and Innovation

Ms. Stalvey and Mr. Hightower co-presented a comprehensive update on staff activities related to addressing climate change.

a. Subject: Review of Draft Supplemental Environmental Impact Statement for Colorado River Interim Guidelines [Conference with legal counsel - anticipated litigation; based on existing facts and circumstances, including that requiring significant water use reductions in relation to the Draft Supplemental Environmental Impact Statement could lead to litigation among the United States and one or more Colorado River water users;

there is a significant exposure to litigation against Metropolitan: unknown number of potential cases; may be heard in closed session pursuant to Gov. Code Section 54956.9(d)(2)].

Presented by: Shanti Rosset, Program Manager III, Office of the General Manager

Ms. Rosset provided a presentation that discussed Metropolitan's review of USBR's Draft Supplemental Environmental Impact Statement for Colorado River Interim Guidelines.

The following Directors provided comments or asked questions:

1. Smith
2. Faessel

Staff responded to the Directors questions and comments.

## **8. MANAGEMENT REPORTS**

a. Subject: Colorado River Manager's Report

Presented by: Bill Hasencamp, Manager, Colorado River Resources

Mr. Hasencamp provided an update on Colorado River activity and Colorado River water use for Metropolitan's service-area deliveries, Desert Coachella Program, and Lake Mead storage.

b. Subject: Bay-Delta Manager's Report

Presented by: Randal Neudeck, Manager, Bay Delta Programs

Mr. Neudeck noted that there was no further oral update outside of this month's written Bay-Delta Board Report.

c. Subject: Water Resource Management Manager's Report

Presented by: Brad Coffey, Manager, Water Resource Management

Mr. Coffey gave a brief overview of Metropolitan's participation in the California Water Plan.

## **9. FOLLOW-UP ITEMS**

Chair Quinn announced the formation of the Demand Management subcommittee and requested for volunteers from this committee's membership.

Review the cyclic cost-offset program, and to continue reporting on how it is used.

**10. FUTURE AGENDA ITEMS**

None

**11. ADJOURNMENT**

The next meeting will be held on June 12, 2023

The meeting adjourned at 4:28 p.m.

Tracy Quinn  
Chair



- **Board of Directors**  
***One Water and Stewardship Committee***

6/13/2023 Board Meeting

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7-7

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## Subject

By a two-thirds vote, authorize payment of up to \$932,800 for support of the Colorado River Board and Six Agency Committee for fiscal Year 2023/2024; the General Manager has determined that the proposed action is exempt or otherwise not subject to CEQA

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## Executive Summary

Staff is requesting authorization for the General Manager to make this year's annual payment for Metropolitan's continued participation in activities of the Colorado River Board (CRB) and Six Agency Committee. California established the CRB in 1937 to protect the interests and rights of the state of California with respect to the water and power resources of the Colorado River system. Metropolitan and five other members of the CRB (also known as the Six Agency Committee) make annual cost-sharing payments to the CRB to fund its operations, studies, and special projects. Typically, those six agencies also fund the Colorado River Joint Powers Authority (Authority), which advances California's interests in Colorado River water and power through educational and informational campaigns. The Authority will use funds carried over from prior assessments for activities in fiscal year (FY) 2023/2024.

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## Details

### Background

#### The Colorado River Board and Six Agency Committee

The CRB provides the official representation for California before the United States and the other Colorado River Basin States. The CRB engages in activities that protect the interests and rights of the state of California, and its agencies and citizens, in the water and power resources of the Colorado River system. Six California agencies entirely fund the CRB through the Six Agency Committee; no State funding occurs. Each agency has a seat on the CRB, which also includes two public members appointed by the Governor and representatives of the California Department of Water Resources and the California Department of Fish and Wildlife.

The Six Agency Committee negotiated the most recent cost-sharing arrangement in 2020. In this agreement, urban agencies pay half of the total costs, and agricultural agencies pay the other half. . Metropolitan contributes 32 percent of the total costs; the remaining urban share is paid by the San Diego County Water Authority (10 percent) and the city of Los Angeles (8 percent). **Attachment 1** shows the cost-sharing percentages among the six agencies.

The six agencies jointly provide funds to support CRB functions, technical studies, special projects, and computer modeling. In FY 2022/2023, the CRB and the Six Agency Committee played key roles in:

- Organizing California's agencies to respond to historically dry conditions on the Colorado River system, which included reviewing and commenting on the Notice of Intent and Draft Supplemental Environmental Impact Statement (SEIS) to modify the 2007 Interim Guidelines for the Operations of Lakes Powell and Mead.
- Developing a consensus alternative modeling framework and a California modeling framework proposal to protect California's interests.

- Continuing to provide California representation and coordination associated with the binational implementation of Minute No. 323 with Mexico.
- Participating in technical and policy-level Basin States meetings addressing activities and measures to protect critical elevations in the reservoir system and developing additional drought mitigation projects.
- Supporting and cost-sharing funding of the Colorado River Basin Salinity Control Forum.

In FY 2023/2024, the CRB and the Six Agency Committee anticipate continuing participation in the programs described above, plus the following key activities:

- Coordinating California agencies' response to the Draft SEIS to modify the 2007 Interim Guidelines.
- Coordinating with California agencies to develop consensus policy positions to guide California representatives in the renegotiations of the 2007 Interim Operating Guidelines
- Contributing funds to the Basin States' efforts in winter season weather modification projects in Colorado, Utah, and Wyoming.
- Participating in the ongoing implementation of the Glen Canyon Dam Adaptive Management Program and the Lower Colorado River Multi-Species Conservation Program.

The total funding request for the CRB and Six Agency Committee is \$2,915,000. Metropolitan's proportionate share of the FY 2023/2024 funding request is \$932,800. The increase in the CRB and Six Agency Committee budgets are attributable primarily to modeling and legislative support for upcoming negotiations of the Interim Guidelines. An additional increase to the budget is due to normal office and labor cost increases.

Metropolitan's FY 2023/2024 budget includes \$826,666 for the CRB and Six Agency Committee. Because the requested amount is greater than budgeted, the remaining \$106,134 will be managed within Water Resource Management Group's overall budget.

#### Colorado River Joint Powers Authority

The six agencies also fund the Authority, which advances California's interests in the Colorado River Basin by conducting educational and informational campaigns for the CRB and others. Staff is not requesting funding for FY 2023/2024 for the Authority because the Authority proposes to use \$80,000 in funds carried over from a prior assessment. In FY 2022/2023, the Authority:

- Conducted a tour for Colorado River Authority member agencies to the Upper Colorado River Basin that included stakeholder discussions with representatives of Colorado, Utah, and the Western Area Power Administration, as well as visits to project sites.
- Prepared for oral history interviews and evaluated options for making oral histories more accessible to stakeholders and the public.

In FY 2023/2024, the Authority anticipates the following key activities:

- Modeling and legislative support for the renegotiation of the 2007 Interim Guidelines.
- Continuing the collection of oral histories.
- Providing a 2024 inspection of the Lower Colorado River Basin for California stakeholders.

The following table compares the FY 2023/2024 funding request with the FY 2022/2023 request:

<b>Fund</b>	<b>FY 2022/23</b>	<b>FY 2023/24 (est.)</b>
Colorado River Board/Six Agency Committee	\$871,680	\$932,800
Colorado River Joint Powers Authority	\$0	\$0
<b>Total</b>	<b>\$871,680</b>	<b>\$932,800</b>

## Policy

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Metropolitan Water District Administrative Code Section 11104: Delegation of Responsibilities

Metropolitan Water District Administrative Code Section 11102: Payment of Dues

Metropolitan Water District Administrative Code Section 11103: Participation in Projects or Programs Serving District Purposes

Metropolitan Water District Act Section 126: Dissemination of Information (subject to a two-thirds vote requirement)

By Minute Item 40277, dated June 15, 1993, the Board authorized amending the May 13, 1947, agreement to provide for appointment of alternate representatives on the Colorado River Association Six Agency Committee.

By Minute Item 46291, dated July 12, 2005, the Board authorized agreement to create the Colorado River Joint Powers Authority.

By Minute Item 46310, dated July 12, 2005, the Board approved the new funding arrangement for the Colorado River Board based on the proposed cost-sharing percentage.

By Minute Item 50166, dated June 9, 2015, the Board approved executing the Six Agency Committee agreement's amendment to extend the cost-sharing formula through June 30, 2020.

By Minute Item 52019, dated June 9, 2020, the Board approved executing the Six Agency Committee agreement's amendment to extend the cost-sharing formula through June 30, 2025.

## California Environmental Quality Act (CEQA)

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### CEQA determination for Option #1:

The proposed action is not defined as a project under CEQA (Public Resources Code Section 21065, State CEQA Guidelines Section 15378) because the proposed action will not cause either a direct physical change in the environment or a reasonably foreseeable indirect physical change in the environment, and because it involves continuing administrative activities such as general policy and procedure making (Section 15378(b)(2) of the State CEQA Guidelines). In addition, the proposed action is not defined as a project under CEQA because it involves the creation of government funding mechanisms or other government fiscal activities which do not involve any commitment to any specific project which may result in a potentially significant physical impact on the environment (Section 15378(b)(4) of the State CEQA Guidelines).

### CEQA determination for Option #2:

None required

## Board Options

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### Option #1

By a two-thirds vote, authorize payment of up to \$932,800 for support of the Colorado River Board and Six Agency Committee for FY 2023/2024.

**Fiscal Impact:** Expend budgeted funds of up to \$932,800 from the FY 2023/2024 budget. The adopted budget contains \$826,666 for this line item. The remaining \$106,134 will be managed within Water Resource Management Group's overall budget.

**Business Analysis:** Provides continued representation of Metropolitan and California in Colorado River matters by the CRB and Six Agency Committee at present levels.

### Option #2

Do not authorize payment of up to \$932,800 for support of the Colorado River Board and Six Agency Committee for FY 2023/2024.

**Fiscal Impact:** Savings of up to \$932,800

**Business Analysis:** Will not provide for continued representation of Metropolitan and California interests in Colorado River matters by the CRB and Six Agency Committee at present levels.



## Staff Recommendation


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Option #1

  
\_\_\_\_\_  
Brad Coffey  
Manager, Water Resource Management

5/25/2023

Date

  
\_\_\_\_\_  
Adel Hagekhalil  
General Manager

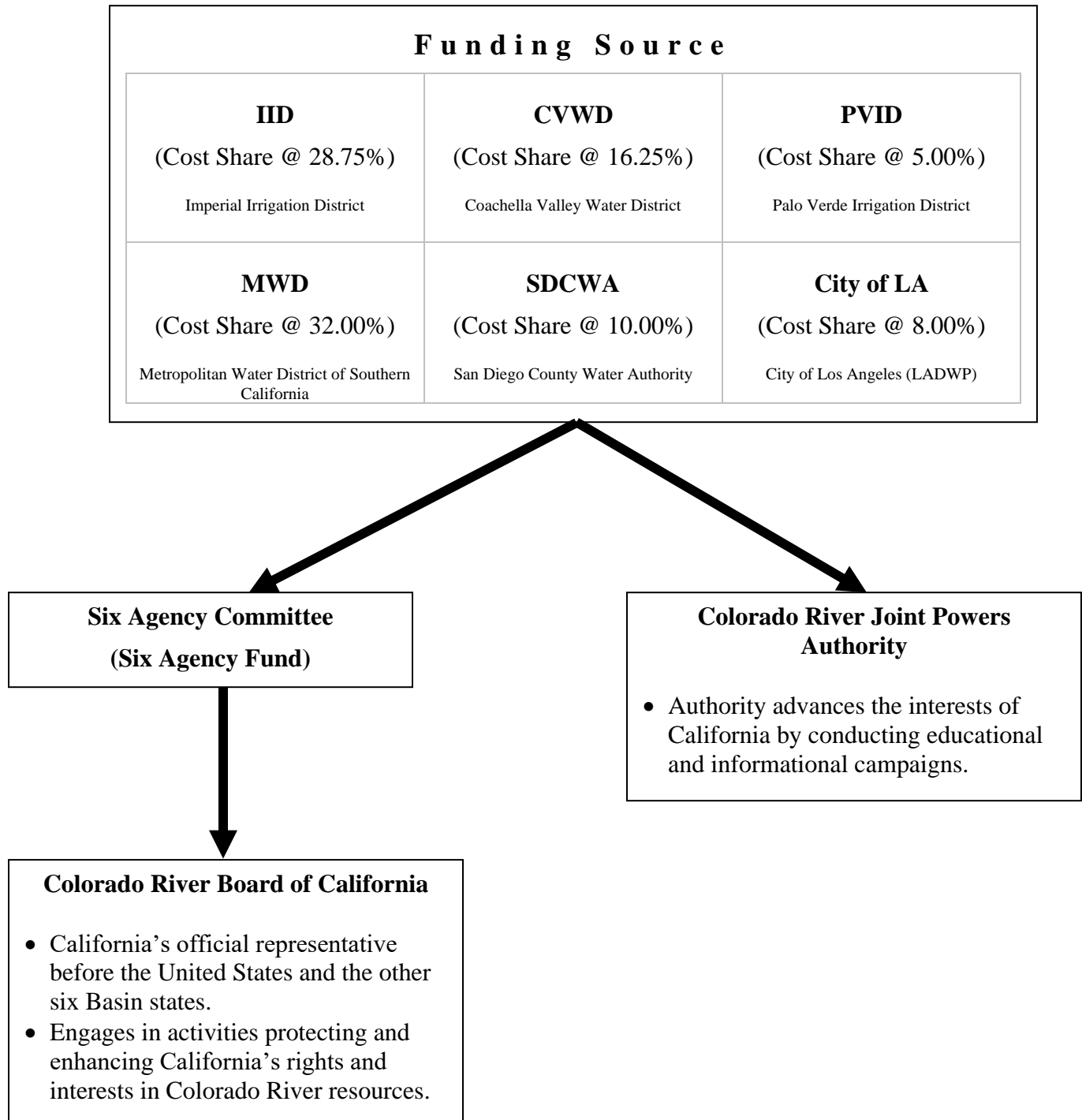
5/25/2023

Date

## Attachment 1 – Cost-Sharing Summary

Ref# wrm12694227

## Cost-Sharing Summary





## One Water and Stewardship Committee

Authorize payment of up to \$932,800 for support of the Colorado River Board and Six Agency Committee

Item 7-7

June 12, 2023

Background Information

# Colorado River Board of California



## Summary of Responsibilities

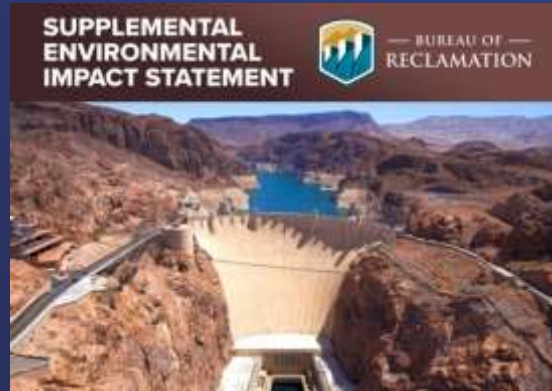
- California's official representative to the Basin States and United States
- Protects California's rights
- Provides unified voice

Background Information

# Colorado River Board of California



## Activities in FY 2022-23



- Reviewed and commented on the Notice of Intent (NOI) and Draft Supplemental Environmental Impact Statement (SEIS) to modify the 2007 Interim Guidelines
- Participated in technical and policy meetings addressing measures to protect critical elevations in the reservoir system
- Supported the Salinity Control Program

Background Information

# Colorado River Board of California



## Ongoing Activities

- Participate in planning for the Interim Guidelines Re-Negotiations
- Support and implement the Lower Colorado River Multi-Species Conservation Program
- Participate in Bi-National Work Groups under Minute 323





Background Information

# Colorado River Board of California

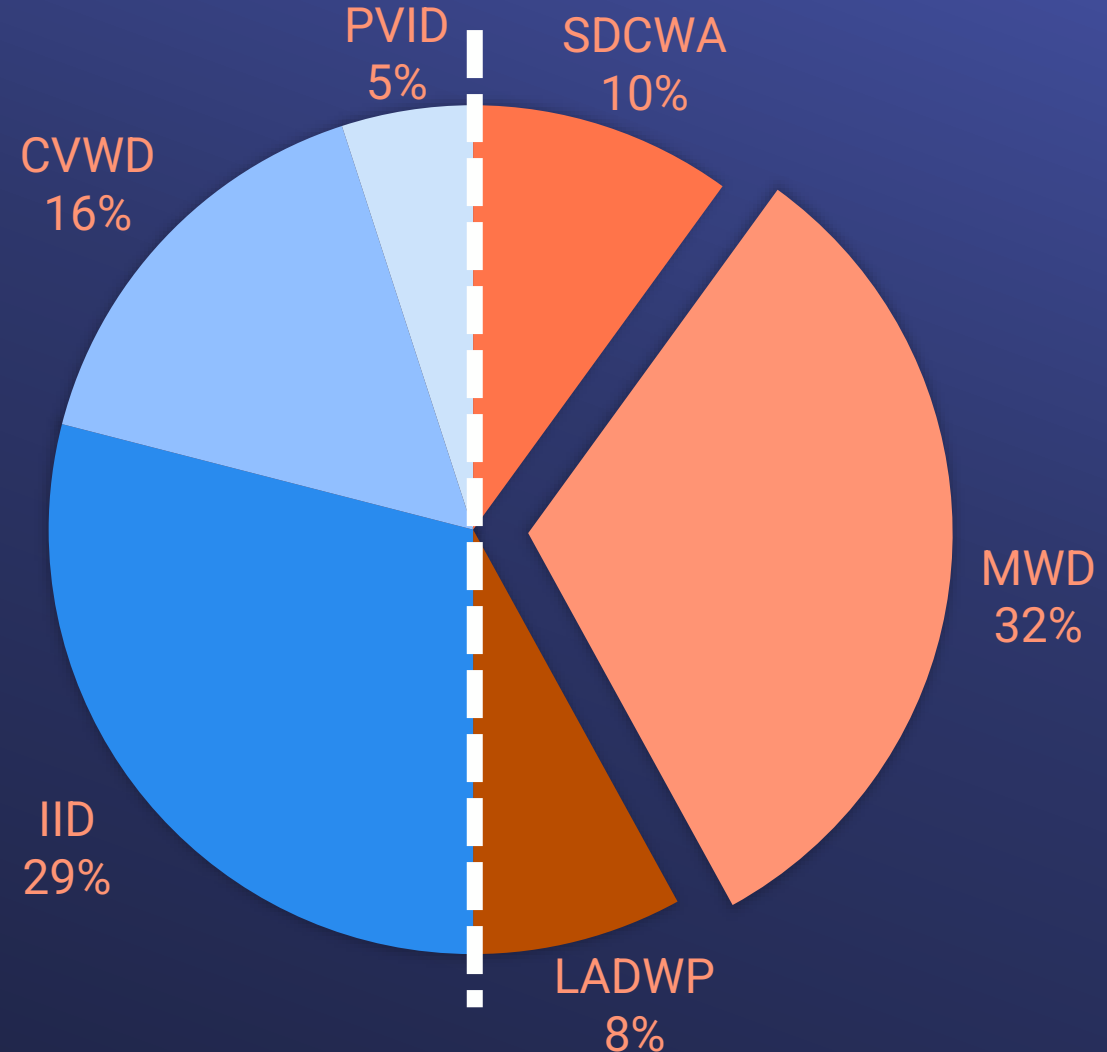


## Six Funding Agencies

- Coachella Valley Water District (CVWD)
- Imperial Irrigation District (IID)
- Los Angeles Department of Water & Power (LADWP)
- Metropolitan Water District of Southern California (MWD)
- Palo Verde Irrigation District (PVID)
- San Diego County Water Authority (SDCWA)

# Cost-Sharing Agreement Among Six Agency Members

Total \$2,915,000

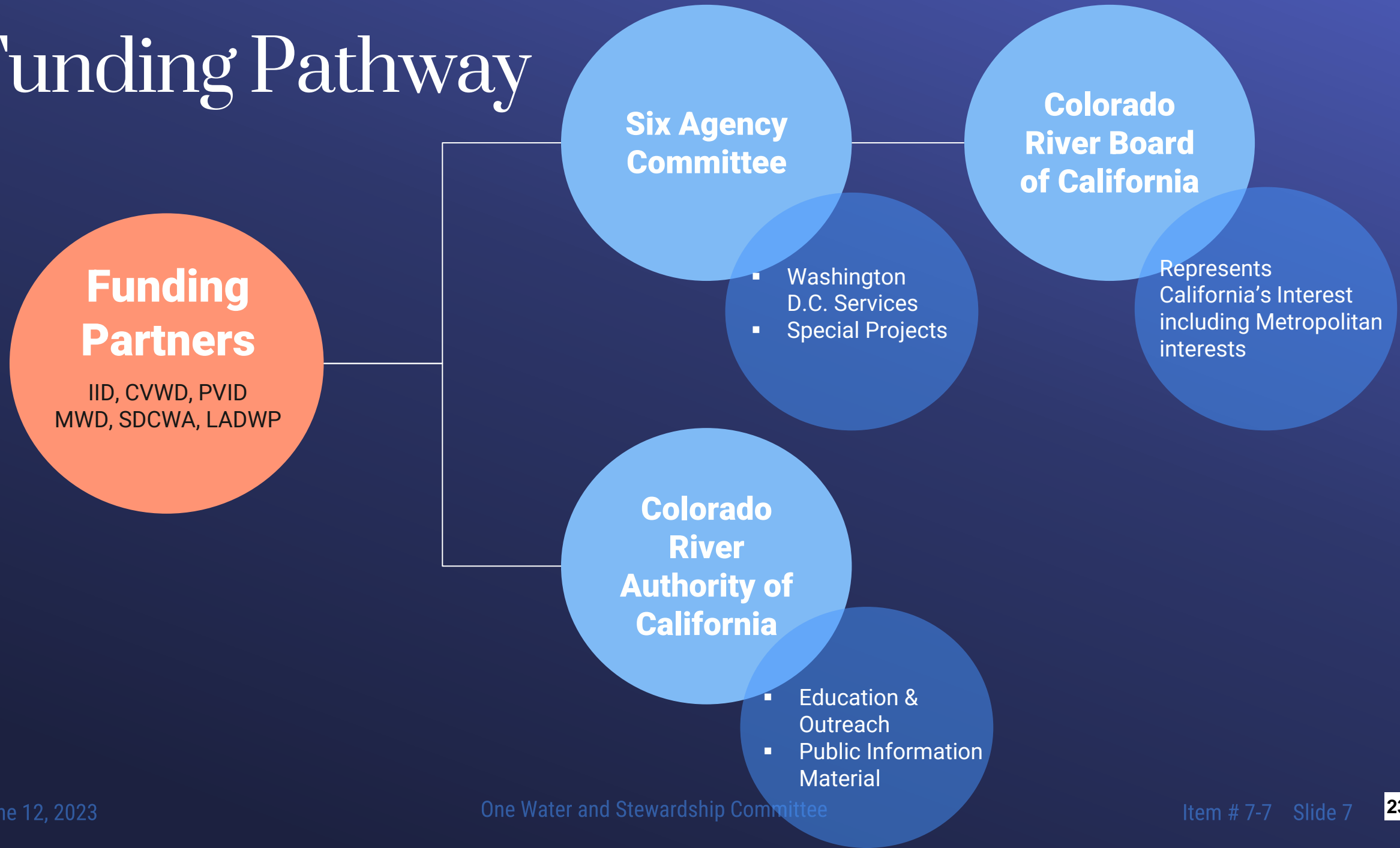


Background Information

## Colorado River Board of California



# Funding Pathway



# FY 2023-24 Request

- Approval to pay fees of \$932,800
- Colorado River Board will consider approval of final FY 2023-24 budget on June 14, 2023

# Options

## Staff Recommendation

- Option #1

By a two-thirds, vote, authorize the General Manager to make payment of up to \$932,800 for support of the Colorado River Board and Six Agency Committee for FY 2023/24.

- Option #2

Do Not authorize the General Manager to make payment of up to \$932,800 for support of the Colorado River Board and Six Agency Committee for FY 2023/24.







- **Board of Directors**  
***One Water and Stewardship Committee***

6/13/2023 Board Meeting

7-8

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## Subject

Adopt Mitigated Negative Declaration for the Delta Smelt and Native Species Preservation Project and take related CEQA actions

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## Executive Summary

In accordance with the California Environmental Quality Act (CEQA), this action adopts a Mitigated Negative Declaration (MND) for the Delta Smelt and Native Species Preservation Project (Project), which, if approved by a future Board action, would include the construction of two marsh-pond complexes to house native fish for research and experimental study. Each marsh-pond complex would consist of a propagation pond, a cooling marsh, and a food-producing marsh. Research conducted at these ponds would help refine future research on Delta smelt and the establishment of a marsh-pond complex that could support Delta smelt.

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## Details

### Background

Southern California has an important stake in the Delta region and its existing infrastructure. As the largest State Water Project (SWP) Contractor, Metropolitan has invested and will continue to invest significantly in the SWP, encourage efforts to restore sensitive fish populations in the Delta watershed, and promote scientific research into the causes of decline in fish native to the Delta.

Metropolitan is proposing the Delta Smelt and Native Species Preservation Project as part of a state and federal partnership. In cooperation with funding partners, and with the aid and assistance of the interagency state and federal Culture and Supplementation of Smelt (CASS) team and the University of California (UC) Davis, Metropolitan is proposing this Project to utilize a portion of the Bouldin Island property currently owned by Metropolitan in the Sacramento-San Joaquin Delta to further Delta smelt and other native fish research and research of potential future propagation variability. See **Attachment 1** for the Location Map.

Supplementation of the wild population of Delta smelt (*Hypomesus transpacificus*) with cultured fish is considered a vital step in preventing extirpation from the wild. The recovery of Delta smelt is important because it is an indicator species for the ecosystem health and, in part, because its presence in designated critical habitat in the Sacramento-San Joaquin Delta plays a key role in regulations affecting the SWP water supplies. While Delta smelt have declined in the wild, scientists have successfully cultured Delta smelt in captivity at the UC Davis Fish Conservation and Culture Laboratory (FCCL). As described in the 2019 U.S. Fish and Wildlife Service (USFWS) Biological Opinion for the Reinitiation of Consultation on the Coordinated Operations of the Central Valley Project and State Water Project, by 2030, the United States Bureau of Reclamation (USBR) proposes to work with the California Department of Water Resources (DWR) to support a larger conservation hatchery to breed and propagate a stock of fish with equivalent genetic resources of the native stock and at sufficient quantities to effectively augment the existing wild population, so that they can be returned to the wild to reproduce naturally in their habitat. Additional research is required to support this effort. The proposed Project would provide research opportunities and a potential location for an additional hatchery population.

The USFWS has recently developed its Delta Smelt Supplementation Strategy (DSSS) to provide a scientific and regulatory roadmap for achieving successful reintroduction of Delta smelt. The DSSS capitalized on an initial period of research, monitoring, and evaluation of the efficacy and effects of hatchery production and contained

release of cultured Delta smelt. One key initial finding was that cultured Delta smelt could survive the four-week study period in net pen enclosures in the wild. This study further demonstrated that cultured fish survived in ambient water quality and temperature and that they successfully transitioned from food pellets to naturally produced wild prey within enclosures set in natural conditions during the four-week period. An important next step highlighted in the DSSS is the development of science to guide uncontained releases of Delta smelt into the wild. Wild releases in the winter of 2021/22 were determined to be successful, with some detections in the wild post release. Although larvae of Delta smelt have been detected, it is uncertain whether they originated from the cultured Delta smelt. In addition, it is not clear what conditions favor improved survival and reproduction. The proposed Project would address these questions, including the development of methods for successful reintroduction.

The proposed Project would include the construction of two marsh-pond complexes on a portion of Bouldin Island that would house native fish for experimental study. Each marsh-pond complex would consist of a propagation pond, a cooling marsh, and a food-producing marsh that would be constructed in two phases. The first phase would be a smaller demonstration pilot, and the second larger phase would capitalize on what was learned in the first phase. The tule marshes would be of varying sizes and serve two distinct functions: the first type of marsh would be designed to optimize cooling of water temperatures (cooling marsh), and the second type would be for production of food for the native fish (food-producing marsh). The propagation ponds would contain the fish and would be connected to the cooling and feeding marshes through screened concrete-lined canals. Research conducted at these ponds would help refine future research on Delta smelt and the establishment of a marsh-pond complex that could support Delta smelt. This proposed Project assumes, prior to any transport and stocking of hatchery Delta smelt, that fish are available from the FCCL and that their release and rearing in the ponds is approved by the USFWS and California Department of Fish and Wildlife (CDFW).

Regulatory permits are necessary for the Project. Permitting activities planned for the Project include obtaining a Clean Water Act Section 404 permit from the U.S. Army Corps of Engineers (USACE), a Clean Water Act Section 401 certification and waste discharge and stormwater discharge permits from Regional Water Quality Control Board (RWQCB), and consultation with the USFWS under Section 7 of the federal Endangered Species Act. Staff will return to the Board at a future date with an action item to obtain a project approval and to award construction contract(s) to perform the proposed work.

#### **Adopt Mitigated Negative Declaration (no funds required)**

To comply with CEQA and the State CEQA Guidelines, Metropolitan, as the Lead Agency, prepared an MND for the Delta Smelt and Native Species Preservation Project (**Attachment 2**). On February 10, 2023, Metropolitan released the draft Initial Study and MND for a 30-day public review period as required by CEQA and the State CEQA Guidelines. Staff filed a Notice of Completion with the State Clearinghouse, and a Notice of Intent was posted to Metropolitan's website and provided to state and local agencies and other interested parties. The Initial Study and MND were also posted on Metropolitan's website, while hard copies were made available at Metropolitan's headquarters in Los Angeles and its Sacramento office. **Attachment 3** contains comment letters received during the public review period, along with responses to those comments.

As stated in the State CEQA Guidelines (Section 15074), the Board is required to review and consider the MND, the Initial Study, and comments received during the public review period prior to the adoption of the MND. Adoption of the MND is dependent on the finding by the Board that, based on the whole record before it, there is no substantial evidence that with the mitigation measures required by the MND, the proposed Project will have a significant impact on the environment and that the MND reflects the Lead Agency's independent judgment and analysis. The Mitigation Monitoring and Reporting Program (MMRP) is required under CEQA (Section 21081.6 of the California Public Resources Code) and must also be adopted by the Board prior to project approval (**Attachment 4**). All of the above documentation, including other materials that constitute the record of proceedings upon which the Lead Agency decision is based, is on file at Metropolitan's headquarters located at 700 North Alameda Street, Los Angeles, CA 90012.

#### **Summary**

This action proposes the adoption of the MND for the Delta Smelt and Native Species Preservation Project and the adoption of the MMRP in accordance with CEQA.

***Project Milestone***

Fall 2023 – Bring an action item to consider project approval and, if approved, award construction contract for the Delta Smelt and Native Species Preservation Project

**Policy**

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Metropolitan Water District Administrative Code Section 11100: Environmental Matters

By Minute 53012, dated October 11, 2002, the Board adopted the Revision and Restatement of Bay-Delta Policies.

**California Environmental Quality Act (CEQA)**

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**CEQA determination for Option #1:**

Review and consider the information in the MND, Initial Study, and comments received during the public review period; find that based on the whole record before the Board there is no substantial evidence that the proposed project will have a significant impact on the environment and the MND reflects the Lead Agency's independent judgment and analysis; adopt the MND for the proposed project; and adopt the MMRP.

**CEQA determination for Option #2:**

None required

**Board Options**

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**Option #1**

Adopt the Mitigated Negative Declaration for the Delta Smelt and Native Species Preservation Project and take related CEQA actions.

**Fiscal Impact:** None

**Business Analysis:** This option will enable staff to move forward with securing environmental permits and other future approvals for the Project.

**Option #2**

Do not adopt the Mitigated Negative Declaration for the Delta Smelt and Native Species Preservation Project at this time.

**Fiscal Impact:** None

**Business Analysis:** This option would not allow the Project to move forward at this time to secure environmental permits and other future approvals for the Project, thus forgoing an opportunity to further Delta smelt and other native fish research and research of potential future propagation variability.

**Staff Recommendation**

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Option #1



5/22/2023

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Elizabeth K. Crosson  
Chief Sustainability, Resiliency &  
Innovation Officer

*Date*

5/23/2023

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Adél Hagekhalil  
General Manager

*Date***Attachment 1 – Project Location****Attachment 2 – Initial Study and Mitigated Negative Declaration****Attachment 3 – Comment Letters and Responses to Comments****Attachment 4 – Mitigation Monitoring and Reporting Program**

Ref# sri12686157



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# **Delta Smelt and Native Species Preservation Project**

## **Mitigated Negative Declaration**

**The Metropolitan Water District of Southern California**  
700 North Alameda Street  
Los Angeles, CA 90012



Report No. 1659

*February 2023*

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DELTA SMELT AND NATIVE SPECIES PRESERVATION PROJECT  
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- B. Construction Details and Air Quality Emission Estimate Calculations
- C. Biological Resources Technical Report
- D. Aquatic Resources Delineation Memo

# 1. Project Description

## 1.1 Background

The Metropolitan Water District of Southern California (Metropolitan) is the primary wholesale water supplier for Southern California and comprises 26 member agencies, which provide water to nearly 19 million Southern California residents. Metropolitan has a service area that spans through six counties within a 5,200-square-mile area. Additionally, Southern California has an important stake in the Delta region and its existing infrastructure. As a State Water Project (SWP) contractor, Metropolitan has invested and will continue to invest significantly in the SWP, encourage efforts to restore sensitive fish populations in the Delta watershed, and promote scientific research into the causes of decline in fish native to the Delta.

## 1.2 Proposed Project Purpose and Need

Metropolitan is proposing the Delta Smelt and Native Species Preservation Project (Proposed Project), as part of a state and federal partnership. In cooperation with funding partners, and with the aid and assistance of the state and federal interagency Culture and Supplementation of Smelt (CASS) team<sup>1</sup> and University of California (UC) Davis, Metropolitan is promoting a Proposed Project that would utilize a portion of the Bouldin Island property currently owned by Metropolitan in the Sacramento-San Joaquin Delta to further delta smelt (*Hypomesus transpacificus*) and other native fish research, and research of potentially future propagation viability.

Supplementation of the wild population of delta smelt with cultured fish is considered to be a vital step in preventing extirpation from the wild. The recovery of delta smelt is important because it is an indicator species for the ecosystem health and, in part, because its presence in designated critical habitat in the Sacramento-San Joaquin Delta plays a key role in regulations affecting California's water supply. While delta smelt have declined in the wild, scientists have successfully cultured delta smelt in captivity at the UC Davis Fish Conservation and Culture Laboratory (FCCL), and, as described in the 2019 United States Fish and Wildlife Service's (USFWS's) Biological Opinion for the Reinitiation of Consultation on the Coordinated Operations of the Central Valley Project and State Water Project, by 2030, the United States Bureau of Reclamation (USBR) proposes to work with the California Department of Water Resources (DWR) to support a larger conservation hatchery to breed and propagate a stock of fish with equivalent genetic resources to the native stock and at sufficient quantities to effectively augment the existing wild population so that they can be returned to the wild to reproduce naturally in their habitat. Additional research is required to support this effort. The Proposed Project would provide research opportunities and a potential location for an additional hatchery population.

The USFWS has recently developed its Delta Smelt Supplementation Strategy (DSSS) to provide a scientific and regulatory roadmap for achieving successful reintroduction of delta smelt (USFWS 2020). The DSSS capitalized on an initial period of research, monitoring, and evaluation of the

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<sup>1</sup> Consulting partners primarily include the United States Geological Survey (USGS), DWR, and USFWS. Other consulting agencies include the USBR and the California Department of Fish and Wildlife (CDFW). CASS is an interagency team, composed of the CDFW, DWR, USBR, and USFWS, created in 2019 to implement science-based management activities to secure and stabilize the delta smelt wild population through a coordinated captive propagation and supplementation program.

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efficacy and effects of hatchery production and contained release of cultured delta smelt (e.g., Israel et al. 2011; Lessard et al. 2018; Hung et al. 2019).

One key initial finding was that cultured delta smelt could survive the 4-week study period in net pen enclosures in the wild (Baerwald et al. 2019). This study further demonstrated that cultured fish survived in ambient water quality and temperature and that they successfully transitioned from pellets to naturally produced wild prey within enclosures set in natural conditions during the 4-week period. An important next step highlighted in the DSSS is the development of science to guide uncontained releases of delta smelt into the wild. However, it is uncertain whether cultured delta smelt would survive and complete their life cycle when introduced freely into a natural habitat. The Proposed Project would address this question, including the development of methods for successful reintroduction.

## **Project Objectives**

The objectives of the Proposed Project are:

- Establish a marsh-pond complex where research can occur to determine if the marsh-pond complex can support cultured delta smelt and other native fish that will survive and complete their life cycle when introduced freely into a natural habitat.
- Conduct further delta smelt and native fish research, and research of potential future propagation.
- Inform future design of native fish habitat projects through beta testing of various design concepts
- Research the potential of the marsh-pond complex to support a hatchery population in a more natural environmental setting using wetlands to provide a food source (food marsh) and a source of cold water (cooling marsh).

## **1.3 Project Location and Description**

### **Project Location**

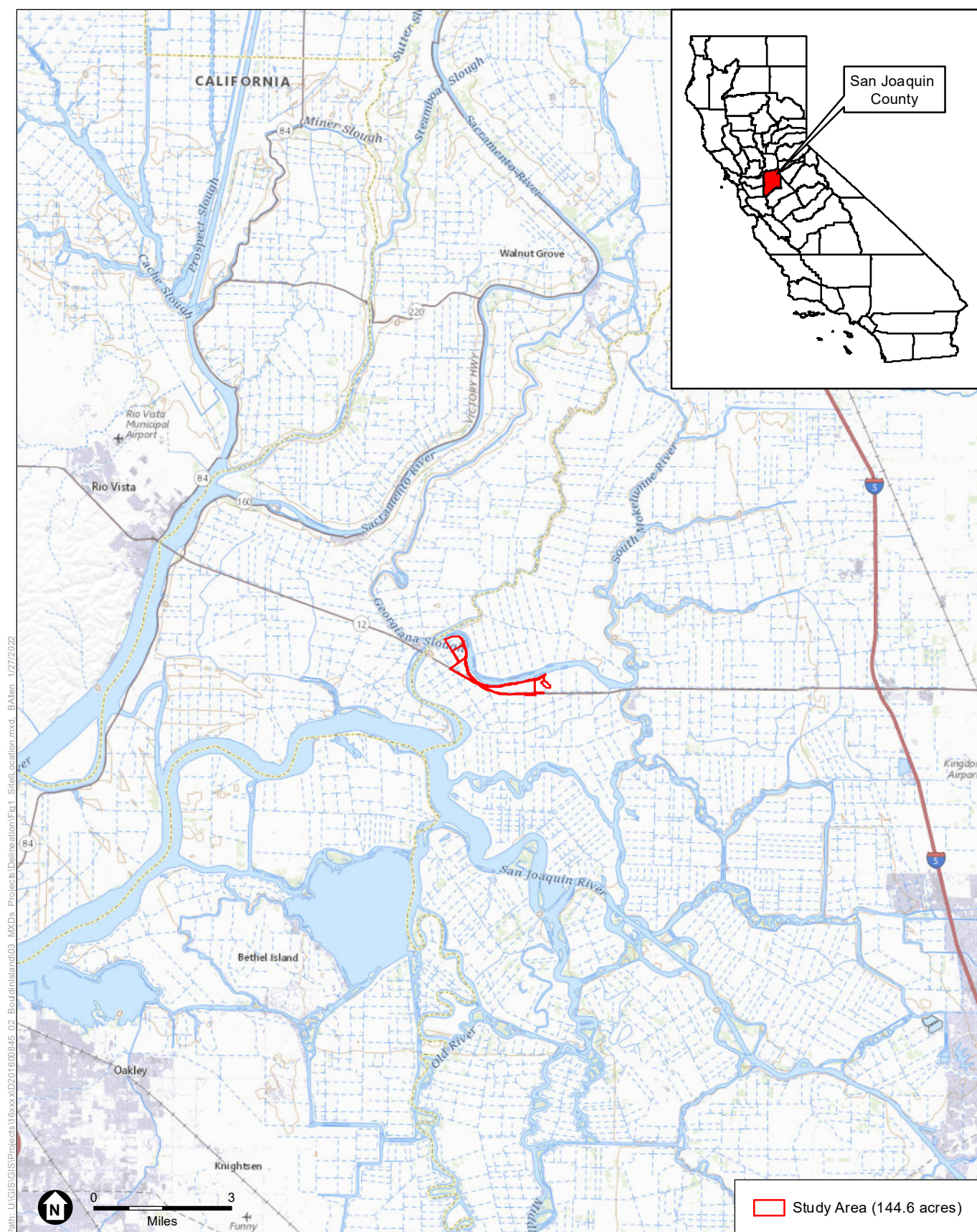
The Proposed Project covers approximately 145 acres across two parcels and includes two “marsh-pond complexes,” a tule harvest area, and several connecting access roads. The Proposed Project site is within the Sacramento-San Joaquin Delta on Bouldin Island, which is owned by Metropolitan and located adjacent to the confluence of the North and the South Forks of the Mokelumne River in unincorporated San Joaquin County, California (**Figures 1-1 and 1-2**).

### **Project Description**

The Proposed Project would include the construction of two marsh-pond complexes that would house native fish for experimental study.<sup>2</sup> Each marsh-pond complex consists of a propagation pond, a cooling marsh, and a food marsh that would be constructed in two phases. The first phase is a smaller demonstration pilot, and the second larger phase will capitalize on what was learned in the first phase. The tule marshes would be of varying sizes and serve two distinct functions: the

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<sup>2</sup> The Proposed Project is not a habitat or ecosystem restoration project. The marsh-pond complexes will be highly managed for the sole purpose of scientific research.



SOURCE: USGS, 2022; ESA, 2022

Delta Smelt Preservation Project

**Figure 1-1**  
Project Site Location





SOURCE: MAXAR, 2021; ESA, 2022

Delta Smelt Preservation Project

**Figure 1-2**  
Project Study Area

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first type of marsh would be designed to optimize cooling of water temperatures (cooling marsh) and the second type is for production of food for the native fish (food marsh). The propagation ponds would contain the fish and would be connected to the cooling and food marshes through screened concrete-lined canals. Research conducted at these ponds would help refine future research on delta smelt and the establishment of a marsh-pond complex that could support delta smelt. This Proposed Project assumes, prior to any transport and stocking of hatchery delta smelt, that fish are available from the FCCL and their release and rearing in the propagation ponds is approved by the USFWS and California Department of Fish and Wildlife (CDFW).

**Project Construction**

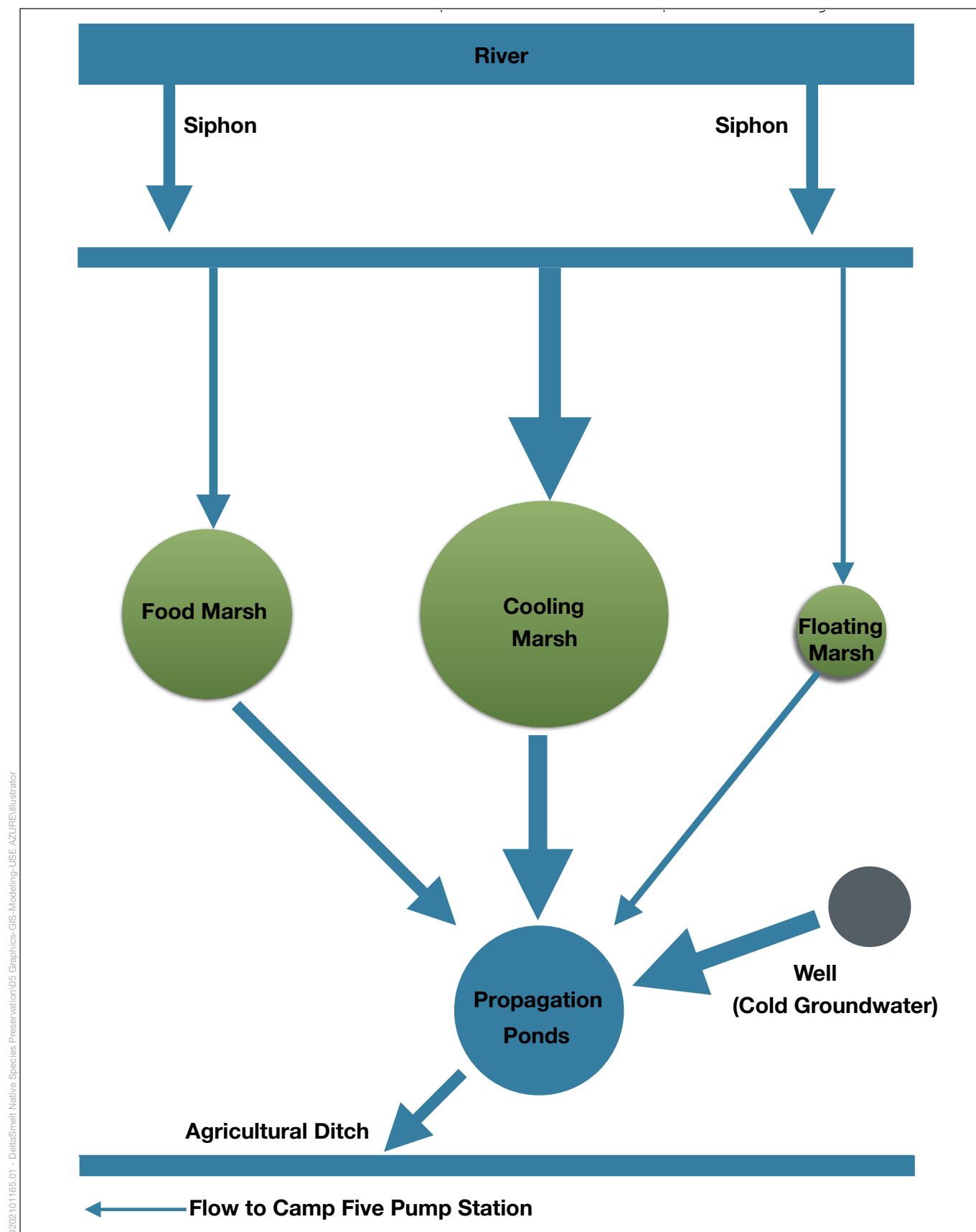
As discussed above, the Proposed Project would include the construction of native fish habitat marsh-pond complexes, which would be completed in two phases. Each phase would include a complete marsh-pond complex with a cooling marsh, food marsh, and a propagation pond (**Figure 1-3, Appendix A**). Phase I would include a 2-acre cooling marsh, a 0.3-acre food marsh, and an 0.5-acre propagation pond. Phase II would include a 3.5-acre cooling marsh, a 2-acre food marsh and a 1.5-acre propagation pond. A 0.3-acre floating peat marsh, which replicates historic floating tule mats, may also be constructed in Phase II if current ongoing research warrants. The entire marsh-pond complex footprint for the total Proposed Project, including all the associated staging area, water distribution system and access roads would be up to 25 acres.

***Access and Staging***

Construction access to the site from Highway 12 would consist of two roads labeled Road 1 and Road 2, including an existing road that is 15 to 20 feet wide and a new access road to be designed with a width of approximately 20 to 30 feet (Figure 1-2). The improved access road at the toe of the levee would be graded to remove existing ruts, and then a 4-inch layer of 0.75-inch class crushed aggregate base would be added with no change to the existing dimensions of the roads to improve mobility for vehicles, all-terrain vehicles, and foot traffic to key Proposed Project facilities, including wells, testing sites, screens, gates, and observation areas.

There are two construction material and equipment staging areas (**Figure 1-4**). Staging Area 1 is located immediately south of Cooling Marsh A along the west side of the Proposed Project area. Staging Area 2 is located immediately to the west of Food Marsh B along the southern edge of the Proposed Project area. The staging areas would be approximately 1,500 square feet in size. Crushed aggregate of 0.75 inches in size would be applied to the areas at a depth of approximately 6 inches.

All vehicles and equipment brought on-site shall be decontaminated in accordance with federal and state regulations and guidelines for controlling the spread of noxious weeds, invasive species, and disease, which includes inspecting all vehicles, tools, boots, and other Project-related equipment, and removing all visible soil/mud, plant materials, and animal remnants prior to entering and exiting the Project site. This decontamination process must be completed each time Project-related equipment is brought on-site. Transportation of off-hauled material would be conducted per state and federal regulations. All materials would be taken to an approved storage, recycle, or waste facility.



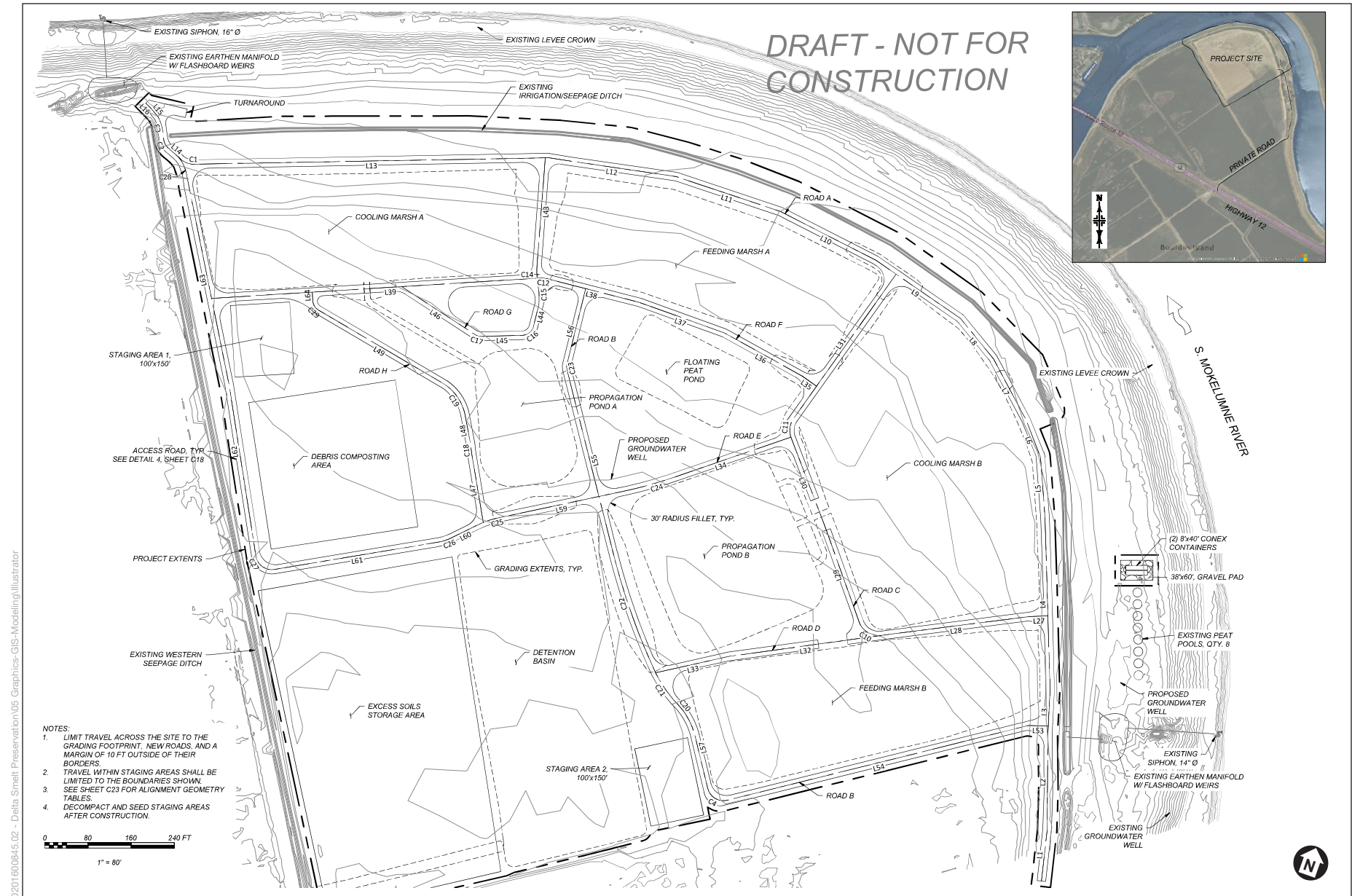
SOURCE: ESA, 2022

Delta Smelt Preservation Project

**Figure 1-3**

Delta Smelt and Native Species Preservation Project Conceptual Diagram





SOURCE: cbec, 2022

Delta Smelt Preservation Project

**Figure 1-4**  
Site Plan Overview



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***Cooling and Food Marshes***

The cooling and food marshes would be excavated with heavy equipment and the material removed would be used to create berms around the exterior of the two marshes and internal berms to direct the flow of water within the marshes. Initial land preparation would include disking and land leveling of up to 1 foot (plus or minus) within each marsh containment berm. Earth-moving includes constructing wetland by excavating soils and constructing perimeter berms (maximum of 3-foot height and 20-foot toe width) for water containment. These berms would be constructed using scrapers, graders, dozers, and water wagons. The sloped design and internal berms, with flashboard weirs, would allow water to be drained from the pond and isolate pond sections.

Both marshes would be planted with locally harvested tule rhizomes that would be excavated from the harvest area in 2-foot by 2-foot blocks, as described in the *Tule Harvesting* section below. The blocks would be offloaded with an excavator and placed in the cooling and food marsh ponds on 5-foot centers. Once the tule rhizome placement is completed, the area would be flooded to a depth of approximately 1 foot and held at that depth using the new water distribution features described in the *Surface Water/Groundwater Distribution, Control, and Screening* section below.

***Supplemental Floating Peat Marshes***

Eight 18-foot-diameter floating peat marshes currently exist in round aboveground pools immediately adjacent to the eastern border of the proposed marsh-pond complex site. Scientific monitoring of these floating peat marshes indicates good productivity of invertebrates that delta smelt feed on. If constructed in Phase II, a larger 0.3-acre floating peat marsh would supplement food from the Phase 1 food marsh for use in the propagation ponds. It would be constructed by excavating up to 3 feet of existing grade and using the excavated material to create perimeter berms, which would be covered with a construction-grade plastic sheeting called visqueen on the waterside embankments to reduce seepage and erosion. The anticipated depth of the water within the floating marshes would be around 6 to 8 feet. Water to the floating peat marsh pond would be conveyed using the existing siphons and the new water distribution features, including ditches, pipes, pumps and water control features, described in the *Water/Groundwater Distribution, Control, and Screening* section.

***Propagation Ponds***

The Proposed Project would include the construction of propagation ponds, which would be completed in two phases. Phase I would include one propagation pond roughly 0.5 acres in size. Phase II would include an additional propagation pond roughly 1.5 acres in size.

The locations of the ponds, berms, screens, siphons, wells, and water control structures are shown in Figure 1-4. The propagation ponds would be excavated to achieve the desired 20:1 side slope and a maximum water depth of up to 15 feet. Berms would be constructed with a 3:1 side slope. Excavated soil from the ponds would be used on-site to construct berms, footpaths, and roadways. Soil cut and fill would be balanced on-site. Potential shading features may include native woody vegetation around the perimeter of the containment areas. Aeration systems, which may include bubblers, would be added as needed depending upon dissolved oxygen conditions. The aeration system feature would include a diffused aeration system using an electric 1 horsepower (hp) pump or windmill to provide for power requirements. Pond fountains may be used to enhance biosecurity and limit avian predation. Biosecurity could also include perimeter fencing, additional non-lethal

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bird deterrent techniques (e.g., netting or overhead wires strung along shoreline or across pond, noise, or visual scare devices), sunshade nettings over waterbody areas, and other security monitoring systems. The Proposed Project may also include fish cages/enclosures within each pond. This could allow for corralling the fish and ease monitoring while still benefiting from the attributes being designed into the impoundments.

The propagation ponds would be designed to be drained and filled when needed. The ponds would be fillable in a manageable timeframe to bring the ponds back online without too much loss of time for their primary function. These propagation ponds would receive water screened from the marsh-pond complexes and would be monitored and managed to eliminate the propagation of invasive species. Identification of invasive species would initiate the appropriate measures to remove the invasive species, such as the draining of the ponds. Draining would provide another form of biosecurity by making these ponds inhospitable for all invasive fish species and most invasive aquatic vegetation species (such as Brazilian waterweed and water hyacinth). Draining the ponds would also allow for mechanical removal of other invasive weeds. In addition, the outlets of the ponds are screened and are not directly connected to the Delta waterways (i.e., are not tidal aquatic habitat) and thus aquatic transmission of invasive species into Delta waterways would be avoided.

To facilitate scientific evaluations, Propagation Pond B would be divided into three equal-area cells using two float-anchor fabric curtains or equivalent. The curtains would be secured running from the shallow to the deep end of the ponds, suspended by floatation and the fabric held down on the pond bottom by weights. Each curtain would have anchors above and below the water that are appropriate to secure the curtains in place and prevent shifting during inflows and windy conditions.

***Tule Harvesting***

Harvest of native vegetation would occur within the existing on-island tule wetlands in the harvest area (Figure 1-2). Haul trucks would traverse the island on the existing roads that occur, on top of the levee, along the farm fields, and around the harvest pond to access the site from the marsh pond complex. Temporary access into the ponds for excavation and hauling equipment may use placement of Geoterra mats or similar protective mats to gain further access into the harvest area and minimize impacts to surrounding habitat. Alternatively, if the site is dry and equipment can access the harvest area without mats and without soil compaction or creating ruts, the access routes within the harvest area may be mowed to prevent a vegetation fire. Approximately 6 acres would be temporarily disturbed for access to the harvest areas. This would include minimal vegetative disturbance from mats, mowing, or haul trucks driving beside the excavator to collect the harvest. No grading or ground disturbance is anticipated in access areas not proposed for harvest. An estimated 1.5 acres would be harvested and would include harvesting up to 16,500 2-foot by 2-foot tule rhizomes blocks. The rhizome blocks would be removed by an excavator and/or hand tools in long parallel 2-foot-wide strips that would parallel the haul truck access route. The blocks would then be transported using the excavator to a haul truck which would drive beside the excavator. Then the blocks would be hauled to the marsh-pond complex site. In total, there would be up to 330 round trips transporting the rhizomes to the marsh-pond complexes from the harvesting area for both phases.

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Based on the tule growth rates of greater than 18 feet of spread in one growing season, it is anticipated that disturbed areas would revegetate within one growing season (Tilley 2012). If 75 percent coverage in disturbed areas has not been met within 365 days of the end of construction, then Metropolitan would reassess unvegetated areas and would monitor for another year, with optional replanting.

***Surface Water/Groundwater Distribution, Control, and Screening***

The propagation ponds would be filled using either surface water or groundwater to ensure consistent regulated temperatures. The water distribution system would be a combination of earthen and concrete-lined open ditches (6 feet wide) and pipes (ranging between 4 and 24 inches in diameter) to provide surface water from existing siphons or pumped from the existing groundwater aquifer. Under normal conditions, surface water would flow by gravity from the siphons through the cooling and food marshes and be screened before entering the propagation ponds (Figure 1-3, Appendix A). The surface water elevations in the food marsh would be adaptively managed to enhance fish food production. The surface water would originate from existing siphons that pull from the Mokelumne River within the Proposed Project site, including siphons #25 (16-inch diameter with max capacity of 18 cubic feet per second [cfs]) and #26 (14-inch diameter with max capacity of 12 cfs; Figure 1-4). In coordination with the irrigation needs of adjacent farms that use these siphons, a portion of the siphon flows (up to 10 cfs) would be used for the Proposed Project. The balance of the available siphon flow would remain available for agricultural purposes. The surface water distribution system would be screened between the marsh area and the native fish propagation area to enhance biosecurity.

The groundwater system would include the use of a new well (see Figure 1-4) to be constructed within the Proposed Project site. The new groundwater well is expected to be up to 300 feet deep. The well would not be hydraulically connected to any local surface water. The capacity of the new well would be up to 1,000 gallons per minute (gpm), with an approximately 8-inch-diameter discharge pipe. Well construction would cause a temporary ground disturbance with a construction footprint of up to 1,600 square feet. The transportation pipeline would be buried from the well location to Proposed Project at a depth of up to 24 inches.

***Water Use Monitoring and Outlet Control***

Water use would be monitored and documented through a set of water meters installed on both the existing surface water siphons and proposed groundwater well. The water supply system would include replumbing and rehabilitation of existing siphons, construction of a screened outlet on one side of the propagation containment areas and installation of operable slide gates for controlling water levels in the tule marshes and construction of tailwater ditches (up to 5 feet deep) (Figure 1-4). The design of the outlet system would use screens of appropriate size to prevent fish from escaping while also avoiding fish impingement.<sup>3</sup>

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<sup>3</sup> To prevent water passing through the screen from impinging fish, the screened-in area would be large enough that the approach velocity of water into the intake is sufficiently low that fish may swim to avoid the screen. An approach velocity less than 0.2 feet per second is recommended to prevent impingement of Delta smelt (California Fish and Game 2010).

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***Water Management Features***

An earthen manifold with three operable flashboard weirs would be installed to meter and distribute the desired flows and volumes for the Proposed Project, the adjacent farming operations and any overflows to the agricultural ditch. Project water would be diverted from the manifold into an existing but newly constructed agricultural ditch that runs along the outer perimeter of the Proposed Project marshes. The ditch was realigned in early 2022 by the tenant farmer as part of agricultural operations as shown in Figure 1-4. Five small low-lift pumps would transfer Proposed Project water from the toe drain into the two cooling marshes, the two food marshes, and the floating marsh. No disturbance of existing agricultural ditches or toe drains would occur during siphon manifold installation. The five low-lift pumps would be placed upon 5-foot by 5-foot gravel pads alongside the Reclamation District (District) toe drain at the sites shown on the engineering plans (Appendix A). District 756 maintains the District's levee system that protects approximately 6,000 acres of agricultural land, local infrastructure and on-island assets on Suisun Island. Pipes would transport pumped water directly into the five marshes.

***Detention Basin***

To avoid overwhelming channels with pond discharges, water discharged from the propagation ponds would be directed into the detention (surge) basin located in the southern corner of the Proposed Project (Figure 1-4). This basin has a surface area of about 6 acres. It is designed to hold 12 acre-feet of water with a maximum depth of 2 feet. The detention basin would be excavated to a depth of 3 feet and bermed slopes would be constructed with a 4:1 external side slope and 3:1 internal side slope to achieve the desired slope. Excavated soil from the ponds would be used on-site to construct berms, footpaths and roadways. Soil cut and fill would be balanced on-site. On the downstream end of the basin, a control structure would be used to slow the discharge of the Proposed Project water to a rate that can be handled by the island drainage system. Most of the water flowing out of the propagation ponds would be discharged into the detention basin over a 3-hour period in the morning. The detention basin is intended to drain this water over an 18- to 20-hour period throughout the subsequent day and night. The downstream water control structure would be adjustable to allow for better control of the discharge during the 18- to 20-hour period. The control structure would discharge flows into a newly created ditch that would connect to the adjacent agricultural ditch, by removing a portion of the bank and teeing into the existing ditch. No fill of the existing feature would occur. The flows would be monitored to ensure that agricultural ditch capacities are not exceeded.

***Power Source***

Power for the electric motor on the proposed new well, the low-lift pumps, and the water control structures would be provided from the existing clubhouse located near the marsh-pond complex site or from Pacific Gas and Electric Company (PG&E) powerlines that parallel the toe drain. Both sources of power would be served by the PG&E. An additional transformer may be required but would not result in additional ground disturbance.

***Debris Composting Area***

When the ponds are operational, debris could build up on the screens and impede flow, mainly during the fall as wetland plants die back from the colder weather. As needed to maintain flows, the screens would be manually raked, and the wetland plant detritus would be loaded into a trailer

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pulled by a small Kabota-type tractor to the debris-composting area (Figure 1-4). Spreading and discing would occur daily during the periods of debris clearing. A maximum of approximately 0.5 cubic yards of material would be collected per day of screen clearing (which would occur up to 50 times per year). The debris composting area would be accessed via compact gravel roads between the screen facilities and the composting areas.

### ***Research Access***

Prefabricated articulating mats would be used to create ramps with shallow grades from the perimeter berms into the ponds to provide a means for collecting fish. The ramps would have an approximate footprint of 500 square feet for each impoundment. Storage for all science and monitoring equipment would be in shipping storage containers brought onto the site and located near the existing clubhouse (Figure 1-4).

### ***Construction Process and Schedule***

Construction activities for the Proposed Project would be completed in two phases with Phase I starting in spring 2023 and lasting for approximately 2 months. If Phase I is successful, Phase II construction would start in spring 2024 and last for approximately 2 months. Construction would require approximately 12 workers total for each phase. Six workers for general construction and six workers for tule transplanting. Construction would occur 6 days per week (Monday through Saturday) with 8-hour days shifted to daylight hours as necessary. The equipment presented in **Table 1-1** would be used during construction.

**Table 1-1. Construction Equipment and Personnel Utilization**

Equipment	Model/Capacity	Horsepower (HP)	Max. Number Used per Day	Total Operation Days	Number of Workers
Articulated 3-axle hauler	23 cubic yard (CY)/30-ton	375HP	1	14	1
Four-tire pull scraper	John Deere 1810E	NA	1	14	1
Two-axle tractor	John Deere 7520	200HP	1	14	1
Two-axle backhoe	Caterpillar (Cat) 450/2CY bucket	131HP	1	14	1
Dozer	Cat D7	Up to 265HP	1	14	1
Sheep's-foot compactor	Cat	249HP	1	14	1
AWD motor grader	Cat	180HP	1	14	1
Long-reach track excavator	To be determined	200HP	1	14	1
Water tender/truck	2,000 gallon	362HP	1	14	1
Flatbed truck	F250 (gasoline)		1	28	1
Truck-mounted water-well-drilling rig	Watertec 24	570HP	1	3	2
Portable toilets	NA	NA	1		
Fish-transport truck	DWR/CDFW fish tanker trucks	TBD	1	1	1
Two-axle boom mower	Cat levee mower	100HP	1	1	1

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### ***Metropolitan Standard Construction Practices***

As part of standard construction practice, Metropolitan would incorporate a variety of standard measures as part of the proposed Project. These measures, which are defined in the contractor specifications, are included in and implemented as part of all Metropolitan construction projects. These practices are relatively standardized and/or compulsory (i.e., regulatory requirement); they represent sound and proven methods to reduce potential effects of construction activities. Specific standard construction practices identified for the Proposed Project are discussed throughout the document.

- **Worker Environmental Awareness Protections Training.** Metropolitan routinely conducts pre-construction Worker Environmental Awareness Protections Training (WEAP) for both capital projects and operations and maintenance activities. WEAP trainings are project-specific and cover potential environmental concerns or considerations including, but not limited to, awareness of biological resources, special status species near project sites, jurisdictional waters, cultural resources, paleontological resources, environmentally sensitive areas, and/or avoidance areas.
- **Environmental Assessment.** As an internal practice, Metropolitan conducts Environmental Assessments or similar studies prior to project commencement to determine if any sensitive resources have the potential to be present at a project site. Resources assessed typically include biological, cultural paleontological resources, noise sensitivity, and sensitive receptors in the vicinity of the project area.

## **Project Operations and Maintenance**

### **Operations**

The Proposed Project would have a 5-year project life with the possibility to extend based upon results. Equipment and personnel utilization for operations and maintenance during this period are provided in **Table 1-2**. When fish are on-site, staff from UC Davis using pickup trucks would be on-site daily for approximately 2 months in the spring and 2 months in the fall. It is anticipated that operations and maintenance of the Proposed Project would require four workers, using pickup trucks, to be on-site twice per week when ponds are operational and fish are on-site.

**Table 1-2. Operations and Maintenance Equipment and Personnel Utilization**

Equipment	Model/Capacity	Horsepower (HP)	Max. Number Used per Day	Total Operation Days	Number of Workers
Pickup truck			2		4
Fish transport truck	DWR/CDFW fish tanker trucks	TBD	1	1	1
Two-axle Boom mower	Cat levee mower	100HP	1	1	1
Low-lift pump (year-round operations)			5	365	0

Note: Assumes 5-year project life, ponds operating daily for entire period

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***Propagation Ponds***

The propagation ponds would require a constant inflow of 3 cfs. The water outlet is an overflow weir with flashboards and fish screen. Mechanical aeration may be required but is not anticipated at this time and the type of equipment has not been determined. The propagation ponds would also be designed to be drained and quickly filled when needed. As noted above, draining and drying of the ponds would serve as another form of biosecurity by making it inhospitable for all invasive fish species and preventing most invasive aquatic plant species from flourishing. As discussed above, draining the ponds would also allow for mechanical removal of other invasive weeds. In addition, the ponds are not directly connected to the Delta waterways (i.e., are not tidal aquatic habitat) and thus aquatic transmission of invasive species would be avoided.

***Transport and Stocking of Hatchery Delta Smelt***

This task involves the physical process of transporting delta smelt from the UC Davis FCCL in Byron, California, to the Proposed Project site and introducing them into the propagation ponds. The logistics and protocols for transferring the fish from the FCCL and introducing them into the ponds would mirror those used in previous efforts (Hung et al. 2019) with specific nuances required for this study to be determined and developed as needed. UC Davis would be a partner regarding the handling and transport of delta smelt. UC Davis has the permits to handle and transport the fish as the hatchery is a UC Davis facility, and hatchery affiliated staff would always be available to supervise or carry out the work. In addition, should the need arise, the US Geological Survey (USGS) also has the permits to handle and transport delta smelt.

If FCCL-sourced delta smelt are not available for release in the ponds, other fish species, including silversides and shads (which are non-native delta smelt surrogates) or native splittail, may be stocked to test the operations and habitat function of the ponds.

***Water Use Monitoring and Outlet Control***

Automated controllers would allow remote and manual operations and ensure appropriate flows that maintain required water temperatures, elevation, and water quality in the marsh and propagation ponds. The water inlet at the cooling marshes would consist of a pump on a timer that fills the cooling marsh from 5 p.m. to 9 p.m. daily, at a rate of approximately 7 to 8 cfs. The water outlet is an automatic slide gate that releases water at 4 a.m. for roughly 2 hours. The slide gates would have screens to limit unwanted weeds or aquatic species from entering the propagation ponds. Outflow is anticipated to be about 3 cfs continuously with higher flows during the pulse flow from the cooling marshes.

The water inlet at the food marshes would consist of a pump delivering a constant 0.07 cfs; however, the rate may fluctuate by 10 percent based on food concentrations required to supply pond and residence time would completely change out every 10 to 14 days. Internal water controls at the food marshes include six 3-foot-wide flashboard weirs. The water outlet at each food marsh consists of a flashboard weir.

Flows exiting the marsh area would be screened and controlled through a set of slide-gates. The screens would be designed to pass fish food, but limit access of non-native species into the native fish propagation area. When the ponds are operational, the screens would be routinely cleaned and maintained which would occur up to 50 times per year. Flows exiting the native fish propagation area would be managed to eliminate passage of native fish species to the adjacent agriculture water

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distribution system. Water from the food marshes would be on a continual flow basis, whereas water from the cooling marshes would be operated on a batch cycle. Water releases from the cooling marshes would occur over a roughly 2-hour time frame when the water is coldest in the morning hours.

The propagation pond water discharging through the exit screens would enter an agricultural ditch where the water surface elevation would be controlled to manage the hydraulic gradient and approach velocity (less than 2 feet per second (CDFG 2010)) through the screens and the flow rate. This ditch connects the propagation pond water to the detention basin. Water from the detention basin would enter the existing agricultural ditch connected to the island drainage system where it would ultimately be pumped off the island at the existing Camp Five pump station (Figures 1-2 and 1-4).

**Drainage Features**

Outlet water from the detention basin would drain to the existing agricultural ditch on the south-west side of the field. On the downstream end of the basin, a control structure would be used to slow the discharge of the Proposed Project water to a rate that can be handled by the island drainage system. Most of the water flowing out of the propagation ponds would be discharged into the detention basin over a 3-hour period in the morning. The detention basin is intended to drain this water over an 18- to 20-hour period throughout the subsequent day and night. The downstream water control structure would be adjustable to allow for better control of the discharge during the 18- to 20-hour period. The discharge of flows into the adjacent agricultural ditches would be monitored to ensure that agricultural ditch capacities are not exceeded.

**On-Site Storage**

Limited hazardous materials would be stored in the storage containers on-site, including 5 to 10 liters (L) of ethanol or formalin, and three 10 L cryogenic containers of liquid nitrogen. These substances would be appropriately stored according to physical and chemical properties and storage recommendations for the limited volumes detailed in their respective Materials Safety Data Sheets.

***Optional Monitoring of Native Fish in Ponds***

Acoustic cameras may be used to observe native fish behavior, dispersal, and survival at the time they are introduced into the ponds because water clarity would be insufficient for direct visual observation. Additional systematic observations of the introduced native fish may also be made with acoustic cameras to minimize disturbances to the habitat and aggravating the fish that would be associated with any other type of passive or active capture methods. Sampling for the presence of eggs and larvae would be conducted during the spring to determine if the native fish successfully reproduced in the ponds. This sampling may include the collection of eggs with artificial substrates and the collection of larvae with nets or light traps. Individual native fish may also be occasionally culled from the ponds to examine their health, condition, and feeding habits.

***Water Quality Monitoring***

Water quality conditions in the ponds that have been stocked with native fish and prevailing local weather conditions would be tracked with fixed-station continuous high-frequency monitoring. Fixed stations would be installed on pilings, buoys, or other semi-permanent infrastructure. Water



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quality parameters to be measured include temperature, specific conductance, turbidity, pH, dissolved oxygen concentration, chlorophyll-a, and fluorescent dissolved organic matter. Local weather parameters to be measured include air temperature, relative humidity, vapor pressure, barometric pressure, wind (speed, gust, and direction), solar radiation, and precipitation. Water quality measurements would be made by Yellow Springs Instruments EXO2 (or similar device) and weather measurements would be made by ClimaVue50 (or similar device). All data would be telemetered from the field into the National Water Inventory System so that they can be closely monitored (daily during late spring through late summer when air temperatures are highest) to minimize the risk of potential catastrophic mortality of stocked native fish due to water quality issues.

### ***Adaptive Management Operations***

Adaptive management would be a key element of this new and innovative research effort. Flows would be adaptively managed through the marsh-pond complexes to maximize productivity and to maintain cool water temperatures. West-side tree/wind-break plantings may be tested to reduce wind waves and increase thermal stratification. Undetermined science experiments may be implemented, but they would not occur outside of the Proposed Project site, and they would fall within the existing operations and management parameters of the Proposed Project.

### ***Vegetation***

It is anticipated that the tule harvesting area would revegetate with native vegetation within one growing season. Weed control would be done with a boom rotary cutter/mower. Earthen ditches would be maintained consistent with agricultural ditch maintenance practices by using a small excavator or backhoe to restore channel dimensions as needed to maintain open flows and reduce buildup of vegetation. Removed vegetated materials would be placed in the debris composting area. Concrete-lined canals would be cleaned as needed to remove sediment buildup, and removed materials would also be placed in the compost pile.

There would be no need for application of pesticides, herbicides, or fertilizers on the Proposed Project site; however, adjacent farming practices on agricultural fields and levee maintenance utilize chemical pest control as well as the use of sheep for cultural weed control. The Project plans to use both mechanical and cultural methods of weed control.

### ***Invasive and Predator Species Management***

The Proposed Project would develop and implement an invasive species management plan to ensure that invasive plant and wildlife species and populations are kept below preconstruction abundance and distribution levels.

An avian deterrent plan would also be developed that would include a maintenance and monitoring plan for avian deterrent devices. The plan would prescribe maintenance procedures and appropriate monitoring to ensure that deterrent devices are safe for avian species. Regular monitoring would be required if netting is used to ensure that netting is in good repair to prevent birds and other wildlife from becoming entangled.

## **1.4 Project Baseline and Existing Conditions**

The Mokelumne River borders Bouldin Island on the north and east sides and is separated from the Proposed Project by a man-made levee system. The south and west sides of the marsh-pond

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complex are bound by agricultural ditches and active farm fields that are typically planted in corn (Figure 1-2). The portion of the Proposed Project site where the marsh-pond complexes would be constructed is currently a fallow wheat field that has most recently been dryland farmed. The tule harvest area is located approximately 2.5 miles, by levee road, to the east of the marsh-pond complex. It consists of a tule marsh vegetated with tule, cattails, and willows. Access routes to both the marsh-pond complexes and tule harvest area are regularly maintained gravel roads that include the levee road around the exterior of the island and internal access roads that are accessible from Highway 12.

With the exception of a period of time in the early 20th century, Bouldin Island has been farmed continuously for over 140 years. Ongoing subsidence of peat soils has resulted in land surface elevations that are now between 5 and 25 feet below sea level. Land surface elevations where the marsh-pond complexes would be located range from 5 to 16 feet below mean sea level (National Geodetic Vertical Datum (NGVD) 29 datum). A toe-drain is located at the landside base of the levee and is periodically overgrown with blackberry shrubs.<sup>4</sup> The agricultural ditches to the south and west are regularly maintained and have only sparse vegetation. A clubhouse is located approximately 0.5 mile from the center of the proposed marsh-pond complexes on the opposite side of the levee and a single-family residence is situated just a little further than 0.5 mile from the center. Power and phone lines follow the levee system. Highway 12 lies approximately 0.5 mile south of the proposed marsh-pond complexes (Figure 1-4).

## 1.5 Permits and Approvals That May Be Required

**Table 1-3** summarizes the permits and/or approvals that may be required before construction of the Proposed Project.

**Table 1-3. Permits and Approvals That May Be Required**

Federal or State Approval	Agency/ Department	Permit/Approval	Description
Federal	US Army Corps of Engineers	Clean Water Act Section 404 Permit	Section 404 of the Clean Water Act regulates the discharge of dredged or fill material into all waters of the United States, including wetlands.
Federal	USFWS & National Oceanic and Atmospheric Administration (NOAA) National Marine Fisheries Service	Section 7 of the Federal Endangered Species Act Consultation/Biological Opinions	Federal agencies must consult with the USFWS if any project or action they authorize may affect a listed species or designated critical habitat.
State of California	Central Valley Regional Water Quality Control Board	401 Water Quality Certification (required for 404 Permit), NPDES General Permit for Stormwater Discharge Associated with Construction, Porter-Cologne Waste Discharge Requirements (WDR)	Project proponents are required to submit a Notice of Intent to the RWQCB for coverage under the General Construction Permit for projects with disturbance over 1 acre. Section 401 Water Quality Certification is necessary when Section 404 permits are required. WDRs are issued for discharges of dredged or fill material to waters of the State.

Notes: N/A (not applicable), NPDES (National Pollutant Discharge Elimination System).

<sup>4</sup> The toe-drains are regularly maintained by the local reclamation districts and the agricultural ditches are maintained as part of regular farming operations. The conditions described were based on surveys from December 2021.

## 2. Initial Study

This document is a proposed Initial Study and Mitigated Negative Declaration (IS/MND), which addresses the potential environmental effects resulting from the Proposed Project.

### 2.1 Legal Authority and Findings

This Initial Study was prepared in accordance with the California Environmental Quality Act (CEQA) Guidelines and relevant provisions of CEQA of 1970, as amended.

**Initial Study.** Section 15063 of the CEQA Guidelines describes an Initial Study as a preliminary method for analyzing the potential environmental consequences of a project. The purposes of an Initial Study include:

- (1) Providing the Lead Agency with the necessary information to decide whether to prepare an Environmental Impact Report (EIR) or a Negative Declaration;
- (2) Enabling the Lead Agency to modify a project during the planning stage by mitigating adverse impacts prior to preparation of CEQA documentation, thus avoiding the need to prepare an EIR; and
- (3) Providing documentation of the factual basis for the finding in a Mitigated Negative Declaration that the significant environmental impacts of a project have been mitigated to a less-than significant level.

**Negative Declaration or Mitigated Negative Declaration.** Section 15070 of the CEQA Guidelines states that a public agency shall prepare a Negative Declaration or Mitigated Negative Declaration for a project subject to CEQA when:

- (a) The Initial Study shows that there is no substantial evidence, in light of the whole record before the agency, that the project may have a significant effect on the environment; or
- (b) The Initial Study identifies potentially significant effects but:
  1. Revisions in the project plans or proposals made by, or agreed to by the applicant before a proposed Mitigated Negative Declaration and Initial Study are released for public review would avoid the effects or mitigate the effects to a point where clearly no significant effects would occur; and
  2. There is no substantial evidence, in light of the whole record before the agency, that the project as revised may have a significant effect on the environment.

An IS/MND may be used to satisfy the requirements of CEQA when a proposed project would have no significant unmitigable effects on the environment. As discussed further in subsequent sections of this document, implementation of the Proposed Project would not result in any significant effects on the environment that cannot be reduced to below a level of significance with the mitigation measures included herein.

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## 2.2 Impact Analysis and Significance Classification

The following sections of this IS/MND provide discussions of the possible environmental effects of the Proposed Project for specific issue areas as identified on the CEQA Environmental Checklist Form in Appendix G of the CEQA Guidelines (as updated in December 2018). For each issue area, potential effects are discussed and evaluated.

A “significant effect on the environment” is defined by Section 15382 of the CEQA Guidelines as “a substantial, or potentially substantial, adverse change in any of the physical conditions within the area affected by a project, including land, air, water, minerals, flora, fauna, ambient noise, and objects of historic or aesthetic significance.” According to the CEQA Guidelines, “an economic or social change by itself shall not be considered a significant effect on the environment. A social or economic change related to a physical change may be considered in determining whether the physical change is significant.”

Following the evaluation of each environmental effect determined to be potentially significant is a discussion of mitigation measures and the residual effects or level of significance remaining after the implementation of the measures.

## 2.3 Initial Study and Environmental Checklist Form

- |  |   |
|--|---|
| a) Project Title:                      | Delta Smelt and Native Species Preservation Project (Proposed Project)  |
| b) Lead Agency Name and Address:       | The Metropolitan Water District of Southern California<br>700 North Alameda Street<br>Los Angeles, CA 90012   |
| c) Contact Person and Phone Number:    | Sean Carlson, Team Manager<br>The Metropolitan Water District of Southern California<br>(213) 217-6276  |
| d) Project Location:                   | The Proposed Project includes Bouldin Island. Figure 1-2 provides an overview of the entire project, with the locations of the Proposed Project shown in more detail on Figure 1-4. |
| e) Project Sponsor’s Name and Address: | The Metropolitan Water District of Southern California<br>700 North Alameda Street<br>Los Angeles, CA 90012   |
| f) General Plan Designation:           | San Joaquin County General Plan: General Agriculture.   |

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- |  |  |
|--|--|
| g) Zoning:   | Ag-40 General Agriculture  |
| h) Description of Project:   | Refer to Section 1 (Project Description).  |
| i) Surrounding Land Uses and Setting:  | Refer to Section 1 (Project Description).  |
| j) Other Agencies Whose Approval May be Required:  | Refer to Table 1-3.  |
| k) Have California Native American tribes traditionally and culturally affiliated with the project area requested consultation pursuant to Public Resources Code Section 21080.3.1? If so, has consultation begun? | No California Native American tribes traditionally and culturally affiliated with the project area have contacted Metropolitan pursuant to Public Resources Code Section 21080.3.1. No tribes have requested consultation. |

## 2.4 Environmental Factors Potentially Affected

The environmental factors checked below would be potentially affected by the Proposed Project, requiring implementation of mitigation. These environmental factors are indicated by “Less Than Significant With Mitigation Incorporated” in the checklist on the following pages.”

- |  |   |  |
|--|---|--|
| <input type="checkbox"/> Aesthetics                      | <input type="checkbox"/> Agriculture & Forestry Resources | <input type="checkbox"/> Air Quality                                   |
| <input checked="" type="checkbox"/> Biological Resources | <input type="checkbox"/> Cultural Resources               | <input type="checkbox"/> Energy  |
| <input type="checkbox"/> Geology/Soils                   | <input type="checkbox"/> Greenhouse Gas Emissions         | <input type="checkbox"/> Hazards & Hazardous Materials                 |
| <input type="checkbox"/> Hydrology/Water Quality         | <input type="checkbox"/> Land Use/Planning                | <input type="checkbox"/> Mineral Resources                             |
| <input type="checkbox"/> Noise                           | <input type="checkbox"/> Population/Housing               | <input type="checkbox"/> Public Services                               |
| <input type="checkbox"/> Recreation                      | <input type="checkbox"/> Transportation                   | <input type="checkbox"/> Tribal Cultural Resources                     |
| <input type="checkbox"/> Utilities/Service Systems       | <input type="checkbox"/> Wildfire                         | <input checked="" type="checkbox"/> Mandatory Findings of Significance |

## 2.5 Determination

On the basis of this initial evaluation:

- ☐ I find that the proposed project COULD NOT have a significant effect on the environment, and a NEGATIVE DECLARATION would be prepared.
- ☒ I find that although the proposed project could have a significant effect on the environment, there will not be a significant effect in this case because revisions in the project have been made by or agreed to by the project proponent. A MITIGATED NEGATIVE DECLARATION would be prepared.
- ☐ I find that the proposed project MAY have a significant effect on the environment, and an ENVIRONMENTAL IMPACT REPORT is required.
- ☐ I find that the proposed project may have a “potentially significant impact” or “potentially significant unless mitigated” impact on the environment, but at least one effect (1) has been adequately analyzed in an earlier document pursuant to applicable legal standards, and (2) has been addressed by mitigation measures based on the earlier analysis as described on attached sheets. An ENVIRONMENTAL IMPACT REPORT is required, but it must analyze only the effects that remain to be addressed.
- ☐ I find that although the proposed project could have a significant effect on the environment, because all potentially significant effects (a) have been analyzed adequately in an earlier EIR pursuant to applicable standards, and (b) have been avoided or mitigated pursuant to that earlier EIR or NEGATIVE DECLARATION, including revisions or mitigation measures that are imposed upon the proposed project, nothing further is required.

*Jennifer Harriger*

02/08/23

Jennifer Harriger

Date

Manager, Environmental Planning Section

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### 3. Evaluation of Environmental Impacts

The following discussion addresses impacts to various environmental resources, per the Environmental Checklist Form contained in Appendix G of the State CEQA Guidelines.

#### 3.1 Aesthetics

##### AESTHETICS

Except as provided in Public Resources Code Section 21099, would the project:

	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
a) Have a substantial adverse effect on a scenic vista?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Substantially damage scenic resources, including, but not limited to, trees, rock outcroppings, and historic buildings within a State scenic highway?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) In non-urbanized areas, substantially degrade the existing visual character or quality of public views of the site and its surroundings? (Public views are those that are experienced from publicly accessible vantage point). If the project is in an urbanized area, would the project conflict with applicable zoning and other regulations governing scenic quality?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d) Create a new source of substantial light or glare which would adversely affect day or nighttime views in the area?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Significance criteria established by CEQA Guidelines, Appendix G.

##### **Discussion. Would the project:**

##### *a. Have a substantial adverse effect on a scenic vista?*

**No Impact.** No, the Proposed Project would not have a substantial adverse effect on a scenic vista. A scenic vista is defined as a viewpoint that provides panoramic or focused views of a highly valued landscape or scenic resource for the benefit of the general public. No designated scenic vistas or notable geographic features have been identified near the Project site in the San Joaquin County General Plan (San Joaquin County 2016). Thus, the Proposed Project would not result in substantial adverse effects on a scenic vista, no impact would occur.

##### *b. Substantially damage scenic resources, including, but not limited to, trees, rock outcroppings, and historic buildings within a State scenic highway?*

**No Impact.** No, the Proposed Project would not substantially damage scenic resources within a state scenic highway. A review of the current California Department of Transportation (Caltrans) Map of Designated Scenic Routes indicates one officially designated state scenic highway in San Joaquin County, which is I-580 (Caltrans 2022). I-580 is officially designated as a scenic route in San Joaquin County from the Stanislaus County line to the Alameda County line; however, the interstate is more than 30 miles south of the Proposed Project site. California State Route (SR) 160 in Sacramento County is officially designated as a scenic route but is located over 2 miles northwest of the Project site. Therefore, the Proposed Project site would not be visible to travelers on SR 160 and would not affect the scenic quality of the landscape or intrude upon travelers' enjoyment of the view. Thus, there would be no impacts on scenic resources within a state scenic highway.

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- c. *In non-urbanized areas, substantially degrade the existing visual character or quality of public views of the site and its surroundings? (Public views are those that are experienced from publicly accessible vantage point). If the project is in an urbanized area, would the project conflict with applicable zoning and other regulations governing scenic quality?*

**No Impact.** No, the Proposed Project would not substantially degrade the existing visual character or quality of public views of the site and its surroundings. Although the Proposed Project would alter the existing visual conditions of the Project site with development of the marsh-pond complexes and associated infrastructure, the changes would be consistent with the area's existing visual character and aesthetic quality, which includes agriculture, waterways, recreation, and water supply infrastructure. Therefore, there would be no impacts that result in degradation of the existing visual character or quality of public views of the site and its surroundings.

- d. *Create a new source of substantial light or glare which would adversely affect day or nighttime views in the area?*

**No Impact.** No, the Proposed Project would not create new sources of substantial light or glare that would adversely affect day or nighttime views in the area. Construction of the Proposed Project would occur during the daytime and would not require nighttime lighting. The Project does not propose any new light sources or reflective surfaces that would result in new sources of light or glare, thus no impacts would occur.

## 3.2 Agricultural Resources

### AGRICULTURE AND FORESTRY RESOURCES

In determining whether impacts to agricultural resources are significant environmental effects, lead agencies may refer to the California Agricultural Land Evaluation and Site Assessment Model (1997) prepared by the California Department of Conservation as an optional model to use in assessing impacts on agriculture and farmland. In determining whether impacts to forest resources, including timberland, are significant environmental effects, lead agencies may refer to information compiled by the California Department of Forestry and Fire Protection regarding the state's inventory of forest land, including the Forest and Range Assessment Project and the Forest Legacy Assessment Project; and forest carbon measurement methodology provided in Forest Protocols adopted by the California Air Resources Board. Would the project:

	Potentially Significant Impact	Less than Significant With Mitigation Incorporated	Less than Significant Impact	No Impact
a) Convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance (Farmland), as shown on the maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency, to non-agricultural use?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) Conflict with existing zoning for agricultural use, or a Williamson Act contract?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c) Conflict with existing zoning for, or cause rezoning of, forest land (as defined in Public Resources Code Section 12220(g)), timberland (as defined by Public Resources Code Section 4526), or timberland zoned Timberland Production (as defined by Government Code Section 51104(g))?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d) Result in the loss of forest land or conversion of forest land to non-forest use?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
e) Involve other changes in the existing environment which, due to their location or nature, could result in conversion of Farmland, to non-agricultural use or conversion of forest land to non-forest use?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Significance criteria established by CEQA Guidelines, Appendix G.



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**Discussion. *Would the project:***

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

**Less than Significant Impact.** The Proposed Project would not convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance. The Project site is designated as Prime Farmland. The Proposed Project covers approximately 145 acres across two parcels and involves a marsh-pond complex where research can occur. The Proposed Project would last approximately 5 years with the option to extend longer; however, the Proposed Project would not be permanent or result in the conversion of Prime Farmland, Unique Farmland, or Farmland of Statewide Importance. As such, the Proposed Project would have a less than significant impact on Prime Farmland, Unique Farmland, or Farmland of Statewide Importance would occur as a result of the Proposed Project.

- b. *Conflict with existing zoning for agricultural use, or a Williamson Act contract?*

**Less than Significant Impact.** No, the Proposed Project would not conflict with existing zoning for agricultural use, or a Williamson Act contract. The Project site is not under a Williamson Act contract. The Proposed Project would be considered a compatible agricultural use. The Proposed Project would establish a marsh-pond complex where research can occur to determine if the marsh-pond complex can support cultured delta smelt and other native fish that would survive and complete their life cycle when introduced freely into a natural habitat. In addition, the Proposed Project would last approximately 5 years with the option to extend longer; however, the Proposed Project would not be permanent or conflict with existing zoning for agricultural use, or a Williamson Act contract, and no zoning changes are proposed. This impact would be less than significant.

- c. *Conflict with existing zoning for, or cause rezoning of, forest land (as defined in Public Resources Code Section 12220(g)), timberland (as defined by Public Resources Code Section 4526), or timberland zoned Timberland Production (as defined by Government Code Section 51104(g))?*

**No Impact.** No, the Proposed Project site is not zoned as forest land or timberland or zoned for timberland production. Therefore, implementing the Proposed Project would not conflict with existing zoning for, or cause rezoning of, forest land or timberland zoned for Timberland Production. No impacts to existing zoning for forest land or timberland would occur.

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

**No Impact.** No, the Proposed Project site does not contain forest or forest land. Therefore, the Proposed Project would not result in the loss of forest land or conversion of forest land to non-forest use. No impacts related to the loss of forest land or conversion of forest land to non-forest use would occur.

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

**Less than Significant Impact.** No, the Proposed Project does not involve other changes in the existing environment that, due to their location or nature, could result in conversion of Farmland, to non-agricultural use or conversion of forest land to non-forest use. The Proposed Project would establish a marsh-pond complex where research can occur to determine if the marsh-pond complex can support cultured delta smelt and other native fish that would survive and complete their life cycle when introduced freely into a natural habitat. In addition, the Proposed Project would last approximately 5 years with the option to extend longer; however, the Proposed Project would not be permanent or result in the conversion or loss of agriculture or forest land. This impact is less than significant.

### 3.3 Air Quality

#### AIR QUALITY

Where available, the significance criteria established by the applicable air quality management district or air pollution control district may be relied upon to make the following determinations. Would the project:

	Potentially Significant Impact	Less than Significant With Mitigation Incorporated	Less than Significant Impact	No Impact
a) Conflict with or obstruct implementation of the applicable air quality plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) Result in a cumulatively considerable net increase of any criteria pollutant for which the project region is non-attainment under an applicable Federal or State ambient air quality standard?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c) Expose sensitive receptors to substantial pollutant concentrations?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d) Result in other emissions (such as those leading to odors) adversely affecting a substantial number of people?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Significance criteria established by CEQA Guidelines, Appendix G.

#### Overview

San Joaquin County is located within the San Joaquin Valley Air Basin (SJVAB), which is under the jurisdiction of the San Joaquin Valley Air Pollution Control District (SJVAPCD). The topography and meteorology of the SJVAB provide ideal conditions for trapping air pollution for long periods of time and producing harmful levels of air pollutants. Low precipitation levels, cloudless days, high temperatures, and light winds during the summer in the SJVAB are conducive to high ozone levels resulting from the photochemical reaction of precursors nitrogen oxides (NO<sub>x</sub>) and volatile organic compounds (VOC) in the presence of sunlight.

The federal Clean Air Act (CAA) requires the United States Environmental Protection Agency (US EPA) to set ambient air quality standards for the following seven criteria air pollutants: ozone, carbon monoxide (CO), nitrogen dioxide (NO<sub>2</sub>), sulfur dioxide (SO<sub>2</sub>), particulate matter with a diameter of up to 10 microns (PM<sub>10</sub>), particulate matter with a diameter of up to 2.5 microns (PM<sub>2.5</sub>), and lead. Standards are set at levels of air quality deemed necessary, with an adequate margin of safety, to protect public health. In addition, the California Air Resources Board (CARB) has established ambient air quality standards for these and other pollutants, which are typically more stringent than the federal standards. The CARB is the agency responsible for coordination

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and oversight of state and local air pollution control programs in California and for implementing the California Clean Air Act (CCAA).

Under amendments to the federal CAA, the US EPA has classified air basins or portions thereof as either “attainment” or “non-attainment” for each criteria air pollutant, based on whether or not the national standards have been achieved. The CCAA, which is patterned after the federal CAA, also requires areas to be designated as “attainment” or “non-attainment” for the state standards. Thus, areas in California have two sets of attainment/non-attainment designations: one set with respect to the national standards and one set with respect to the state standards.

### **Attainment Status of the SJVAB**

The SJVAB is currently designated as non-attainment for the national 8-hour ozone standard and for the California 1-hour and 8-hour ozone standard. The SVAB is also currently designated as non-attainment for California 24-hour PM<sub>10</sub> standards. In addition, the SJVAB is currently designated as non-attainment for both the national and California 24-hour PM<sub>2.5</sub> standard. The air basin is designated as unclassified or in attainment for the remaining criteria air pollutants (SJVAPCD 2022).

### **Toxic Air Contaminants**

The CARB has identified the diesel particulate matter (DPM) in diesel exhaust as a carcinogenic toxic air contaminant (CARB 2022). The majority of DPM emitted from the Proposed Project would be from construction equipment and diesel trucks.

### **Sensitive Receptors**

Sensitive receptors are individuals with increased susceptibility to the health effects from air pollutants; these include children, the elderly, and the ill. Residential dwellings, schools, hospitals, playgrounds, and similar facilities are of primary concern because of the presence of individuals particularly sensitive to pollutants and/or the potential for increased and prolonged exposure of individuals to pollutants.

The land surrounding the Proposed Project site is composed of agricultural ditches and active farm fields. Highway 12 is approximately 0.5 miles south of the proposed site. There are no sensitive receptors within 1,000 feet of the Proposed Project site.

### **SJVAPCD Air Quality Thresholds of Significance**

For purposes of this Initial Study, air quality impacts may be considered significant if construction and/or operation of the Proposed Project would result in the following impacts in **Table 3.3-1** (SJVAPCD 2015a). Threshold values are in tons per year (tpy) for both construction and operational emissions and can be found in the SJVAPCD’s Guidance for Assessing and Mitigating Air Quality Impacts (GAMAQI).

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**Table 3.3-1. SJVAPCD Thresholds of Significance**

Pollutant/Precursor	Construction Emissions Emissions (tpy)	Operational Emissions	
		Permitted Equipment and Activities Emissions (tpy)	Non-permitted equipment and Activities Emission (tpy)
CO	100	100	100
NO <sub>x</sub>	10	10	10
ROG	10	10	10
Sox	27	27	27
PM <sub>10</sub>	15	15	15
PM <sub>2.5</sub>	15	15	15

**Discussion.** *Would the project:*

- a. *Conflict with or obstruct implementation of the applicable air quality plan?*

**Less than Significant Impact.** No, the Proposed Project would not conflict with or obstruct implementation of the applicable air quality plan.

Based on the GAMAQI a project's air quality impacts during construction would be considered significant if emissions generated exceed 10 tons per year of reactive organic gases (ROG) or NO<sub>x</sub>, 15 tons per year of PM<sub>10</sub> or PM<sub>2.5</sub>, or 100 tons per year of CO. These thresholds of significance are based on the SJVAPCD's New Source Review offset requirements and are applied to evaluate regional impacts of project-specific emissions of air pollutants and their impact on the region's ability to reach attainment (SJVAPCD 2015b). The SJVAPCD's attainment plans demonstrate that project-specific emissions below the offset thresholds would have a less than significant impact on air quality (SJVAPCD 2015b). Thus, the SJVAPCD concludes that use of New Source Review offset requirements as its thresholds of significance for criteria pollutants is an appropriate and effective means of promoting consistency in significance determinations within the environmental review process. Therefore, projects with emissions below the thresholds of significance for criteria pollutants would be determined to not conflict or obstruct implementation of the SJVAPCD's air quality plans.

***Construction***

Project construction activities would result in emissions of ozone precursors (ROG and NO<sub>x</sub>) and PM in the form of fugitive dust and exhaust. Emissions of ozone precursors and PM are primarily a result of the combustion of fuel from on-road vehicles and off-road construction equipment. The Project is proposed to take place in two phases, with Phase I starting in the spring of 2023. The Phase II construction start date is reliant on the success of Phase I and is slated to start in the spring of 2024. Construction emissions were calculated for Phase I, with the assumption that Phase II is similar in schedule and impact to Phase I and therefore emissions calculations can be used to represent the impacts for both phases. Pollutant emissions associated with Proposed Project construction would be generated from the following general construction activities: (1) grading, excavation, and dozing; (2) vehicle trips from workers traveling to and from the construction areas; (3) trips associated with delivery of construction supplies to, and hauling debris from, the

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construction areas; and (4) fuel combustion by on-site construction equipment. The amount of emissions generated on a daily basis would vary, depending on the intensity and types of construction activities occurring simultaneously. Overall, construction associated with Phase I is expected to last 2 months with work conducted 6 days per week.

PM is among the pollutants of greatest localized concern with respect to construction activities. Construction emissions of PM can vary greatly depending on the level of activity, the specific operations taking place, the number and types of equipment operated, local soil conditions, weather conditions, and the amount of earth disturbance. Fugitive dust emissions from construction would be regulated by SJVAPCD's Rule VIII, which limits fugitive dust emissions from construction, demolition, excavation, extraction, and other earthmoving activities. The Proposed Project would be required to comply with these limits.

Construction emissions were estimated using the California Emissions Estimator Model (CalEEMod), version 2020.4.0, and are presented in **Table 3.3-2**. Project-specific information was used for modeling when possible. Where project-specific data was unavailable, CalEEMod defaults were used as inputs. CalEEMod assumptions and detailed output can be found in **Appendix B**. The table shows the Proposed Project's annual emissions and compares them to the SJVAPCD significance thresholds for construction.

**Table 3.3-2. Maximum Annual Construction Emissions (tons/year)**

	NOX	PM10	PM2.5	ROG	CO	SO <sub>x</sub>
Maximum Construction Emissions	0.24	0.09	0.03	0.02	0.17	<0.01
SJVAPCD Regional Significance Thresholds	10	15	15	10	100	27
<i>Significant (Exceeds Thresholds)?</i>	<i>NO</i>	<i>NO</i>	<i>NO</i>	<i>NO</i>	<i>NO</i>	<i>NO</i>

Notes: NO<sub>x</sub> (nitrogen oxides), PM<sub>10</sub> (particulate matter 10 micrometers or less in diameter), PM<sub>2.5</sub> (particulate matter 2.5 micrometers or less in diameter), ROG (reactive organic gases), CO (carbon monoxide), SO<sub>x</sub> (sulfur oxides).

Source: Appendix B; SJVAPCD 2015a.

As shown in Table 3.3-2, annual construction emissions of ROG, NO<sub>x</sub>, CO, SO<sub>x</sub>, PM<sub>10</sub>, and PM<sub>2.5</sub> would not exceed the SJVAPCD significance thresholds for construction. In addition, Proposed Project construction would be required to comply with the requirements of SJVAPCD Rule VIII (SJVAPCD 2004), which aims to limit fugitive dust emissions from construction, demolition, excavation, extraction, and other earthmoving activities (SJVAPCD 2004). Control measures required and enforced by the SJVAPCD under Regulation VIII would further reduce the PM emissions shown in Table 3.3-2 and the impact would be less than significant.

### ***Operations***

Once operational, the Proposed Project would not create any substantial sources of air pollutant emissions. There would be a need for four UC Davis personnel to visit the site two times a week for approximately 2 months in the fall and 2 months in the spring to check fish on-site in pickup trucks. There would also be transport trucks being used to transport fish from the UC Davis FCCL to the Project site. The emissions associated with the operational trips were calculated using outputs modeled with the EMFAC2021 web tool (EMFAC2021 v1.0.2). Although there would be emissions associated with operations, the annual emissions are negligible, less than 0.01 ton per

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year for each pollutant, and therefore do not conflict with or obstruct implementation of the applicable air quality plans.

As previously discussed, based on the SJVAPCD's approach to air quality planning, as the Project's construction and operational emissions would be well below applicable SJVAPCD significance thresholds, the Project would be considered to be consistent with the region's air quality plans and the impacts would be less than significant.

- b. Result in a cumulatively considerable net increase of any criteria pollutant for which the project region is non-attainment under an applicable Federal or State ambient air quality standard?*

**Less than Significant Impact.** No, the Proposed Project would not result in a cumulatively considerable net increase of any criteria pollutant for which the Proposed Project region is in non-attainment under an applicable federal or state ambient air quality standard.

As discussed above and shown in Table 3.3-2, Project construction emissions would be less than the SJVAPCD recommended thresholds of significance for construction emissions. Emissions associated with operations would be negligible. Therefore, the Proposed Project would not result in a cumulatively considerable net increase of any criteria pollutant for which the Proposed Project region is in non-attainment under an applicable federal or state ambient air quality standard and the impact would be less than significant.

- c. Expose sensitive receptors to substantial pollutant concentrations?*

**Less than Significant Impact.** No, the Proposed Project would not expose sensitive receptors to substantial pollutant concentrations. Sensitive receptors include schools, childcare centers, long-term health care facilities, rehabilitation centers, convalescent homes, hospitals, retirement homes, and residences. While there would be pollutant emissions from construction equipment in each phase, there are no sensitive receptors within 1,000 feet of the Proposed Project site, with the nearest residences over 2 miles west of the Project site. Although the sensitive receptors are greater than 1,000 feet from the Project site, they still could experience low levels of emissions. Given the distance from the Project site, the impact would be less than significant.

- d. Result in other emissions (such as those leading to odors) adversely affecting a substantial number of people?*

**Less than Significant Impact.** No, the Proposed Project would not result in other emissions, such as odors, that adversely affect a substantial number of people.

Odor sources of concern include wastewater treatment plants, sanitary landfills, transfer stations, composting facilities, petroleum refineries, asphalt batch plants, chemical manufacturing facilities, fiberglass manufacturing facilities, auto body shops, and rendering plants. There would be temporary emissions from construction activity, and these could result in diesel exhaust odors. However, the construction activities are greater than 2 miles from the nearest residence, so the impact would be less than significant.

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### 3.4 Biological Resources

#### BIOLOGICAL RESOURCES

Would the project:	Potentially Significant Impact	Less than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
a) Have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special-status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Game or US Fish and Wildlife Service?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
b) Have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, regulations or by the California Department of Fish and Game or US Fish and Wildlife Service?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
c) Have a substantial adverse effect on state or federally protected wetlands (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d) Interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
e) Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
f) Conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or State habitat conservation plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Significance criteria established by CEQA Guidelines, Appendix G.

#### Overview

Environmental Science Associates (ESA) prepared a Biological Resource Assessment Report in July 2022 (**Appendix C**) to document existing conditions and to evaluate the potential for impacts to biological resources during implementation of the Proposed Project. ESA biologists Joe Sanders and Christy Dawson conducted reconnaissance-level surveys of the Project survey area on October 8, 2021, and botanist Seth Kirby conducted a special-status plant survey on July 11, 2022. The surveys were conducted (1) to document vegetation communities that could provide habitat for sensitive species and other wildlife observed in and adjacent to the Proposed Project area and (2) to confirm that the previous aquatic resources delineation encompassed all aquatic resources in the Proposed Project area and was still accurate (**Appendix D**). Aquatic resources on Bouldin Island were mapped previously by DWR in 2020. That Preliminary Jurisdictional Determination was verified by the US Army Corps of Engineers on June 18, 2020 (SPK-2019-00899).

All biological resource field surveys were informed by a desktop review of historic and current aerial imagery, subscription-based biological resource databases, publicly available citizen science data, and the Biological Resource Assessment Report (Appendix C). This section describes the terrestrial and aquatic biological resources that are known or that have the potential to occur in the Proposed Project area. Biological resources are common vegetation, wildlife, and fisheries resources; sensitive habitats; plant communities; and special-status plant, wildlife, and fish species. Appendix C contains tables that identify all the special-status species that could potentially occur in



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the Proposed Project area, their legal status, their habitat or flowering period, and their potential to occur in the area. An aquatic resources memorandum was also prepared for the Proposed Project that discusses state and federal waters and wetlands that occur within the Proposed Project (Appendix D).

The impact analysis presented in this section focuses on those biological resources identified as potentially significant in the Environmental Checklist. The Proposed Project's potential impacts on biological resources are analyzed below. All potential impacts would be mitigated to less than significant levels.

**Discussion. *Would the project:***

- a. Have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special-status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Game or US Fish and Wildlife Service?*

**Less than Significant with Mitigation Incorporated.** No, the Proposed Project would not have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special-status species in local or regional plans, policies, or regulations, or by the CDFW or USFWS with incorporation of mitigation measures.

The California Natural Diversity Database (CNDDDB), USFWS Official Species List and the California Native Plant Society documented 22 special-status plant and 34 wildlife species within a USGS 7.5-minute topographic map nine quad search of the Proposed Project (CDFW 2021, USFWS 2021). Habitats within the Proposed Project area were assessed for their potential to support special-status species using information about local species occurrences and species' habitat requirements, in combination with the site visits described above.

**Special-Status Plants**

No special-status plant species were observed within the Proposed Project area during floristic surveys. The marsh-pond complex area is heavily disturbed by active farming operations and maintenance of agricultural ditches. Although the tule harvest area is less disturbed it did not provide suitable habitat for species that had the potential to occur. However, because there are known occurrences within the 5-mile radius, focused botanical surveys would be conducted within 2 years of the start of construction in both locations prior to the start of construction to confirm absence of the four species that have the potential to occur in accordance with Mitigation Measure BIO-2.

**Special-Status Wildlife**

Of the 34 wildlife species listed, 13 special-status wildlife species have moderate to high potential to occur within the Proposed Project area. The marsh-pond complex is heavily disturbed from farming activities and in most cases offers limited habitat for special-status wildlife species. Proposed construction activities include excavation, dirt moving, materials storage, and heavy equipment use. These activities could temporarily increase sound and vibration levels and potential exposure to dust at the sites and thus reduce the likelihood that special-status wildlife species would be present. The short-term human presence and earthwork required for construction of the marsh-pond complex would be similar to farming activities that are currently occurring at the Project area. In the long term, the Project would have a positive effect on special-status species

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because additional information would be obtained to increase conservation efforts for native fish. Additionally, the created habitat would provide habitat for native species. **Table 3.4-1** lists the special-status species with potential to occur at the Project site, which are discussed in further detail below.

**Table 3.4-1. Special-Status Wildlife with Potential to Occur Within the Project Site**

Common Name	Scientific Name	Status
Northwestern pond turtle	<i>Actinemys marmorata</i>	CDFW SSC
Giant garter snake	<i>Thamnophis gigas</i>	State/Federally Threatened
Burrowing owl	<i>Athene cunicularia</i>	CDFW SSC
Swainson's hawk	<i>Buteo swainsoni</i>	State Threatened
Northern harrier	<i>Circus cyaneus</i>	CDFW SSC
White-tailed kite	<i>Elanus leucurus</i>	CDFW Fully Protected Watch List
Short-eared owl	<i>Asio flammeus</i>	CDFW SSC
Loggerhead shrike	<i>Lanius ludovicianus</i>	CDFW SSC
Lesser sandhill crane	<i>Antigone canadensis</i>	CDFW SSC
Greater sandhill crane	<i>Antigone canadensis tabida</i>	State Threatened/ CDFW Fully Protected
California black rail	<i>Laterallus jamaicensis coturniculus</i>	State Threatened/ CDFW Fully Protected
Song sparrow – "Modesto" population	<i>Melospiza melodia</i>	CDFW SSC
Western red bat	<i>Lasiurus blossevillei</i>	CDFW SSC

Notes: CDFW (California Department of Fish and Wildlife), SSC (Species of Special Concern)

### ***Northwestern Pond Turtle***

The northwestern pond turtle is a California species of special concern. This moderate-sized aquatic turtle is commonly found in ponds, lakes, marshes, rivers, streams, and agricultural ditches with rocky or muddy substrates. Northwestern pond turtle habitat often includes shoreline basking areas that may or may not be bordered by aquatic vegetation. Aquatic sites are often within woodlands, grasslands, and open forests, between sea level and 6,000 feet in elevation. Northwestern pond turtles bask on logs or other objects when water temperatures are lower than air temperatures. Their nests are created in upland areas with friable soils, often up to 0.25 miles from an aquatic site (Jennings and Hayes 1994; Stebbins, 2003; Zeiner et al. 1988).

Northwestern pond turtles are discontinuously distributed throughout California west of the Cascade-Sierran crest (Jennings and Hayes 1994). There is a CNDDDB-documented occurrence on Bouldin Island in an irrigation plunge pool in 2001, approximately halfway between the pond and harvest areas near the access route, just north of Highway 12. The agricultural ditches and harvest area provide suitable aquatic habitat for the northwestern pond turtle when water is present.

### ***Giant Garter Snake***

Giant garter snake is state and federally listed as threatened by CDFW and the USFWS, respectively. Giant garter snakes inhabit agricultural wetlands, including agricultural ditches, sloughs, ponds, small lakes, low-gradient streams, and adjacent uplands in the Central Valley.

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Giant garter snakes are often found within these aquatic features especially when emergent vegetation, including cattails and bulrushes, are present. Because most of its natural habitat has been lost, the giant garter snake also lives in rice fields (USFWS 2017). Rice fields provide surface water during the summer when the snakes are active and marsh-like conditions provide the cover, habitat, and prey required for giant garter snake to survive (Halstead et al. 2010). The active season extends from April 1 to October 1. Giant garter snakes inhabit small-mammal burrows and other soil crevices above flood elevations during the inactive period (USFWS 2017).

There are two giant garter snake CNDDDB occurrences documented within 5 miles of the survey area. One occurrence is from 2016 and is approximately 5 miles west of the survey area. The record of this occurrence states it was mapped on the south side of Twitchell Island on the San Joaquin River. The other occurrence is from 2010 and is approximately 4.5 miles south of the survey area just northeast of Venice Island. The record of this occurrence states that three individuals were found dead on the road and one live snake was basking on the shoulder of the road and then retreated into the riprap.

The agricultural ditch could provide suitable habitat for giant garter snake if they contain water during the active season. However, based on the lack of remnant aquatic vegetation, the agricultural ditches are either regularly maintained or do not pond water for a significant period of time to support aquatic vegetation. The toe drains were completely covered by dense blackberry shrubs and are not considered giant garter snake habitat. The small-mammal burrows present on the sides of the agricultural ditches within the survey area and on the graded levee provide suitable upland habitat.

### ***Western Burrowing Owl***

The western burrowing owl is listed by CDFW as a California species of special concern. They inhabit grassland, desert, and open shrub habitats throughout the state from sea level to approximately 5,300 feet (CDFW 1999). Unlike many sensitive species, burrowing owls persist and even thrive in some landscapes that are highly altered by human activity. The characteristics of suitable habitat are burrows for roosting and nesting, and relatively short vegetation with only sparse shrubs and taller vegetation. Individuals in agricultural environments nest along roadsides and water conveyance structures. Breeding occurs February through August (CDFW 2012).

Although burrowing owls are not common in the Delta, there is habitat available and potential for burrowing owl to be present in the survey area. Suitable habitat is present along the levees and in agricultural fields. Ground squirrel burrows were observed adjacent to the survey area, but no burrowing owls or signs were observed.

### ***Swainson's Hawk***

Swainson's hawk is state listed as threatened. It once occupied large grassland and shrub steppe habitats, as well as canyons, foothills, and smaller interior valleys in otherwise mountainous regions. Currently, the species is most common in the Central Valley and Great Basin. Nesting habitat for Swainson's hawk includes mature trees with relatively dense canopies such as oaks or cottonwoods in or near riparian habitat, agricultural fields, or suburban neighborhoods near suitable foraging habitat. They forage in grasslands, irrigated pastures, and grain fields. In California, Swainson's hawks begin nesting in late March, and the young usually leave the nest (fledge) by August.

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There are numerous documented CNDDDB occurrences within 5 miles of the survey area. The large trees within the riparian corridor and adjacent areas could provide nesting sites and the agricultural fields provide suitable foraging habitat.

***Northern Harrier***

Northern harrier is listed by CDFW as a California species of special concern. This raptor breeds widely but locally in North America from northern Alaska and Canada south to midlatitudes and lower latitudes of the United States and northern Baja, California; it is found year-round in much of its breeding range in the contiguous United States and locally in southwestern and southeastern Canada. Northern harriers breed and forage in a variety of open habitats that provide adequate vegetative cover, an abundance of suitable prey, and scattered hunting perches, such as shrubs or fence posts. In California, such habitats include freshwater marshes, brackish and saltwater marshes, wet meadows, weedy borders of lakes, rivers and streams, annual and perennial grasslands (including those with vernal pools), ungrazed or lightly grazed pastures, some croplands, sagebrush flats, and desert sinks. The species occurs more broadly and in much greater numbers during migration and winter than during the breeding season. Northern harriers nest on the ground from March through August mostly in patches of dense, often tall shrubby/scrubby vegetation in undisturbed areas (Davis and Niemela 2008). Northern harriers require approximately 4 to 6 weeks to fledge young (Smith et al. 2011), and undisturbed nesting habitat must be available to avoid nest depredation and destruction (Cripe 2000).

The potential for northern harriers to occur in the survey area is high. Open habitats on levees and in the survey area provide foraging habitat and potentially suitable nesting habitat for this species occurs in the harvest area as well as in adjacent agricultural lands.

***White-Tailed Kite***

The white-tailed kite is a fully protected species under the California Fish and Game Code. This species nests primarily in riparian and lowland habitats often associated with agricultural areas throughout cismontane California. White-tailed kites typically nest in dense vegetation at the tops of oaks, willows, or other native trees. They prey primarily on voles and other diurnal mammals (CDFW 2005). Their numbers and range have increased in the past few decades (CDFW 2005).

There are no documented occurrences in the vicinity of the survey area and they were not observed during the survey; however, white-tailed kites are underreported in CNDDDB and they could use the survey area for foraging.

***Short-eared Owl***

Short-eared owl is listed by CDFW as a California species of special concern. While small resident populations of short-eared owls remain in the Great Basin region and locally in the Sacramento–San Joaquin Delta, most recent breeding from coastal central California and the San Joaquin Valley has been episodic. The breeding range retracts dramatically in drought conditions and during prey reductions.

Nesting short-eared owls require open grassland that supports concentrations of microtine rodents and herbaceous cover sufficient to conceal their ground nests from predators (Holt and Leasure 1993). Suitable habitats may include salt- and freshwater marshes, irrigated alfalfa or grain fields, and ungrazed grasslands and old pastures. Tule marsh or tall grasslands with cover of 30 to 50 cm

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in height can support nesting pairs (Holt and Leasure 1993). Productive habitat for resident owls is now almost entirely limited to wildlife refuges and management areas (Roberson 2008). Management of refuges and restoration areas for herbaceous cover has been successful in maintaining resident owls, even when prey dwindle.

A short-eared owl was flushed during surveys of the harvest area. The owl is likely a winter migrant, which is common in the Central Valley.

### ***Lesser and Greater Sandhill Crane***

Lesser and greater sandhill cranes are winter residents and migrants in the Delta, arriving during early September and reaching maximum densities during December and January and departing during early March. Sandhill cranes vocalizations were heard on the adjacent Staten Island, which occurs approximately 1,500 feet to the north of the survey area and is a known roost area.

Lesser sandhill crane is a California species of special concern. Lesser sandhill crane is a large gray, heavy-bodied bird with a long neck, long legs, and red plumage on top of the head. The subspecies range includes much of North America; the population that occurs in the Study Area breeds in southwestern and southcentral Alaska and migrates to the Central Valley of California to overwinter (Shuford and Gardali 2008).

Greater sandhill crane is state listed as threatened and is fully protected under California Fish and Game Code. Greater sandhill crane is the largest sandhill crane subspecies, with gray plumage, heavy body, long neck and legs, and red plumage on top of the head. The subspecies range includes much of North America; the population that occurs in the Study area breeds in small numbers in northeastern California, with larger populations coming from Washington, Oregon, and western Canada, and migrates to the Central Valley of California to overwinter (CDFW 1994).

Foraging habitat between the two subspecies is similar (although there are some individual crop preferences) and consists mainly of harvested corn fields, winter wheat, irrigated pastures, alfalfa fields, and fallow fields. Mid-day loafing typically occurs in wetlands and flooded fields. Greater and lesser sandhill cranes occasionally forage and opportunistically consume small rodents, birds, and invertebrates along agricultural field borders, levees, rice checks, and ditches, and in alfalfa fields or pastures. Night roosting is in shallowly flooded open fields and open wetlands interspersed with uplands and tend to congregate in small to large flocks. Greater and lesser sandhill cranes use similar roost sites and are both sensitive to human disturbance (Littlefield and Ivey 2000).

Staten Island, just to the north of Bouldin Island, is a known sandhill crane refuge, where a significant portion of the Delta populations reside in the winter. They have also been documented on Bouldin Island (Littlefield and Ivey 2000). Vocalizations from Staten Island were heard during the field visit. Greater sandhill cranes that roost on Staten Island are documented to use the north portion of Bouldin Island to forage for corn and winter wheat (Ivey et al. 2014). During field surveys the Proposed Project area consisted of a fallowed winter wheat field. Therefore, the Proposed Project area provides suitable foraging habitat for the greater sandhill cranes when residual wheat or corn from recent plantings is present.

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***California Black Rail***

The California black rail is State listed as threatened. It is a scarce and rarely seen bird with little known about its life history. It occurs yearlong in the San Francisco Bay area, Sacramento-San Joaquin Delta, coastal southern California, the Salton Sea, and lower Colorado River area. It can be found in saline, brackish, and fresh emergent wetlands. It often occurs in association with pickleweed in tidal and brackish wetlands or with bulrushes, cattails, and saltgrass in freshwater wetlands (Manolis 1977). It builds its nests in dense vegetation at ground level or elevated several inches (Stephens 1909). Nests with eggs have been observed from mid-March to early June (Bent 1926, Wilbur 1974). One California black rail was reported responding to a taped call on Davis Island, which is just east of Bouldin Island and is densely vegetated with little human activity. The harvest area could provide marginal habitat.

***Loggerhead Shrike***

The loggerhead shrike is listed by CDFW as a California species of special concern, and is a year-round resident, distributed throughout much of California, except in higher-elevation and heavily forested mountainous regions (Humple 2008). Shrikes nest earlier than most other passerines. The breeding season for the species may begin as early as late February and lasts through July (Yosef 1996). Loggerhead shrikes establish breeding territories in open habitats with relatively short vegetation that allows for visibility of prey such as arthropods, small reptiles, amphibians, rodents, and birds. They can be found in grasslands, scrub habitats, riparian areas, other open woodlands, ruderal habitats, and developed areas, including golf courses and agricultural fields (Yosef 1996). Loggerhead shrikes require the presence of structures for impaling their prey. These structures most often take the form of thorny or sharp-stemmed shrubs or barbed wire (Humple 2008). Ideal breeding habitat for loggerhead shrikes is short grass habitat with many perches, shrubs, or trees for nesting and sharp branches or barbed wire fences for impaling prey.

Loggerhead shrikes are known to occur throughout the Central Valley, and suitable habitat, such as the riparian areas, blackberry shrubs, and areas with adjacent foraging sites, such as fallow fields and agricultural crops, are present in the survey area; therefore, there is a moderate potential for the loggerhead shrike to be present in the survey area.

***Song Sparrow (“Modesto” population)***

The song sparrow has the greatest number of genetically distinct populations of any bird in North America, including seven subspecies that breed in California, six of which are endemic to the State. The “Modesto” population was once considered to be a distinct subspecies (*M. m. mailliardi*), but it has recently been classified as a race and merged with the *heermanni* subspecies (Patten and Pruett 2009). Because it is debatable that the Modesto population is genetically distinct, it is considered a California species of special concern (Gardali 2008) until further genetic studies are conclusive.

Song sparrows are year-round residents that breed from mid-March through early August in the Sacramento Valley, Delta, and northern San Joaquin Valley, with centers of abundance in the Delta and Butte Sink areas (Gardali 2008). They generally breed in freshwater and saline emergent wetlands and riparian willow thickets. However, breeding has been documented in sparsely vegetated agricultural ditches, and levees, especially in areas adjacent to the Butte Sink, in the

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northernmost limit of Little Butte Creek, and in roadside agricultural ditches east of the Sacramento River above the Tisdale Bypass (Gardali 2008).

The Modesto song sparrow is known to occur in the sloughs around Bouldin Island. Because suitable habitat is present adjacent to the survey area and marginal habitat occurs in the survey area the Modesto song sparrow has a moderate to high potential to be present in the survey area.

***Other Breeding and Migratory Birds***

The federal Migratory Bird Treaty Act and Section 3513 of the California Fish and Game Code protect raptors, most native migratory birds, and breeding birds that could be present in the survey area. The survey area provides high-quality foraging and nesting opportunities for a variety of resident and migratory birds. Common raptor species that may nest in the mature trees in the survey area could include red-tailed hawk, red-shouldered hawk, and great horned owl (observed near survey area). Wading birds such as the great egret and the great blue heron are known to nest on the nearby Venice and Decker Islands and could use the agricultural ditches for foraging.

***Western Red Bat***

The western red bat is listed by CDFW as a California species of special concern. This is a riparian obligate species (i.e., dependent on riparian habitat) that is ubiquitous throughout California except the northern Great Basin region. Western red bats roost individually in dense clumps of tree foliage in riparian areas, orchards, and suburban areas. They are primarily moth specialists but will forage for a variety of other insects. Individuals have been observed foraging around streetlamps and floodlights in suburban areas (WBWG 2005).

Based on its tendency to roost within tree foliage, this species may be intermittently present in the riparian areas; the closest and most recent CNDDDB occurrence within 5 miles was from 1999 and was located 4 miles to the west.

**Potential Adverse Effects on Special-Status Wildlife**

Construction and maintenance activities could have direct and indirect adverse impacts on several special-status wildlife species. All maintenance activities that involve the use of heavy equipment; or produce disturbances such as noise, dust, smoke, vibrations, and visual disturbance; or that could accidentally release hazardous materials could have impacts. This section describes an assessment of those potential effects and describes mitigation measures for those impacts.

***General Construction and Maintenance Activities***

The use of vehicles and heavy equipment could result in mortality of giant garter snakes, northwestern pond turtles, and burrowing owls through vehicle strikes when these animals are aboveground, basking on or crossing roads. These species, along with other species using burrows (i.e., burrowing owls), may also be crushed or entombed by vehicles and heavy equipment, resulting in direct mortality. In addition, the potential exists for contaminants, including fuel, oil, other petroleum products, and other chemicals used in maintenance activities, to be accidentally introduced into waterways. In sufficient concentrations, these contaminants would be toxic to special-status aquatic wildlife (i.e., special-status plants, giant garter snake, northwestern pond turtle) and their prey species.

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Noise, dust, vibrations, and visual disturbance related to the use of vehicles and heavy equipment during construction and maintenance activities, as well as disturbances associated with the presence of persons conducting maintenance activities, could indirectly affect giant garter snake, northwestern pond turtle, and all species of special-status birds by negatively altering behaviors such as foraging, thermoregulation, brumation, nesting, incubation, and feeding. It is also possible that such disturbances could modify predator-prey relationships (e.g., by increasing predator populations through habitat alterations that benefit predators or through disposal of refuse that attracts predators).

Exposing special-status wildlife species to disturbances that alter these natural behaviors or increase predators could potentially result in decreased reproductive success and increased mortality of adults or juveniles (e.g., through nest abandonment).

Because connecting to agricultural ditches would require ground disturbance, equipment access, the removal of vegetation from channels, and construction of gates and weirs, the Proposed project has the potential to cause direct mortality or injury of a number of species, including: northwestern pond turtle, giant garter snake, burrowing owl, Modesto song sparrow, and northern harrier.

### ***Vegetation Harvesting***

Harvesting of aquatic vegetation using an excavator could result in both direct and indirect effects on giant garter snake, northwestern pond turtle, Modesto song sparrow, northern harrier, Swainson's hawk, and California black rail.

Aquatic vegetation removal from the harvest area when inundated could result in mortality or injury of giant garter snakes and northwestern pond turtles if they were captured or crushed by the excavator or other heavy equipment while active in aquatic habitats or basking along the upland edges. Additionally, snakes found in upland refugia and northwestern pond turtle nests along canal banks could be crushed or have their burrows or nests collapsed and crushed by heavy equipment operating within the harvest area edges.

In addition, birds that nest or roost in freshwater emergent vegetation, including cattails and bulrush (e.g., Modesto song sparrow, northern harrier, and California black rail), could be directly affected by aquatic vegetation removal. These species are particularly vulnerable to vegetation removal activities during the breeding season (February 1 through September 15), when they nest in dense stands of cattails and bulrush and other freshwater emergent vegetation. The removal of emergent vegetation supporting nests of these three species could therefore cause mortality and injury of adults and young as well as abandonment and subsequent failure of a nest. Nesting birds could also be directly affected by the noise, vibration, dust, and visual disturbance of these activities, which could potentially cause decreased nest attendance, nest abandonment, and nest failure.

The harvesting of aquatic vegetation could also result in temporary, indirect effects on giant garter snakes and northwestern pond turtles by modifying the aquatic component of their habitats. Removal of emergent vegetation would decrease available cover, foraging habitat, and basking sites (e.g., mats of downed cattails) for species. Vegetation removal could also affect both species by degrading water quality through temporary increases in turbidity and potential release of contaminants or by reducing production of invertebrates and other prey for these species. These indirect effects, although not directly resulting in mortality, could disrupt breeding and foraging behaviors; reduce the availability of breeding and foraging habitat; and potentially expose giant



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garter snakes and northwestern pond turtles to predation, mortality, or other impacts when animals are displaced from their habitat or when habitat is altered in quality or quantity such that it no longer meets all the species' life history needs.

Removing emergent vegetation could indirectly affect Modesto song sparrow, northern harrier, and California black rail because the emergent habitat used by these species would be altered or removed. This would temporarily reduce the amount of available nesting habitat for these species in the harvest area and displace birds from potentially suitable nesting habitat. Additionally, aquatic vegetation harvesting could expose bird nests to increased disturbance and risk of predation by avian and mammalian predators. Decreased prey production would decrease foraging success for these birds and could potentially result in decreased survivorship of adults and young.

***Vegetation Management***

Herbaceous vegetation management around ponds and access roads, including mowing, disking, and weed trimming, could directly affect species that occur in burrows, nest on the ground, or otherwise use the ground surface for basking or movement. These species include giant garter snakes, northwestern pond turtles, northern harriers, and burrowing owls.

***Maintenance of Water Control Structures***

Water control structures require regular maintenance to remove built-up debris and sediments around inlet and outlet structures and screens. Aquatic vegetation removal from the marsh-pond complex could result in mortality or injury of giant garter snakes and northwestern pond turtles if they were captured during structure maintenance while active in aquatic habitats or basking along marsh-pond banks. Additionally, snakes found in upland refugia and northwestern pond turtle nests along banks could be crushed or have their burrows or nests collapsed and crushed by vehicles accessing banks.

Additionally, birds that nest in freshwater emergent vegetation including cattails and bulrush (e.g., Modesto song sparrow, northern harrier, and California black rail) could be directly affected by aquatic vegetation removal or disturbance. These species are particularly vulnerable to vegetation removal activities during the breeding season (February 1 through September 15) when they nest in dense stands of cattails and bulrush and other freshwater emergent vegetation. The removal of emergent vegetation supporting nests of these three species could therefore cause mortality and injury of adults and young as well as abandonment and subsequent failure of a nest. Nesting birds could also be directly affected by the noise, vibration, dust, and visual disturbance of these activities, which could potentially cause decreased nest attendance, nest abandonment, and nest failure.

***Summary***

Adverse effects on special-status wildlife could occur as a result of construction and maintenance activities. As described previously, these adverse effects include mortality, injury, and harassment of individuals, along with the permanent or temporary loss or modification of habitat.

The most substantial impact would result from harvesting aquatic vegetation (emergent plants with roots and associated sediment) from the harvest area. Up to 1.5 acres would be harvested within in an approximately 6.5-acre disturbance area during construction activities. Metropolitan's Standard Practices for construction projects require that pre-construction Worker Environmental

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Awareness Protections Training (WEAP) is conducted for both capital projects and operations and maintenance activities. WEAP trainings are project-specific and cover potential environmental concerns or considerations including, but not limited to, awareness of biological resources, special status species near project sites, jurisdictional waters, environmentally sensitive areas, and/or avoidance areas. Because special-status wildlife species supported by the affected habitats are considered to be declining, rare, threatened, or endangered by California or federal fish and wildlife agencies, the loss or modification of habitat for these species or harassment or mortality of individuals is considered a potentially significant impact.

### ***Mitigation Measures***

Implementation of the following mitigation measures would reduce this impact to a less than significant level. This list includes general measures that apply to all maintenance activities.

#### **BIO-1 Special-Status Plant Species Surveys**

Surveys for special-status plants shall be completed within 2 years of the start of construction activities, including any vegetation removal, grubbing, or staging and mobilization. The surveys shall be seasonally timed to coincide with the target species identified in Appendix C. All plant surveys shall be conducted by a monitoring biologist no more than 2 years before initial ground disturbance associated with construction activities and shall cover the entire area proposed for disturbance (including areas for staging and mobilization). All special-status plant species identified on-site shall be mapped onto a site-specific aerial photograph and topographic map. Surveys shall be conducted in accordance with the most current protocols established by the CDFW and USFWS. If federally listed, state listed, or California Rare Plant Rank 1B species are found, avoidance and minimization measures shall be implemented in accordance with Mitigation Measure BIO-3.

#### **BIO-2 Special-Status Plant Species Avoidance and Minimization**

If federally listed, state listed, or California Rare Plant Rank 1B species are found during special-status plant surveys conducted pursuant to Mitigation Measure BIO-2, then avoidance measures shall be implemented to avoid impacting these plant species, if feasible. Rare plant occurrences that are not within the immediate disturbance footprint but are located within 50 feet of disturbance limits shall be protected at least 30 feet beyond their extent or other distance as approved by a monitoring biologist or have a suitable barrier, such as a bermed levee or bank, to protect them from harm. If avoidance of federally listed, state listed, or California Rare Plant Rank 1B plant species is not feasible, impacts shall be fully offset through implementation of a restoration plan that results in no net loss in accordance with Mitigation Measure BIO-3.

#### **BIO-3 Special-Status Plant Species Revegetation**

If avoidance of state listed, federally listed, or California Rare Plant Rank 1B species is not feasible, the individuals shall be transplanted, and surrounding topsoil shall be salvaged to be incorporated into the revegetation process for the site. A special-status plant restoration plan shall be prepared and implemented that includes the following criteria at minimum:

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- The number of specimens affected for each species
- Identification of on-site or off-site preservation location(s)
- Methods for restoration, enhancement, and/or transplanting, including topsoil salvage and planting seeds of the affected species
- A performance standard replacement ratio of 1:1 per impacted specimen to be achieved within 3 to 5 years
- Monitoring of on-site and off-site preservation location(s) to verify performance shall occur in conjunction with special-status plant growing seasons, and no less than annually until performance standards are achieved

**BIO-4 Special-Status Wildlife Species Surveys**

Prior to the start of construction, Metropolitan shall conduct general pre-construction wildlife surveys. Pre-construction surveys for special-status species with moderate to high potential to occur shall be conducted where suitable habitat is present not more than 72 hours prior to the start of construction activities or maintenance activities that require vegetation removal during the nesting or giant garter snake active season. The pre-construction survey area shall include the Proposed Project area and all ingress/egress routes, plus a 200-foot buffer. If the results of the site-specific pre-activity surveys determine a candidate, sensitive, or special-status species identified in local or regional plans, policies, or regulations is present within a 200-foot buffer of the Project area, implementation of appropriate avoidance measures shall be required in accordance with Mitigation Measure BIO-5.

**BIO-5 Special-Status Wildlife Species Avoidance and Minimization**

If the results of the pre-activity surveys conducted pursuant to Mitigation Measure BIO-4 determine a candidate, sensitive, or special-status species identified in local or regional plans, policies, or regulations is present within a 200-foot buffer of the Proposed Project area, Metropolitan shall develop and implement appropriate avoidance measures listed below and in BIO 6 and 7. Avoidance measures may include but are not limited to:

- Installation of Environmentally Sensitive Area/avoidance fencing
- Flagging or fencing of any special-status species burrows by a monitoring biologist to ensure avoidance during Project activities
- Monitoring by a monitoring biologist during all initial ground disturbing activities. Once initial ground disturbing activities have been completed, the biologist shall conduct daily pre-activity clearance surveys, as necessary
- If at any time during Project construction or maintenance activities, a special-status species enters the Project area or otherwise may be impacted by the Project, all activities at the area where the find occurred shall cease. At that point, a monitoring biologist shall be consulted and recommend an appropriate course of action

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**BIO-6 Giant Garter Snake Avoidance and Minimization**

The Proposed Project area provides marginal habitat for giant garter snake. However, suitable habitat occurs within 200 feet of the Proposed Project area. Thus, Metropolitan proposes to implement standard avoidance and minimization measures during construction activities. The following measures shall be implemented to avoid impacts to giant garter snake:

- Confine movement of heavy equipment to existing roadways to minimize habitat disturbance. Maintain a speed limit of 10 mph on all roadways within the construction area.
- Check under all equipment and materials prior to moving them. Do not store construction materials or stockpiles within 200 feet of giant garter snake habitat.
- All construction activities that occur within 200 feet of giant garter snake habitat shall occur between May 1 and October 1. This is the active period for giant garter snakes and direct mortality is lessened, because snakes are expected to actively move and avoid danger.
- If dewatering is necessary, Metropolitan shall dewater construction areas that could provide aquatic habitat for giant garter snakes to the extent feasible. Any dewatered aquatic habitat shall be kept dry for at least 15 consecutive days before conducting construction activities. If 15 consecutive days is not feasible then Metropolitan shall consult with the USFWS to apply appropriate measures. If dewatering cannot remove all water, potential giant garter snake prey (i.e., fish and tadpoles) would be removed so that giant garter snakes and other wildlife are not attracted to the construction area. The connection of the marsh-pond complex to the existing agricultural ditch requires temporary disturbance of potentially suitable aquatic habitat. These areas are small (generally less than 0.02 acre) and construction-related activities generally require 1 day. Since implementation of the 15-day dewatering period in these scenarios necessitates fill in multiple locations and a culvert or pumping/ piping system in the surrounding upland area to reroute irrigation or drainage water, resulting in more disturbance to potential aquatic habitat than the primary fill itself, a modification is proposed. This includes conducting a preconstruction survey; having a Service-approved biological monitor oversee initial ground disturbance in suitable upland habitat and thereafter be available during work; if limited dewatering is necessary, concentrating dewatering to pump water out of the area; and requiring that biological monitor checks the dewatered area for the snake and prey, and relocates prey species out of the work area.
- Confine clearing to the minimal area necessary to facilitate construction activities. Flag and designate avoided giant garter snake habitat within or adjacent to the Proposed Project area as Environmentally Sensitive Areas.
- Construction personnel shall receive worker environmental awareness training. This training shall instruct workers to recognize giant garter snakes and their habitat(s).

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- 24 hours prior to construction activities, the Proposed Project area shall be surveyed for giant garter snakes. Survey of the Proposed Project area shall be repeated if a lapse in construction activity of 2 weeks or greater has occurred.
- If a snake is encountered during construction, activities shall cease until appropriate corrective measures have been completed or it has been determined that the snake would not be harmed.
- After completion of construction activities, all temporary construction debris and materials shall be removed, and habitat within temporary impact areas would be restored to pre-Project conditions.

**BIO-7 Northwestern Pond Turtle Avoidance and Minimization**

Metropolitan shall implement the following measures to avoid and minimize effects on northwestern pond turtle:

- A qualified biologist shall conduct a pre-construction survey within 7 days before the start of Project activities. If no northwestern pond turtles are observed, Metropolitan would document that information for the file, and no additional measures shall be required.
- Should any northwestern pond turtles be detected on land during the pre-construction survey, the qualified biologist would identify the location using GPS coordinates. The qualified biologist may relocate any northwestern pond turtles found on land or in aquatic habitat within the construction footprint to suitable aquatic habitat at least 200 feet away from the construction footprint.
- If northwestern pond turtles are observed on land within the construction footprint during construction activities, Metropolitan would stop work within approximately 200 feet of the turtle, and a qualified biologist would be notified immediately. If possible, the turtle would be allowed to leave on its own and the qualified biologist would remain in the area until the biologist deems his or her presence no longer necessary to ensure that the turtle is not harmed. Alternatively, the qualified biologist may capture and relocate the turtle unharmed to suitable habitat at least 200 feet outside the construction footprint. If a northwestern pond turtle nest is unintentionally uncovered during construction activities, work would stop in the vicinity of the nest until a qualified biologist could evaluate the situation and notify the appropriate agencies.

**BIO-8 Nesting Birds Avoidance and Minimization**

To avoid and minimize effects on nesting birds and achieve compliance with the Migratory Bird Treaty Act and California Fish and Game Code Sections 3503, 3503.5, and 3513, Metropolitan shall implement the following measures:

- Where feasible, construction and maintenance activities that have the potential to affect special-status nesting birds and common nesting birds shall occur at times of the year when adverse effects on those species would be avoided. If activities are conducted outside the nesting seasons no additional measures are required to mitigate adverse effects on nesting birds.

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- If construction is scheduled to occur during the nesting season, a breeding season survey for nesting birds shall be conducted by a qualified biologist for all vegetation to be removed, harvested or disturbed that are located within 500 feet of construction activities, including grading. Swainson's hawk surveys shall be completed during at least two of the following survey periods: January 1 to March 20, March 20 to April 5, April 5 to April 20, and June 10 to July 30. An area with a radius of 0.5 miles from construction activities shall be surveyed for Swainson's hawk nests. No fewer than three surveys shall be completed in at least two survey periods, and at least one of these surveys would occur immediately before Proposed Project initiation (SWHA Technical Advisory Committee 2000).
- Western burrowing owl surveys shall follow suggested guidelines set forth in CDFW's *Staff Report on Burrowing Owl Mitigation* such as prior to the start of construction a biologist should conduct three or more daytime survey visits at least 3 weeks apart during the peak of breeding season from April 15 to July 15 or 4 surveys spread evenly throughout the non-breeding season (CDFW 2012). Other migratory bird nest surveys could be conducted concurrent with Swainson's hawk surveys, with at least one survey to be conducted no more than 48 hours from the initiation of Proposed Project activities to confirm the absence of nesting. If the biologist determines that the area surveyed does not contain any active nests, construction activities, including removal or pruning of trees and shrubs, could commence without any further mitigation. If at any time during the nesting season construction stops for a period of 2 weeks or longer, pre-construction surveys would be conducted before construction resumes. If construction occurs outside the nesting window for burrowing owls, a pre-construction survey shall be conducted to ensure no burrowing owls are present.
- If nesting birds have been identified within or adjacent to the construction footprint, Metropolitan would establish appropriate avoidance buffers (50 feet for passerines, 300 feet for raptors *except Swainson's hawk and burrowing owls*, and 200 feet for heron or egret rookeries). Reduced buffers may be implemented if recommended by the monitoring biologist. Buffers would be marked in the field by a qualified biologist using temporary fencing, high-visibility flagging, or other means that are equally effective in clearly delineating the buffers. The specific buffer distance for Swainson's hawk is 0.25 miles, and buffer distances for burrowing owl, which vary depending on time of year and level of disturbance, are presented in **Table 3.4-2** in accordance with CDFW's *Staff Report on Burrowing Owl Mitigation* (CDFW 2012). Reduced buffers for Swainson's hawk and burrowing owl may be implemented if recommended by the monitoring biologist, due to the nature of the activity. Any needed burrowing owl exclusion and burrow closure would occur during the non-breeding season only, following the methodology in the CDFW Staff Report.
- To minimize and avoid the potential indirect impacts to lesser and greater sandhill crane that may occur within or adjacent to the Project area between September 15 through March 15, during roosting season, pre-activity surveys and an assessment of known roost sites shall be conducted within 0.25 miles of the

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Project area by a qualified biologist. If roost sites are identified within 0.25 miles of the Project area, the start of large equipment used for construction activities would be delayed to an hour after sunrise and stop an hour before sunset.

- Vegetation clearing and harvesting shall not be conducted during the nesting season (generally February 1 through September 15, depending on the species and environmental conditions for any given year) where feasible.

**Table 3.4-2. Recommended Restricted Activity Dates and Setback Distances by Level of Disturbance for Burrowing Owls**

Time of Year	Distance of Disturbance (feet) from Occupied Burrows Low Disturbance	Distance of Disturbance (feet) from Occupied Burrows Medium Disturbance	Distance of Disturbance (feet) from Occupied Burrows High Disturbance
April 1 to August 15	600	1,500	1,500
August 16 to October 15	600	600	1,500
October 16 to March 31	150	300	1,500

Notes:

Low = Presence of maintenance staff on foot or in vehicles conducting work with light equipment (maintenance trucks, all-terrain vehicles).

Medium = Heavy equipment use with moderate noise levels (approximately 50–75 A-weighted decibels [dBA]).

High = Heavy equipment with high noise levels (more than 75 dBA).

Source: California Department of Fish and Game. 2012. *Staff Report on Burrowing Owl Mitigation*. March 7, 2012.

- b. Have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, regulations or by the California Department of Fish and Wildlife or US Fish and Wildlife Service?*

**Less than Significant with Mitigation Incorporated.** The Proposed Project would not have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, regulations or by the California Department of Fish and Game or US Fish and Wildlife Service because no riparian vegetation will be removed as part of this project. Additionally, impacts to fresh emergent wetland will be temporary in nature and will be passively restored as described in Mitigation Measures BIO-9 thereby reducing these impacts to a less-than-significant level.

The marsh-pond complex is proposed to be constructed within land that has been regularly dry-land farmed. There is a small area of riparian habitat adjacent to the marsh-pond complex, but the riparian habitat would be avoided during construction, including for staging and access. The harvest area consists of fresh emergent wetland with some willow trees. No trees would be removed during the Proposed Project and no riparian habitat would be impacted. Fresh emergent wetland in the harvest area would be temporarily impacted but would be restored through passive restoration. See wetland discussion in Section C for additional information. No other sensitive natural communities were identified in the Proposed Project area.

Tule harvesting would have minimal temporary impacts. Based on the tule growth rates of greater than 18 feet of spread in one growing season, it is anticipated that disturbed areas would revegetate within one growing season (Tilley 2012). Dispersing the sections would allow the tule to revegetate disturbed areas within one year resulting in minimal temporary impacts to the habitat. Similar harvesting techniques were used for experimental work by Metropolitan on Twitchell Island in 2019 and there was 100 percent tule recovery by the following year (ESA 2019).

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**BIO-9** Metropolitan proposes to monitor tule growth for 1 year. As discussed in the Project Description, if 75 percent coverage in disturbed areas has not been met within 365 days of the end of construction, Metropolitan would reassess unvegetated areas and would monitor for another year, with optional replanting. If 75 percent coverage is not met at the end of year two, Metropolitan will replant the disturbed area with appropriate native vegetation.

- c. Have a substantial adverse effect on state or federally protected wetlands (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means?*

**Less than Significant.** No, the Proposed Project would not have a substantial adverse effect on state or federally protected wetlands through direct removal, filling, hydrological interruption, or other means. Implementation of standard erosion control measures and implementation of Mitigation Measure BIO-9 to ensure successful restoration of temporarily disturbed habitat will reduce temporary impacts to a less-than-significant level.

Jurisdictional waters were identified within the marsh-pond complex and harvest area. Although the intent is to avoid jurisdictional waters to the extent feasible, potential temporary impacts to jurisdictional waters would occur during the connection of agricultural ditches.

Indirect impacts could include runoff of sediment and dust into jurisdictional areas during operation of heavy equipment. All areas temporarily impacted would also be revegetated with native seeds or as described above for the harvest area.

The Proposed Project would not permanently impact jurisdictional waters because no permanent structures, direct removal, or filling is proposed for the Project. Furthermore, when Project activities are complete, more native vegetation is expected to be in place, which would enhance fresh emergent wetlands or other sensitive natural communities. Therefore, no permanent impacts to potentially jurisdictional waters would occur.

- d. Interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites?*

**No Impact.** No, the Proposed Project would not interfere substantially with the movement of any native resident or migratory fish or wildlife species or disrupt native nursery sites. No known fish or wildlife movement corridors occur within the Proposed Project area. Therefore, no direct or indirect impacts would occur.

- e. Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance?*

**No Impact.** No, the Proposed Project would not conflict with any local policies or ordinances protecting biological resources as there are no local policies or ordinances protecting biological resources in the Project area. As such, there would be no impact related to conflicting with policies or ordinances protecting biological resources.



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- f. Conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or State habitat conservation plan?*

**No Impact.** No, the Proposed Project would not conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or State habitat conservation plan. The survey area is not within an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or State habitat conservation plan; therefore, the Proposed Project is not in conflict with any plans and no impacts would occur.

### 3.5 Cultural Resources

#### CULTURAL RESOURCES

Would the project:

	Potentially Significant Impact	Less than Significant With Mitigation Incorporated	Less than Significant Impact	No Impact
a) Cause a substantial adverse change in the significance of a historical resource pursuant to §15064.5?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Cause a substantial adverse change in the significance of an archaeological resource pursuant to §15064.5?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c) Disturb any human remains, including those interred outside of dedicated cemeteries?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Significance criteria established by CEQA Guidelines, Appendix G.

#### Overview

This section examines the potential impacts of the Proposed Project on cultural resources. For purposes of this analysis, the term *cultural resource* is defined as follows:

Pre-contact and historic-era sites, structures, districts, and landscapes, or other evidence associated with human activity considered important to a culture, a subculture, or a community for scientific, traditional, religious, or other reason. These resources include the following types of CEQA-defined resources: historical resources, archaeological resources, and human remains.

The term *pre-contact* is used as a chronological adjective to refer to the period prior to Euroamerican arrival in the Proposed Project area.

This section relies on the information and findings presented in the Proposed Project's confidential cultural resources technical report: *Delta Smelt and Native Species Preservation Project, San Joaquin County, California: Cultural Resources Inventory Report* (Hoffman et al. 2022). That report included an overview of the environmental, ethnographic, and historic background of the Proposed Project area, with an emphasis on aspects related to human occupation. Please contact Metropolitan to inquire about reviewing this report.

#### CEQA Area of Potential Effects

For purposes of this analysis, the CEQA Area of Potential Effects (C-APE) is defined as both the horizontal and vertical maximum extents of potential direct impacts of the Proposed Project on cultural resources. This area encompasses the footprint of Proposed Project actions, including

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staging and access areas. The C-APE comprises approximately 145 acres and extends vertically to the maximum depth of the Proposed Project's ground-disturbing activities, varying according to specific location. **Table 3.5-1** details the vertical C-APE by Proposed Project activity.

**Table 3.5-1. Vertical C-APE by Project Component/Activity**

Component	Activity	Project Location	Depth of Ground Disturbance (ft)
Tule Food and Cooling Marshes	Disking and land leveling	Work Area	1.0
	Wetland construction	Work Area	2.0
	Tule planting	Work Area	0.0
Tule Harvesting	Tule removal/harvesting	Collection Area	2.0
Native Fish Propagation Ponds	Pond excavation	Work Area	15.0
	Berm construction	Work Area	0.0
Water Distribution, Control, and Screening	Well construction	Work Area	300.0
	Transportation pipeline installation	Work Area	3.0
Water Use Monitoring and Outlet Control	Tailwater ditches excavation	Work Area	5.0
Drainage Features	Agricultural ditch excavation	Work Area	5.0
Supplemental Floating Peat Marshes	Floating peat marsh excavation	Work Area	3.0
Access Roads	Gravelling existing roads	Work Area	0.0
	Use of existing roads	Access Roads	0.5
Operations and Maintenance	Weed control	Work Area	0.0
	Agricultural ditch cleaning	Work Area	5.0

## Records Search

In November 2021, ESA requested cultural resources records searches for the C-APE and vicinity from staff at the Central California Information Center (CCIC) at California State University Stanislaus, and the North Central Information Center at California State University Sacramento. The study area for the records searches consisted of the C-APE with a 0.5-mile buffer. The California Historical Resources Information System (CHRIS) has record of ten previously recorded cultural resources mapped within 0.5 mile of the C-APE, one of which (P-39-000322) is mapped within the C-APE. The CCIC reply letter erroneously stated that two additional previously recorded resources (P-39-000033, -004541) are in the C-APE; a review of the geospatial data and site records associated with these resources, as provided to ESA by the CCIC, clearly show them both to be outside the C-APE. Of the ten cultural resources previously recorded within 0.5 mile of the C-APE, seven are historic-era archaeological resources and three are historic-era architectural resources. The one previously recorded cultural resource mapped within the C-APE, P-39-000322, is an historic-era archaeological site consisting of a refuse scatter that does not appear to have ever been evaluated for eligibility for listing in the National Register of Historic Places (National Register) or California Register of Historical Resources (California Register).

## Additional Archival Research

The National Oceanic and Atmospheric Administration (NOAA) maintains an online database of shipwrecks derived from historic nautical charts at <https://wrecks.nauticalcharts.noaa.gov/viewer/>. ESA conducted a search of this database for the C-APE and vicinity on November 16, 2021. ESA

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conducted a review of the following sources of historic maps: Library of Congress (<https://www.loc.gov/>); David Rumsey Historical Map Collection ([www.davidrumsey.com](http://www.davidrumsey.com)); USGS's TopoView (<https://ngmdb.usgs.gov/topoview/>); University of California Santa Barbara's FrameFinder database ([https://mil.library.ucsb.edu/ap\\_indexes/FrameFinder/](https://mil.library.ucsb.edu/ap_indexes/FrameFinder/)); and NOAA Historical Shoreline Surveys Google Earth layer, which provides access to nautical charts from the US Coast Survey (later the US Coast and Geodetic Survey) and US National Ocean Service. The historic map and photography review focused on the C-APE and vicinity, and did not reveal any potential architectural or archaeological resources in the C-APE other than the existing levee. ESA conducted a review of ethnographic literature for the C-APE and vicinity to gather information on potential Native American villages, place names, or documented use of the area. This review revealed that no documented Native American villages are mapped in or in the immediate vicinity of the C-APE. The nearest ethnographic villages appear to have been the Plains Miwok villages *Guaypemne*, mapped approximately 1.5 miles northeast of the C-APE (Bennyhoff 1977; Heizer 1978), and *Musupumne*, mapped approximately 3.0 miles northeast of the C-APE (Bennyhoff 1977; Heizer 1978).

### **Native American Correspondence**

ESA contacted the California Native American Heritage Commission (NAHC) on November 11, 2021, in request of a search of the NAHC's Sacred Lands File (SLF) and a list of Native American representatives who may have interest in the Proposed Project. The NAHC reply, dated January 3, 2022, stated that the SLF has no record of sacred sites in the C-APE.

### **Field Survey**

On December 28, 2021, ESA archaeologist Robin Hoffman conducted a pedestrian surface survey of the entire C-APE. Intensive pedestrian methods were used during the survey, consisting of walking the ground surface in parallel transects no greater than 20 meters apart and inspecting the ground surface for evidence of cultural material (archaeological or architectural). Field methods were augmented for the close inspection of the location of P-39-000322, as previously recorded. These augmented methods entailed reducing parallel transect spacing to no greater than 5 meters, examining surface sediments and debris for remains of a refuse deposit described in the original site record for the resource.

No archaeological resources, including any evidence of P-39-000322, were observed in the C-APE during the survey. One architectural resource, San Joaquin County Levee 54 (later designated by CHRIS as P-39-005454), was identified in the C-APE during the survey; the resource was previously unrecorded.

### **Archaeological Sensitivity Analysis**

Holocene Delta mud deposits underlie the entire C-APE (Dawson 2009), and native soils in the C-APE consist of Ryde series clay loams (majority of Work Area), Piper series sandy loams (majority of Collection Area), and Rindge series muck (portions of Collection Area) (USDA 2021). Rindge series muck is of historic-era/modern age (150 BP–present) (Meyer and Rosenthal 2008), and Ryde series clay loams and Piper series sandy loams are of estimated Latest Holocene age (2000–150 BP). Based on the ages of the mapped soil units in the C-APE, and that the C-APE is in proximity to a large, perennial freshwater body, the C-APE's theoretical potential for presence

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of buried Native American archaeological deposits is high to very high (Meyer and Rosenthal 2008:160–161). Historic-era and modern engineering of the landscape, notably through the construction of the levees and roads have disturbed the access road portions of the C-APE, while historic-era and modern agricultural activities (e.g., row crops) have disturbed portions of the C-APE, notably the Work Area. It is likely, though not certain, that the deep plowing associated with historic-era and modern agricultural activities in the C-APE, particularly Work Area portion thereof, would have resulted in some manifestation (etc., fragmented artifacts or faunal remains) of any shallow buried archaeological deposits. Given that no archaeological material was identified during the field survey conducted for the current study, we conclude that the actual potential for presence of buried and surficial Native American archaeological deposits in the C-APE is moderate. Based on the above analysis, the C-APE has a moderate sensitivity for both surficial and buried Native American archaeological resources.

No signs of historic-era development activities and associated use that may have resulted in the creation of surficial and buried historic-era archaeological deposits in the C-APE were observed in a review of historic photographs or maps, or during the field survey. Therefore, the potential presence for both surficial and buried historic-era archaeological deposits in the C-APE is low. Background research of historic topographic maps and photographs did not indicate any clear avenues for significance for the California Register for any buried historic-era archaeological deposits in the C-APE, if present. Also, based on known historic-era archaeological resources previously recorded in similar settings in the Proposed Project vicinity, the potential significance of any intact historic-era archaeological resources in the C-APE is low. Therefore, the C-APE has a low sensitivity for historic-era archaeological resources, both buried and surficial (low potential presence with low potential significance).

### **Summary of Cultural Resources Identified**

Through background research, one previously recorded cultural resource, P-39-000322 (historic-era refuse scatter), and one previously unrecorded cultural resource, San Joaquin County Levee 54, were identified in the C-APE. During the field survey conducted for the Proposed Project, no evidence of P-39-000322 was observed in the C-APE, and the San Joaquin County Levee 54 (subsequently assigned the designation P-39-005454), was identified in the C-APE. P-39-005454 is an historic-era architectural resource consisting of the San Joaquin County Levee 54, an earthen levee that surrounds the whole of Bouldin Island, and is in the Levee Access Road portion of the C-APE. The levee measures approximately 17.89 miles long, and protects 9.2 square miles of agricultural land. Within the C-APE, the levee measures 12 feet wide at the crown, 35 feet wide at the base, and 8 feet tall, with a gravel access road topping the levee. The levee is a locally owned, operated, and maintained levee. Per archival review, the earliest levees on the island date to the 1870s, and a levee appears in the same location as the resource on the earliest historic topographic maps dating to 1910. ESA evaluated P-39-005454 for California Register-eligibility, recommending it not eligible for the California Register (Hoffman et al. 2022).

In summary, no cultural resources that qualify as historical resources or unique archaeological resources, as defined by CEQA, were identified in the C-APE.

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**Discussion.** *Would the project:*

- a. Cause a substantial adverse change in the significance of a historical resource pursuant to §15064.5?*

**No Impact.** No, the Proposed Project would not cause a substantial adverse change in the significance of a historical resource pursuant to §15064.5. One historic-era architectural resource (P-39-005454: San Joaquin County Levee 54) was identified in the C-APE, though it is not eligible for the California Register and, therefore, P-39-005454 does not qualify as an historical resource, pursuant to CEQA Guidelines § 15064.5. Therefore, the Proposed Project would have no impact on historical resources, pursuant to CEQA Guidelines § 15064.5.

- b. Cause a substantial adverse change in the significance of an archaeological resource pursuant to §15064.5?*

**Less than Significant.** No, the Proposed Project would not cause a substantial adverse change in the significance of an archaeological resource pursuant to §15064.5. Background research identified one archaeological resource (P-39-000322: historic-era refuse deposit) within a portion of the C-APE. However, no evidence of the resource was observed in the C-APE during the field survey and this study concludes that the resource is no longer present in the C-APE.

Although there is no substantial evidence that archaeological resources are present in the C-APE, the Proposed Project would involve ground-disturbing activities that may extend into undisturbed soil, and the archaeological sensitivity analysis conducted for the Proposed Project concluded that the C-APE has a moderate sensitivity for both surficial and subsurface Native American archaeological resources. Metropolitan's Standard Practices for construction projects require that, in the event unanticipated archaeological resources are discovered during Proposed Project activities, all work would cease within 50 feet of the discovery to protect the area until a qualified archaeologist can evaluate the discovery and recommend additional measures for proper handling and treatment.

As no known archaeological resources that may qualify as historical resources (as defined in CEQA Guidelines § 15064.5) or unique archaeological resources (as defined in PRC § 21083.2[g]) are present in the C-APE, the Proposed Project is not expected to impact any archaeological resource, pursuant to CEQA Guidelines § 15064.5, and impacts are less than significant.

- c. Disturb any human remains, including those interred outside of dedicated cemeteries?*

**Less than Significant.** Archival research and the field survey of the C-APE did not find any evidence of the presence of human remains. Also, the land use designations for the C-APE do not include cemetery uses, and no known human remains exist within the C-APE. Therefore, the Proposed Project is not anticipated to disturb any human remains. Should human remains be encountered, Metropolitan would comply with the State of California's Health and Safety Code Section 7050.5, which states that no further disturbance would occur until the appropriate county coroner has made a determination of origin and disposition of the remains pursuant to PRC Section 5097.98. Adherence to State of California's Health and Safety Code Section 7050.5 would result in the proper handling and treatment of unexpected human remains. Therefore, impacts to human remains would be less than significant.

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### 3.6 Energy

Energy	Potentially Significant Impact	Less than Significant With Mitigation Incorporated	Less than Significant Impact	No Impact
Would the project:				
a) Result in potentially significant environmental impact due to wasteful, inefficient, or unnecessary consumption of energy resources, during project construction or operation?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) Conflict with or obstruct a state or local plan for renewable energy or energy efficiency?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Significance criteria established by CEQA Guidelines, Appendix G.

**Discussion.** *Would the project:*

- a. *Result in potentially significant environmental impact due to wasteful, inefficient, or unnecessary consumption of energy resources, during project construction or operation?*

**Less than Significant Impact.** No, the Proposed Project would not result in potentially significant environmental impact due to wasteful, inefficient, or unnecessary consumption of energy resources, during Project construction or operation. During construction of the Proposed Project, fuel consumption would result from the use of construction tools and equipment, truck trips to haul material, and construction workers' commutes to and from the Project site. Construction of the Proposed Project is anticipated to last for 4 months total, in two phases of 2 months each.

Construction activities and corresponding fuel energy consumption would be temporary and localized, as the use of diesel fuel and heavy-duty equipment would not be a long-term condition of the Proposed Project. In addition, the Proposed Project has no unusual characteristics that would require using construction equipment or haul vehicles that would be less energy efficient than equipment and vehicles used at similar construction sites elsewhere in California. In conclusion, construction-related fuel consumption by the Proposed Project would not result in inefficient, wasteful, or unnecessary energy use compared with other construction sites in the region. This impact would be less than significant.

Operation of the Proposed Project would require staff from UC Davis using pickup trucks to be on-site daily for approximately 2 months in the spring and 2 months in the fall, when fish are on-site. It is anticipated that operations and maintenance of the Proposed Project would require four workers, using pickup trucks, to be on-site twice per week. Because the Proposed Project's operational impacts on energy resources would be driven primarily by limited maintenance and research activities, energy use would be minimal. Therefore, the Proposed Project would not include the wasteful, inefficient, or unnecessary consumption of energy resources and would have no potential for significant energy impacts.

- b. *Conflict with or obstruct a state or local plan for renewable energy or energy efficiency?*

**Less than Significant Impact.** No, the Proposed Project would not conflict with or obstruct a state or local plan for renewable energy or energy efficiency.

The transportation sector is a major end user of energy in California, accounting for approximately 34 percent of the state's total energy consumption in 2020 (US Energy Information Administration 2022). Energy is also consumed in connection with construction and maintenance of transportation

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infrastructure, such as streets, highways, freeways, rail lines, and airport runways. In 2015, California's 30 million vehicles consumed more than 15 billion gallons of gasoline and more than 4.2 billion gallons of diesel, making California the second largest consumer of gasoline in the world (CEC 2016).

Existing standards for transportation energy are promulgated through the regulation of fuel refineries and products, such as the Low Carbon Fuel Standard, which mandated a 10 percent reduction in the non-biogenic carbon content of vehicle fuels by 2020. In 2018, the Board approved amendments to the regulation, which included strengthening and smoothing the carbon intensity benchmarks through 2030 in line with California's 2030 greenhouse gas (GHG) emission reduction target enacted through Senate Bill (SB) 32, adding new crediting opportunities to promote zero emission vehicle adoption, alternative jet fuel, carbon capture and sequestration, and advanced technologies to achieve deep decarbonization in the transportation sector. Other regulatory programs with emissions and fuel efficiency standards have been established by the US Environmental Protection Agency and the CARB, such as Pavley II/Low Emission Vehicle III from California's Advanced Clean Cars Program and the Heavy-Duty (Tractor-Trailer) Greenhouse Gas Regulation.

In 2020, Governor Gavin Newsom signed Executive Order N-79-202 which established a goal that 100 percent of California sales of new passenger cars and trucks be zero-emission by 2035. In addition, the Governor's order set a goal to transition all drayage trucks to zero-emission by 2035, all off-road equipment to zero-emission where feasible by 2035, and the remainder of medium- and heavy-duty vehicles to zero-emission where feasible by 2045. Under the order, CARB is tasked to work with their state agency partners to develop regulations to achieve these goals taking into account technological feasibility and cost effectiveness (CARB 2021). Further, construction sites need to comply with state requirements designed to minimize idling and associated emissions, which also minimizes fuel use. Specifically, idling of commercial vehicles and off-road equipment is limited to 5 minutes in accordance with the Commercial Motor Vehicle Idling Regulation and the Off-Road Regulation (California Code of Regulations Title 13, Section 2485).

San Joaquin County has not implemented energy action plans. The Proposed Project is consistent with the state goals and would not impede progress toward achieving these goals. The Proposed Project would not conflict with or obstruct a state or local plan for renewable energy or energy efficiency or impede progress toward achieving any goals and targets. This impact would be less than significant.

### 3.7 Geology and Soils

#### GEOLOGY AND SOILS

Would the project:	Potentially Significant Impact	Less than Significant With Mitigation Incorporated	Less than Significant Impact	No Impact
a) Directly or indirectly cause potential substantial adverse effects, including the risk of loss, injury, or death involving:				
i) Rupture of a known earthquake fault, as delineated on the most recent Alquist-Priolo Earthquake Fault Zoning Map issued by the State Geologist for the area or based on other substantial evidence of a known fault? Refer to Division of Mines and Geology Special Publication 42.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
ii) Strong seismic groundshaking?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

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## GEOLOGY AND SOILS

Would the project:

	Potentially Significant Impact	Less than Significant With Mitigation Incorporated	Less than Significant Impact	No Impact
iii) Seismic-related ground failure, including liquefaction?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
iv) Landslides?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Result in substantial soil erosion or the loss of topsoil?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c) Be located on geologic units or soil that is unstable, or that would become unstable as a result of the project, and potentially result in on- or off-site landslide, lateral spreading, subsidence, liquefaction, or collapse?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d) Be located on expansive soil, as defined in Section 1803.5.3 of the California Building Code (2010), creating substantial direct or indirect risks to life or property?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
e) Have soils incapable of adequately supporting the use of septic tanks or alternative wastewater disposal systems where sewers are not available for the disposal of wastewater?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
f) Directly or indirectly destroy a unique paleontological resource or site or unique geologic feature?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Significance criteria established by CEQA Guidelines, Appendix G.

### **Discussion.** *Would the project:*

a. *Directly or indirectly cause potential substantial adverse effects, including the risk of loss, injury, or death involving:*

i) *Rupture of a known earthquake fault, as delineated on the most recent Alquist-Priolo Earthquake Fault Zoning Map issued by the State Geologist for the area or based on other substantial evidence of a known fault? Refer to Division of Mines and Geology Special Publication 42.*

**No Impact.** No, the Proposed Project would not directly or indirectly cause a potential substantial adverse effect involving rupture of a known earthquake fault. The Proposed Project site is not located within an Alquist-Priolo earthquake fault zone (DOC 2022). Therefore, no impact related to rupture of a known earthquake fault would occur.

ii) *Strong seismic groundshaking?*

**Less than Significant Impact.** No, the Proposed Project would not directly or indirectly cause potential substantial adverse effects involving strong seismic groundshaking. Earthquakes associated with the active faults in the Project area may cause strong ground shaking at the Proposed Project site. The region of the Great Valley Fault closest to the Proposed Project site is estimated to have an approximately 0.48 percent chance of a Mw 6.7 or greater earthquake over the next 30 years (WGCEP 2015). The Proposed Project would be constructed to industry standards to protect against potential adverse geological impacts of seismic activity and other site-specific soils and geology constraints, including compliance with the American Society of Civil Engineers standards. Implementation of the regulatory requirements, to ensure that all improvements are constructed in compliance with the law, is the responsibility of the project engineers and building officials. With compliance with these standards, the impact related to seismic shaking would be less than significant.



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*iii and iv) Seismic-related ground failure, including liquefaction or landslides?*

**No Impact.** No, the Proposed Project would not directly or indirectly cause potential substantial adverse effects involving seismic-related ground failure or liquefaction. Liquefaction is a transformation of soil from a solid to a liquefied state during which saturated soil temporarily loses strength resulting from the buildup of excess pore water pressure, especially during earthquake-induced cyclic loading. Slope failures, commonly referred to as landslides, include many phenomena that involve the downslope displacement and movement of material, triggered by either static forces (i.e., gravity) or dynamic forces (i.e., earthquakes). The Project area is not known to be susceptible to landslides or liquefaction and is within a flat area. In addition, the Proposed Project would be subject to compliance with the American Society of Civil Engineers standards. Therefore, no impact would occur.

*b. Result in substantial soil erosion or the loss of topsoil?*

**Less than Significant Impact.** No, the Proposed Project would not result in substantial soil erosion or the loss of topsoil. Soils in the Project area have low potential for erosion (NRCS 2022); however, earthmoving and grading activities during construction of the Proposed Project have the potential to cause erosion. Routine Project operations and maintenance activities are not anticipated to result in substantial soil erosion or loss of topsoil. Construction would be required to adhere to BMPs associated with the National Pollutant Discharge Elimination System (NPDES) Construction General Permit for Discharges of Stormwater Associated with Construction Activities, also known as the Construction General Permit, to control sediment in stormwater runoff from the Project area (see checklist item a in Section 3.10, *Hydrology and Water Quality*). Therefore, impacts of the Proposed Project related to soil erosion would be less than significant.

*c and d. Be located on geologic units or soil that is expansive or unstable, or that would become unstable as a result of the project, and potentially result in on- or off-site landslide, lateral spreading, subsidence, liquefaction, or collapse?*

**Less than Significant Impact.** No, the Proposed Project would not be located on geologic units or soil that is unstable, or that would become unstable as a result of the Proposed Project. According to the soil survey data for San Joaquin County, close to half of the upper 5 feet of soils throughout the county have a low shrink-swell potential, a lesser portion is considered to have a moderate potential, and about an eighth of the area (primarily in the southwestern end of the county) has been mapped with a high potential (San Joaquin County 2014). There are no nearby structures that could be damaged and the Proposed Project would not construct any structures. Therefore, the Proposed Project would not expose people or structures to potential substantial adverse effects caused by a seismic event or other phenomena that create unstable ground at the Proposed Project site. Less than significant impacts resulting from unstable or expansive soils would result from the Proposed Project.

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

**No Impact.** The Proposed Project would not include the use of septic tanks or alternative wastewater disposal systems. Therefore, soil suitability for septic tanks or alternative wastewater disposal systems is not applicable, and the Proposed Project would have no impacts associated

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with septic systems. No impacts related to soils necessary to support septic tanks or other alternative wastewater disposal systems would occur.

*f. Directly or indirectly destroy a unique paleontological resource or site or unique geologic feature?*

**Less than Significant.** No, the Proposed Project would not directly or indirectly destroy a unique paleontological resource or site or unique geologic feature. The Society of Vertebrate Paleontology (SVP) considers remains of 5,000 years and older to be a significant resource. This also means that geologic units that have ages younger than 5,000 have a low potential as a paleontological resource. Rock formations that are considered paleontologically sensitive are those rock units that have yielded significant vertebrate or invertebrate fossil remains (SVP 2010). The vast majority of paleontological specimens from San Joaquin County have been found in rock formations in the foothills of the Diablo Mountain Range. However, remains of extinct animals such as mammoth, could be found virtually anywhere in the county, especially along watercourses such as the San Joaquin River and its tributaries (San Joaquin County 2014). However, the Project Site has an extensive history of agricultural production, no fossil specimens in institutional collections have been found near the Proposed Project site, and the majority of excavation would occur within the top 5 feet. The Native Fish Propagation Ponds would be excavated to a depth of 15 feet. Considering the soils at the Project Site and its historical use, the potential for paleontological resources is low. Furthermore, part of Metropolitan Standard Practices, if unanticipated paleontological resources are discovered during construction activities, the Project Contractor(s) would be required to comply with Metropolitan standard practices related to the protection of paleontological resources as outlined in Section 01065 of the construction contractor specifications. Therefore, impacts to paleontological resources would be less than significant.

### 3.8 Greenhouse Gas Emissions

GREENHOUSE GAS EMISSIONS				
Would the project:	Potentially Significant Impact	Less than Significant With Mitigation Incorporated	Less than Significant Impact	No Impact
a) Generate greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the environment?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) Conflict with an applicable plan, policy or regulation adopted for the purpose of reducing the emissions of greenhouse gases?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Significance criteria established by CEQA Guidelines, Appendix G.

#### Overview

GHG emissions worldwide cumulatively contribute to the significant adverse environmental impacts of global climate change. No single project could generate sufficient GHG emissions on its own to noticeably change the global average temperature. The combination of GHG emissions from past, present, and future projects in the San Joaquin Valley; the entire state of California; across the nation; and around the world contribute cumulatively to the phenomenon of global climate change and its associated environmental impacts.

Assembly Bill 32 (AB 32) also known as the Global Warming Solutions Act of 2006, codifies the State of California's GHG emissions target by directing CARB to design and implement feasible

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and cost-effective emissions limits, regulations, and other measures, such that statewide GHG emissions are reduced to 1990 levels by 2020 (representing a 25-percent reduction in emissions). The CARB identified a GHG reduction target of 15 percent from current levels for local governments (municipal and community-wide) and noted that successful implementation of the plan relies on local governments' land use planning and urban growth decisions because local governments have primary authority to plan, zone, approve, and permit land development to accommodate population growth and the changing needs of their jurisdictions. The AB 32 emissions reduction limit was achieved in 2017, 3 years prior to the 2020 goal.

In response to AB 32 GHG reduction goals, CARB adopted the Climate Change Scoping Plan, which outlined a framework for achieving the emission reduction goals set in the California Global Warming Solutions Act. The Scoping Plan was most recently updated in 2017 to address California's 2030 GHG target and identifies how the State can reach the 2030 climate target established by SB 32 while making substantial advancements toward the 2050 climate goal established by Executive Order S-3-05 (2005).

**Discussion. Would the project:**

*a and b. Conflict with or obstruct implementation of the applicable air quality plan or result in a cumulatively considerable net increase of any criteria pollutant for which the project region is non-attainment under an applicable Federal or State ambient air quality standard?*

**Less than Significant Impact.** The SJVAPCD does not recommend quantitative significance thresholds for the analysis of the impact of a project's GHG emissions on the environment. Instead, the SJVAPCD's approach relies on the application of performance-based standards to assess project-specific GHG emission impacts on global climate change. This is based on the principle that projects whose emissions have been reduced or mitigated consistent with AB 32 should be considered to have a less than significant impact on global climate change (SJVAPCD 2015c). SJVAPCD's policy provides for the following tiered approach in assessing significance of project-specific GHG emission increases:

- Projects complying with an approved GHG emission reduction plan or GHG mitigation program which avoids or substantially reduces GHG emissions within the geographic area in which the project is located would be determined to have a less than significant individual and cumulative impact for GHG emissions. Projects complying with an approved GHG emission reduction plan or GHG mitigation program would not be required to implement best performance standards (BPS).
- Projects implementing BPS would not require quantification of project-specific GHG emissions and would be determined to have a less than significant individual and cumulative impact for GHG emissions.
- Projects not implementing BPS would require quantification of project-specific GHG emissions and demonstration that project-specific GHG emissions would be reduced or mitigated by at least 29 percent compared to business as usual, including GHG emission reductions achieved since the 2002–2004 baseline period, consistent with GHG emission reduction targets established in California Air Resources Board's AB 32 Scoping Plan. Projects achieving at least a 29 percent GHG emission reduction compared to business as usual would be determined to have a less than significant individual and cumulative impact for GHG emissions.

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In May 2022, Metropolitan adopted a Climate Action Plan (CAP) and certified the associated Program Environmental Impact Report (PEIR). Metropolitan's CAP complies with the requirements of CEQA Guidelines Section 15183.5(b)(1) for a qualified greenhouse gas (GHG) emissions reduction plan, and as such, can be used to streamline and tier GHG CEQA analysis and mitigate for GHG impacts associated with construction and operational activities.<sup>5</sup> The CAP includes a baseline GHG emissions inventory of Metropolitan's operations from 1990 through 2020 and a GHG emissions forecast through 2045. It also establishes actions and policies that Metropolitan could implement to achieve its GHG reduction target. The CAP established Metropolitan's GHG emissions reduction targets to be consistent with Senate Bill (SB) 32 (40 percent reduction below 1990 levels by 2030) and Assembly Bill (AB) 1279, which codifies the state goal of achieving carbon neutrality by 2045.

Metropolitan's CAP is a qualified GHG emissions reduction plan and can be used with later activities in the cumulative analysis of future projects. More specifically, an environmental document that relies on a greenhouse gas reduction plan for a cumulative impacts analysis must identify those requirements specified in the plan that apply to the project, and, if those requirements are not otherwise binding and enforceable, incorporate those requirements as mitigation measures applicable to the project, per CEQA Guidelines Section 15183.5(b)(2).

Using a qualified CAP allows Metropolitan to tier future project-level GHG emissions analyses from the CAP, if those projects demonstrate consistency with the CAP. Consistency will be determined by conducting annual GHG emissions inventories to ensure Metropolitan is meeting its adopted GHG reduction goals. The Proposed Project's estimated construction and operation emissions are consistent with the CAP. Where applicable, the Proposed Project would follow the measures adopted in this plan, and the impact would be less than significant.

Although there are no set thresholds of significance for GHG emissions for Metropolitan projects, emissions were calculated to show the low levels of emissions associated with the Proposed Project. Construction would take place in two phases, with each phase lasting 2 months within a given year. Ongoing activities associated with Proposed Project operation would occur over 4 months each year. The Proposed Project would have a 5-year project life, over which the construction operations were amortized. The Proposed Project's GHG emission impacts associated with construction and operations were calculated using CalEEMod (Version 2020.4.0) and EMFAC2017 (v1.0.3), respectively. Emissions would come from use of diesel-powered construction equipment, and worker trips to and from the site for operational maintenance.

**Table 3.8-1. Greenhouse Gas Emissions**

	GHG Emissions (CO <sub>2</sub> e MT/y)
Amortized <sup>1</sup> Construction GHG Emissions	9.08
Operational Annual GHG Emissions	0.48
Total Annual Project GHG Emissions	9.56

Source: Appendix B

Note: CO<sub>2</sub>e MT: Metric ton of carbon dioxide equivalent

1 Emissions were amortized over a 5-year project lifespan.

<sup>5</sup> Metropolitan. 2022. *Climate Action Plan*. March 2022.

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The Proposed Project would not conflict with the applicable CAP and the emissions would have minimal impacts on the environment; therefore, GHG impacts associated with this Proposed Project would be less than significant.

### 3.9 Hazards and Hazardous Materials

#### HAZARDS AND HAZARDOUS MATERIALS

Would the project:

	Potentially Significant Impact	Less than Significant With Mitigation Incorporated	Less than Significant Impact	No Impact
a) Create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) Create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c) Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d) Be located on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 and, as a result, would it create a significant hazard to the public or the environment?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
e) For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project result in a safety hazard or excessive noise for people residing or working in the project area?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
f) Impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
g) Expose people or structures, either directly or indirectly, to a significant risk of loss, injury or death involving wildland fires?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Significance criteria established by CEQA Guidelines, Appendix G.

#### **Discussion.** *Would the project:*

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

**Less than Significant Impact.** No, the Proposed Project would not create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials or create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment.

The Proposed Project's construction equipment and materials would include fuels, oils and lubricants, and concrete, which are all commonly used in construction. The routine use of or an accidental spill of hazardous materials used in construction could result in inadvertent releases, which could adversely affect construction workers, the public, and the environment.

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As part of standard practice, Metropolitan complies with numerous regulations to ensure that construction-related fuels and other hazardous materials are transported, used, stored, and disposed of safely to protect worker safety, and to reduce the potential for such fuels or other hazardous materials to be released into the environment, including stormwater and downstream receiving water bodies. Contractors would be required to prepare and implement hazardous-materials plans that would require proper use of hazardous materials during construction and storage of such materials in appropriate containers with secondary containment, as needed, to contain a potential release.

In addition, construction contractors would be required to acquire coverage under the NPDES General Stormwater Permit, which requires the preparation and implementation of a Stormwater Pollution Prevention Plan (SWPPP) for construction activities. The SWPPP would list the hazardous materials (including petroleum products) proposed for use during construction; describe spill prevention measures, equipment inspections, and equipment and fuel storage; describe protocols for responding immediately to spills; and describe BMPs for controlling site run-on and runoff. Details regarding BMPs designed to minimize erosion are discussed in Section 3.10, *Hydrology and Water Quality*. Construction would be required to adhere to BMPs associated with the NPDES Construction General Permit for Discharges of Stormwater Associated with Construction Activities, also known as the Construction General Permit, to control sediment in stormwater runoff from the Project area.

Lastly, the transportation of hazardous materials would be regulated by the US Department of Transportation, the California Department of Transportation, and the California Highway Patrol. Together, federal and state agencies determine driver-training requirements, load-labeling procedures, and container specifications designed to minimize the risk of an accidental release.

Limited hazardous materials would be stored in the storage containers on-site, including 5 to 10 L of ethanol or formalin, and three 10 L cryogenic containers of liquid nitrogen. These substances would be appropriately stored according to physical and chemical properties and storage recommendations for the limited volumes detailed in their respective Materials Safety Data Sheets.

As part of standard Metropolitan practice, the Proposed Project would comply with the numerous laws and regulations discussed above that govern transportation, use, handling, and disposal of hazardous materials, which would limit the potential for creation of hazardous conditions due to the use or accidental release of hazardous materials. As a result, this impact would be less than significant.

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

**No Impact.** No, the Proposed Project would not emit hazardous emissions, materials, substances or waste within 0.25 miles of an existing or proposed school. No schools are located within 0.25 miles of the Proposed Project site. No impacts would occur related to emitting or handling hazardous materials within 0.25 miles of an existing or proposed school.

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

**No Impact.** No, the Proposed Project would not be located on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5. Information about hazardous materials

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sites on the Proposed Project site was collected by reviewing the California Environmental Protection Agency's Cortese List data resources and the State Water Resources Control Board's GeoTracker list. The Cortese List data resources provide information regarding facilities or sites identified as meeting the requirements for inclusion on the Cortese List. The Cortese List is updated at least annually, in compliance with California regulations (California Government Code Section 65964.6[a][4]), and includes federal Superfund sites, state response sites, non-operating hazardous waste sites, voluntary cleanup sites, and school cleanup sites. The GeoTracker list shows underground storage tanks. Based on a review of the Cortese List conducted in June 2022, no listed sites are located within 1 mile of the Proposed Project site (DTSC 2022). No impacts would occur related to the Proposed Project being located on a hazardous materials site.

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

**No Impact.** The Proposed Project would not be located within an airport land use plan. The Proposed Project site is not located within 2 miles of a public airport or public use airport. The nearest public use airport to the Proposed Project site is the Rio Vista Municipal Airport located approximately 8 miles to the northwest. No impacts would occur.

- f. Impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan?*

**No Impact.** The Proposed Project would not impair implementation of or physically interfere with an adopted emergency plan or evacuation plan. The construction activity and the staging of equipment and materials for the Proposed Project would occur on the Project site, which would not require road closures or lane restrictions. Construction access to and from the Project site from Highway 12 consists of two roads labeled Road 1 and Road 2, including an existing road and a new access road. Therefore, the Proposed Project would not impair implementation or physically interfere with an adopted emergency response or evacuation plan, and no impact would occur.

- g. Expose people or structures, either directly or indirectly, to a significant risk of loss, injury or death involving wildland fires?*

**Less than Significant Impact.** No, the Proposed Project would not expose people or structures, either directly or indirectly, to a significant risk of loss, injury or death involving wildland fires. The Proposed Project site is adjacent to lands occupied by irrigated row crops. The vegetation and land use types have a low potential for wildland fires and the Proposed Project is not expected to expose people or structures to a significant risk of loss, injury, or death involving wildland fires. The Proposed Project is within a Local Responsibility Area and lies within an Unzoned fire severity zone (CAL FIRE 2007). There is no fueling on-site and Metropolitan actively maintains its fleet vehicles and equipment. Therefore, the Proposed Project would not expose people or structures, either directly or indirectly, to a significant risk of loss, injury or death involving wildland fires, and no impacts would occur.

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### 3.10 Hydrology and Water Quality

#### HYDROLOGY AND WATER QUALITY

Would the project:

	Potentially Significant Impact	Less than Significant With Mitigation Incorporated	Less than Significant Impact	No Impact
a) Violate Regional Water Quality Control Board water quality standards or waste discharge requirements or otherwise substantially degrade surface or ground water quality?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) Substantially decrease groundwater supplies or interfere substantially with groundwater recharge such that the project may impede sustainable groundwater management of the basin?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c) Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river or through the addition of impervious surfaces, in a manner which would:				
i. Result in substantial erosion or siltation on or off site?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
ii. Substantially increase the rate or amount of surface runoff in a manner which would result in flooding on- or offsite?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
iii. Create or contribute runoff water which would exceed the capacity of existing or planned stormwater drainage systems or provide substantial additional sources of polluted runoff?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
iv. Impede or redirect flood flows?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d) In flood hazard, tsunami, or seiche zones, risk release of pollutants due to project inundation?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
e) Conflict with or obstruct implementation of a water quality control plan or sustainable groundwater management plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Significance criteria established by CEQA Guidelines, Appendix G.

#### **Discussion. Would the project:**

- a. *Violate Regional Water Quality Control Board water quality standards or waste discharge requirements or otherwise substantially degrade surface or ground water quality?*

**Less than Significant Impact.** Construction of the Proposed Project would involve the use of heavy equipment, such as excavation, grading, earthmoving, movement of spoils, installation of pipes, pumps, and water control features. Even though soil erosion potential on the Proposed Project site is generally low, construction activities have the potential to increase rates of erosion, which could increase turbidity in the agricultural ditches. In addition, the use of heavy machinery during construction would have the potential to result in an accidental release of fuels, oils, solvents, hydraulic fluid, and other construction-related fluids to the environment, thereby degrading water quality.

As described previously, soils in the Project area have low potential for erosion; however, earthmoving and grading activities during construction have the potential to cause erosion. Routine Project operations and maintenance activities are not anticipated to result in substantial soil erosion or loss of topsoil.

The contractor would be required to obtain an NPDES Construction General Permit for Discharges of Stormwater Associated with Construction Activities (Construction General Permit) from the Central Valley Regional Water Quality Control Board before initiating ground-disturbing



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activities. Among the permit's conditions would be preparation and implementation of a SWPPP that would identify and require implementation of BMPs to prevent sediment and other construction-related compounds (e.g., fuel, oil) from entering stormwater runoff. Compliance with the NPDES Construction General Permit, including the implementation of BMPs described in the SWPPP, would ensure that the Proposed Project would avoid and/or minimize the potential impact of soil erosion or the loss of topsoil during construction. Therefore, this impact would be less than significant.

On the downstream end of the basin, a control structure would be used to slow the discharge of the project water to a rate that can be handled by the island drainage system. Most of the water flowing out of the propagation ponds would be discharged into the detention basin over a 3-hour period in the morning. The detention basin is intended to drain this water over an 18- to 20-hour period throughout the subsequent day and night. The downstream water control structure would be adjustable to allow for better control of the discharge during the 18- to 20-hour period. The discharge of flows into the adjacent agricultural ditches would be monitored to ensure that agricultural ditch capacities are not exceeded. Routine operation and maintenance activities for the Proposed Project would include staff from UC Davis using pickup trucks to be on-site daily for approximately 2 months in the spring and 2 months in the fall, when fish are on-site. It is anticipated that operations and maintenance of the Proposed Project would require four workers, using pickup trucks, to be on-site twice per week. There would be no significant increase in sediment or other potential pollutants discharged into receiving waters. As a result, impacts on water quality from the Proposed Project's operation and maintenance activities would be less than significant.

- b. Substantially decrease groundwater supplies or interfere substantially with groundwater recharge such that the project may impede sustainable groundwater management of the basin?*

**Less than Significant Impact.** No, the Proposed Project would not substantially decrease groundwater supplies or interfere substantially with groundwater recharge. The propagation ponds would be filled using either surface water or groundwater to ensure consistent regulated temperatures. The water inlet at the cooling marshes would consist of a pump on a timer that fills the cooling marsh from 5 p.m. to 9 p.m. daily, at a rate of approximately 78 cfs. The groundwater system would include the use of a new well to be constructed within the Proposed Project site. The new groundwater well is expected to be up to 300 feet deep. The wells would not be hydraulically connected to any local surface water. The capacity of the new well would be up to 1,000 gpm, with up to an 8-inch-diameter discharge pipe. Well construction would cause a temporary ground disturbance with a construction footprint of up to 1,600 square feet. The transportation pipeline would be buried from the well location to Proposed Project fields at a depth of up to 24 inches. Because the Proposed Project would rely on a combination of surface water and groundwater and not solely groundwater, the amount of groundwater used would be relatively small. In addition, the majority of the Proposed Project site would not be covered by impervious surfaces and would allow for groundwater recharge. Therefore, a less than significant impact related to the decrease of groundwater supplies or interfere substantially with groundwater recharge would occur from the Proposed Project.

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- c. *Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river or through the addition of impervious surfaces, in a manner which would:*

- i) *Result in substantial erosion or siltation on or off site?*

**Less than Significant Impact.** No, the Proposed Project would not substantially alter the existing drainage pattern of the site or area in a manner which would result in substantial erosion on- or off-site. The Proposed Project would comply with the NPDES Construction General Permit, including the implementation of BMPs described in the SWPPP to prevent water quality pollutants such as silt and sediment from entering receiving waters. In addition, the perimeter berms would be covered with visqueen on the waterside embankments to reduce seepage and erosion. Outlet water from the detention basin would be slowed by a control structure to slow the discharge of the Proposed Project water to a rate that can be handled by the island drainage system. Therefore, a less than significant impact related to the creation of substantial erosion or siltation would occur from the Proposed Project.

- ii and iii) *Substantially increase the rate or amount of surface runoff in a manner which would result in flooding on- or offsite or create or contribute runoff water which would exceed the capacity of existing or planned stormwater drainage systems or provide substantial additional sources of polluted runoff?*

**Less than Significant Impact.** No, the Proposed Project would not substantially alter the existing drainage pattern of the site or area in a manner which would substantially increase the rate or amount of surface runoff in a manner which would result in flooding on- or off-site or contribute runoff water which would exceed the capacity of existing or planned stormwater drainage systems or provide substantial additional sources of polluted runoff. Flows exiting the marsh area would be screened and controlled through a set of slide-gates. Outlet water from the detention basin would drain to the existing agricultural ditch on the south-west side of the field. On the downstream end of the basin, a control structure would be used to slow the discharge of the project water to a rate that can be handled by the island drainage system. Most of the water flowing out of the propagation ponds would be discharged into the detention basin over a 3-hour period in the morning. The detention basin is intended to drain this water over an 18- to 20-hour period throughout the subsequent day and night. The downstream water control structure would be adjustable to allow for better control of the discharge during the 18- to 20-hour period. The discharge of flows into the adjacent agricultural ditch would be monitored to ensure that agricultural ditch capacities are not exceeded. Therefore, the Proposed Project would have less than significant associated impacts related to substantially increasing the rate or amount of surface runoff and creating or contributing substantial amounts of runoff water.

- iv) *Impede or redirect flood flows?*

**Less than Significant Impact.** No, the Proposed Project would not impede or redirect flood flows. The Proposed Project would include development of the marsh-pond complexes and associated infrastructure. Outlet water from the detention basin would drain to the existing agricultural ditch on the south-west side of the field. On the downstream end of the basin, a control structure would be used to slow the discharge of the Proposed Project water to a rate that can be handled by the island drainage system. Therefore, this impact would be less than significant.

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- d. *In flood hazard, tsunami, or seiche zones, risk release of pollutants due to project inundation?*

**Less than Significant Impact.** No, the Proposed Project would include development of the marsh-pond complexes and associated infrastructure to serve as a surface water regulating and storage facility. Once constructed, routine operation and maintenance activities for the Proposed Project would include staff from UC Davis using pickup trucks to be on-site daily for approximately 2 months in the spring and 2 months in the fall, when fish are on-site. It is anticipated that operations and maintenance of the Proposed Project would require four workers, using pickup trucks, to be on-site twice per week. Limited hazardous materials would be stored in the storage containers on-site, including 5 to 10 L of ethanol or formalin, and three 10 L cryogenic containers of liquid nitrogen. Therefore, this impact would be less than significant.

- e. *Conflict with or obstruct implementation of a water quality control plan or sustainable groundwater management plan?*

**Less than Significant Impact.** No, the Proposed Project would not conflict with or obstruct implementation of a water quality control plan or sustainable groundwater management plan. As described previously under checklist items a) and b), the Proposed Project would comply with the NPDES Construction General Permit, including the implementation of BMPs described in the SWPPP to prevent water quality pollutants such as silt, sediment, hazardous materials, and construction-related fluids from entering receiving waters. Implementing the Proposed Project would result in the addition of minimal impervious surfaces from construction of the concrete-lined open ditches; however, the Proposed Project would discharge Proposed Project water via the island drainage system. Therefore, this impact would be less than significant.

### 3.11 Land Use and Planning

#### LAND USE PLANNING

Would the project:

	Potentially Significant Impact	Less than Significant With Mitigation Incorporated	Less than Significant Impact	No Impact
a) Physically divide an established community?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Cause a significant environmental impact due to a conflict with any land use plan, policy, or regulation adopted for the purpose of avoiding or mitigating an environmental effect?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Significance criteria established by CEQA Guidelines, Appendix G.

#### **Discussion.** *Would the project:*

- a and b. *Physically divide an established community or cause a significant environmental impact due to a conflict with any land use plan, policy, or regulation adopted for the purpose of avoiding or mitigating an environmental effect?*

**No Impact.** No, the Proposed Project would not physically divide an established community. The Proposed Project site is on Bouldin Island which is Metropolitan fee property. The Proposed Project site and access roads are not located within an established community and do not serve as a means of moving through or connecting a community or neighborhood. There are no communities in the vicinity of the Proposed Project site and the Proposed Project would be consistent with existing land uses, plans, policies, and regulations. For these reasons, the Proposed

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Project would not physically divide an existing community, would not conflict with a land use plan, policy or regulation and no impacts would occur.

### 3.12 Mineral Resources

MINERAL RESOURCES				
Would the project:	Potentially Significant Impact	Less than Significant With Mitigation Incorporated	Less than Significant Impact	No Impact
a) Result in the loss of availability of a known mineral resource that would be of value to the region and the residents of the State?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Result in the loss of availability of a locally important mineral resource recovery site delineated on a local general plan, specific plan or other land use plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Significance criteria established by CEQA Guidelines, Appendix G.

***Discussion. Would the project:***

*a and b. Result in the loss of availability of a known mineral resource that would be of value to the region and the residents of the State or resource recovery site delineated on a local general plan, specific plan or other land use plan?*

**No Impact.** No, the Proposed Project would not result in the loss of availability of a known mineral resource or result in the loss of availability of a locally important mineral resource recovery site. The Proposed Project is located on a parcel zoned for agriculture and would not result in the loss of availability of a known mineral resource and would not affect a locally important mineral resource recovery site delineated on a local general plan, specific plan, or other land use plan. No impact would occur related to loss of a known mineral resource of value to the region or residents of the State.

### 3.13 Noise

NOISE				
Would the project:	Potentially Significant Impact	Less than Significant With Mitigation Incorporated	Less than Significant Impact	No Impact
a) Generation of a substantial temporary or permanent increase in ambient noise levels in the vicinity of the project in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) Generation of excessive groundborne vibration or groundborne noise levels?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c) For a project located within the vicinity of a private airstrip or an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project expose people residing or working in the project area to excessive noise levels?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Significance criteria established by CEQA Guidelines, Appendix G.

### Regulatory

Federal, state, and local agencies regulate different aspects of environmental noise. Federal and state agencies generally set noise standards for mobile sources such as aircraft and motor vehicles, while regulation of stationary sources is left to local agencies. Local regulation of noise involves

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implementation of general plan policies and noise ordinance standards. Local general plans tend to identify general principles intended to guide and influence development plans; local ordinances establish standards and procedures for addressing specific noise sources and activities.

San Joaquin County General Plan. The San Joaquin County General Plan Public Health and Safety Element contains policies and noise thresholds that are only applicable to permanent noise sources (San Joaquin County 2016). The Health and Safety Element does not contain policies that address temporary noise during construction.

San Joaquin County Code of Ordinances. San Joaquin County Ordinance Chapter 9-1025 establishes the noise control regulations in the County. Section 9-1025.9(c) identifies activities that are exempt from any noise threshold or standard identified in Ordinance Chapter 9-1025: (3). Noise sources associated with construction, provided such activities do not take place before 6 a.m. or after 9 p.m. on any day (San Joaquin County 2002).

**Discussion. *Would the project:***

- a. *Generation of a substantial temporary or permanent increase in ambient noise levels in the vicinity of the project in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies?*

**Less than Significant Impact.** No, the Proposed Project would not generate a substantial temporary or permanent increase in ambient noise levels in excess of standards. The Proposed Project would include the construction of two marsh-pond complexes that would house native fish to create an approximately 145-acre Project site. Construction of the Proposed Project is expected to take place with Phase I starting in spring 2023 and lasting for approximately 2 months. If Phase I is successful, Phase II construction would start in spring 2024 and last for approximately 2 months. Operation and maintenance of the Proposed Project would not generate a permanent increase in ambient noise levels. Therefore, when considering noise that could exceed standards established in the local general plan or noise ordinance, only temporary construction noise generated by the Proposed Project would apply.

All construction activities associated with the Proposed Project would occur during a daytime 8-hour construction period and would therefore be consistent with the noise exemption pursuant to Section 9-1025.9(c)(3). As such, this Proposed Project would not exceed established standards of the County Code. The Proposed Project is located in the is within the Sacramento-San Joaquin Delta on Bouldin Island. Recreational uses exist surrounding the Proposed Project site. The nearest residential receptors are 0.40 miles (approximately 2,100 feet) west from the Project site. The primary noise sources in the vicinity of the Project site primarily include vehicle traffic on SR 12. Because the nearest residential receptor is over 2,000 feet away, construction noise would not result in a substantial increase in noise levels. As part of Metropolitan standard practice, work would be performed without undue noise and in a manner that prevents nuisance noise, including use of construction equipment with mufflers. A less than significant impact would occur from the Proposed Project generating substantial temporary or permanent noise levels in the vicinity of the Proposed Project area in excess of established standards.

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*b. Generation of excessive groundborne vibration or groundborne noise levels?*

**Less than Significant Impact.** Operation and maintenance of the Proposed Project's marsh-pond complexes would not include any substantial sources of vibration. Groundborne vibration and noise associated with some construction activities, including the use of bulldozers, drill rigs and compaction equipment. vibratory rollers, can cause excessive vibration. Groundborne vibration and noise levels generated by the types of equipment required to prepare the site and construct the proposed facility would be minimal, temporary, and would not cause human annoyance or structure damage at distance of 25 feet or beyond from the source (FTA 2018). No existing historic structures that would be potentially vulnerable to vibration are located in the immediate vicinity of the Proposed Project site such that any damage related to groundborne vibration from construction activities would occur. This impact would be less than significant.

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

**No Impact.** There are no private airstrips or public airports located within 2 miles of the Proposed Project site. The nearest airport, the Rio Vista Municipal Airport is located more than 8 miles northeast from the Proposed Project site (Rio Vista 1998). Therefore, the Proposed Project would not expose people residing or working in the Proposed Project area to excessive noise levels from aircraft activity. There would be no impact with respect to this criterion.

### 3.14 Population and Housing

POPULATION AND HOUSING				
Would the project:	Potentially Significant Impact	Less than Significant With Mitigation Incorporated	Less than Significant Impact	No Impact
a) Induce substantial unplanned population growth in an area, either directly (for example, by proposing new homes and businesses) or indirectly (for example, through extension of roads or other infrastructure)?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Displace substantial numbers of existing people or housing, necessitating the construction of replacement housing elsewhere?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Significance criteria established by CEQA Guidelines, Appendix G.

**Discussion.** *Would the project:*

*a and b. Induce substantial unplanned population growth in an area, either directly (for example, by proposing new homes and businesses) or indirectly (for example, through extension of roads or other infrastructure; or displace substantial numbers of existing people or housing, necessitating the construction of replacement housing elsewhere?*

**No Impact.** No, the Proposed Project would not induce substantial unplanned growth in an area or displace substantial numbers of existing people or housing, necessitating the construction of replacement housing elsewhere. The Proposed Project would involve the development of the marsh-pond complexes and associated infrastructure. The Proposed Project would not include new homes. Construction would be short-term and would not require additional workers outside of the existing work force. Existing workers would be responsible for operation and maintenance of the

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Proposed Project. The Proposed Project site is located on a parcel zoned for agriculture and would not displace any housing or people. Therefore, the Proposed Project would not induce substantial unplanned population growth in an area either directly or indirectly or displace substantial numbers of existing people or housing and no impact would occur.

### 3.15 Public Services

#### PUBLIC SERVICES

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

	Potentially Significant Impact	Less than Significant With Mitigation Incorporated	Less than Significant Impact	No Impact
a) Fire protection?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Police protection?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) Schools?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d) Parks?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
e) Other public facilities?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Significance criteria established by CEQA Guidelines, Appendix G.

#### **Discussion. Would the Proposed Project:**

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

*a-e. Fire protection, police protection, schools, parks, or other public facilities?*

**No Impact.** No, the Proposed Project would not result in the construction of any new facilities or population that would generate a need for new or physically altered government facilities. The Proposed Project would not induce population growth or change the existing land use at the Project site. The Project site does not contain any existing dwelling units or structures, and none are proposed. Therefore, demand for police and fire protection and for community amenities such as schools and parks would not change relative to existing conditions, would not alter acceptable service ratios or response times, would not increase the need for new or expanded park facilities, and would not result in the need for new schools or alteration to schools or any other public facilities. No impact would occur.

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### 3.16 Recreation

#### RECREATION

Would the project:

	Potentially Significant Impact	Less than Significant With Mitigation Incorporated	Less than Significant Impact	No Impact
a) Would the project increase the use of existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facility would occur or be accelerated?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Does the project include recreational facilities or require the construction or expansion of recreational facilities, which might have an adverse physical effect on the environment?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Significance criteria established by CEQA Guidelines, Appendix G.

#### **Discussion.** *Would the project:*

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

**No Impact.** No, the Proposed Project would not increase the use of existing neighborhood and regional parks or other recreational facilities. The Proposed Project would include development of the marsh-pond complexes and associated infrastructure, and would not increase demand for recreation facilities. Therefore, no impacts related to existing neighborhood and regional parks or other recreational facilities, or the deterioration of such facilities, would occur as a result of implementing the Proposed Project.

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

**No Impact.** No, the Proposed Project does not include recreational facilities or require the construction or expansion of recreational facilities. The Proposed Project would include development of the marsh-pond complexes and associated infrastructure. The Proposed Project would not change the existing land use at the Project site and does not include recreational facilities or require the construction or expansion of recreational facilities. The Proposed Project does not involve the development of recreational facilities that would have an adverse effect on the environment, and no impacts would occur.

### 3.17 Transportation

#### TRANSPORTATION

Would the project:

	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less than Significant Impact	No Impact
a) Conflict with a program, plan, ordinance, or policy addressing the circulation system, including transit, roadway, bicycle, and pedestrian facilities?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) Would the project conflict or be inconsistent with CEQA Guidelines Section 15064.3, subdivision (b)?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c) Substantially increase hazards due to a geometric design feature (5.g., sharp curves or dangerous intersections) or incompatible uses (5.g., farm equipment)?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>



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## TRANSPORTATION

Would the project:

	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less than Significant Impact	No Impact
d) Result in inadequate emergency access?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Significance criteria established by CEQA Guidelines, Appendix G.

### **Discussion. Would the project:**

- a. *Conflict with a program, plan, ordinance, or policy addressing the circulation system, including transit, roadway, bicycle, and pedestrian facilities?*

**Less than Significant Impact.** No, the Proposed Project would not conflict with a program, plan, ordinance, or policy addressing the circulation system. Construction of the Proposed Project would temporarily generate increases in vehicle trips by workers and vehicles on area roadways. There could be a minimal increase in truck trips for construction. Construction activities would be completed in two phases, lasting approximately 2 months for each phase. Construction would require approximately 12 workers total for each phase. Six workers for general construction and six workers for tule transplanting. Given the scale of the Proposed Project and the length of the construction period, the capacity of local roads used to access the Proposed Project site would not likely be substantially reduced. Operation of the Proposed Project would require staff from UC Davis using pickup trucks to be on-site daily for approximately 2 months in the spring and 2 months in the fall, when fish are on-site. It is anticipated that operations and maintenance of the Proposed Project would require four workers, using pickup trucks, to be on-site twice per week when ponds are operational and fish are on-site. Because the increase in traffic during construction and operation of the Proposed Project would be minimal, there would be no decreased levels of service. The Proposed Project would not induce population growth or changes to a transit roadway, bicycle system, or pedestrian facilities. The Proposed Project would not change the existing land use at the Project sites. The Proposed Project would not impact any county program, plan, ordinance, or policy related to transit, bicycle, or pedestrian facilities in the vicinity of the site or along local roadways. Therefore, this impact would be less than significant.

- b. *Would the project conflict or be inconsistent with CEQA Guidelines Section 15064.3, subdivision (b)?*

**Less than Significant Impact.** No, the Proposed Project would not conflict with or be inconsistent with CEQA Guidelines Section 15064.3(b). The State CEQA Guidelines Section 15064.3(b)(3) identify vehicle miles traveled (VMT)—the amount and distance of automobile travel attributable to a project—as the most appropriate measure of transportation impacts. Other relevant considerations may include the effects of the Proposed Project on transit and nonmotorized travel. Construction activities for the Proposed Project would be completed in two phases with Phase I starting in spring 2023 and lasting for approximately 2 months. If Phase I is successful, Phase II construction would start in spring 2024 and last for approximately 2 months. Both phases of construction would use existing construction crews. Operation of the Proposed Project would not add a substantial amount of VMT to the Project area and as discussed under impact a), the Proposed Project would not impact any county program, plan, ordinance, or policy related to transit, bicycle, or pedestrian facilities in the vicinity of the site or along local roadways. Therefore, the Proposed Project would not generate any new long-term trips and would have no effect on existing VMT of the area. Therefore, this impact would be less than significant.

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

**Less than Significant Impact.** No, the Proposed Project would not substantially increase hazards due to a geometric design feature or incompatible uses. Construction access to and from the site from Highway 12 consists of two roads labeled Road 1 and Road 2, including an existing road which is 15 to 20 feet wide and a new access road to be designed with a width of approximately 20 to 30 feet. Based on the low number of anticipated construction trips relative to traffic volumes on local roadways and their limited duration, this impact of Proposed Project construction would be less than significant. Construction of the Proposed Project would not result in new design features on roads in the area. No pedestrian or bicycle paths are along the construction route. Further, the Proposed Project would not result in potential traffic safety hazards for vehicles, bicyclists, and pedestrians on public roadways, given the intermittent and temporary nature of construction activities. The Proposed Project does not include installation of or modifications to any public roadways, driveways, or geometric design features. Therefore, this impact would be less than significant.

- d. *Result in inadequate emergency access?*

**Less than Significant Impact.** No, the Proposed Project would not result in inadequate emergency access. Temporary construction staging would be on the Proposed Project site and would not block or interfere with emergency response vehicles. Increases in traffic volumes on local roadways providing access to the Proposed Project site could cause intermittent and temporary slowdowns in traffic flow during construction, although truck trips associated with Project operation are not expected to cause access on local roadways to deteriorate. For these reasons, the Proposed Project would not result in inadequate emergency access, and this impact would be less than significant.

### 3.18 Tribal Cultural Resources

TRIBAL CULTURAL RESOURCES				
Would the project:	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less than Significant Impact	No Impact
a) Would the project cause a substantial adverse change in the significance of a tribal cultural resource, defined in Public Resources Code Section 21074 as either a site, feature, place, cultural landscape that is geographically defined in terms of the size and scope of the landscape, sacred place, or object with cultural value to a California Native American tribe, and that is:				
i. Listed or eligible for listing in the California Register of Historical Resources, or in a local register of historical resources as defined in Public Resources Code Section 5020.1(k)?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
ii. A resource determined by the lead agency, in its discretion and supported by substantial evidence, to be significant pursuant to criteria set forth in subdivision (c) of Public Resources Code Section 5024.1. In applying the criteria set forth in subdivision (c) of Public Resource Code Section 5024.1, the lead agency shall consider the significance of the resource to a California Native American tribe?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

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## Native American Correspondence

No California Native American Tribes traditionally and culturally affiliated with the Proposed Project Area and vicinity have reached out to Metropolitan to be consulted with on Metropolitan projects as per PRC § 21080.3.1, 21080.3.2, and 21082.3. Therefore, no tribal consultation efforts outside of the NAHC correspondence was conducted.

See Section 3.5, *Cultural Resources*, for a summary of ESA's CCIC records search, background research, and field identification efforts for cultural resources.

### **Discussion. Would the project:**

- a. *Would the project cause a substantial adverse change in the significance of a tribal cultural resource, defined in Public Resources Code Section 21074 as either a site, feature, place, cultural landscape that is geographically defined in terms of the size and scope of the landscape, sacred place, or object with cultural value to a California Native American tribe, and that is:*
  - i) *Listed or eligible for listing in the California Register of Historical Resources, or in a local register of historical resources as defined in Public Resources Code Section 5020.1(k)?*
  - ii) *A resource determined by the lead agency, in its discretion and supported by substantial evidence, to be significant pursuant to criteria set forth in subdivision (c) of Public Resources Code Section 5024.1. In applying the criteria set forth in subdivision (c) of Public Resource Code Section 5024.1, the lead agency shall consider the significance of the resource to a California Native American tribe?*

**No Impact.** No, the Proposed Project would not cause a substantial adverse change in the significance of a tribal cultural resource, as defined in PRC § 21074, that is listed or eligible for listing in the California Register or local register of historical resources, or determined by Metropolitan to be significant pursuant to PRC § 5024.1. No California Native American Tribes traditionally and culturally affiliated with the Proposed Project Area and vicinity have reached out to Metropolitan to be consulted with on Metropolitan projects as per PRC § 21080.3.1, 21080.3.2, and 21082.3. As such, no tribal consultation efforts outside of the NAHC correspondence was conducted. Therefore, the Proposed Project is not anticipated to impact any tribal cultural resources.

## 3.19 Utilities and Service Systems

### UTILITIES AND SERVICE SYSTEMS

Would the project:

	Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less than Significant Impact	No Impact
a) Require or result in the relocation or construction of new or expanded water, wastewater treatment or stormwater drainage, electric power, natural gas, or telecommunication facilities, the construction of which could cause significant environmental effects?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) Have sufficient water supplies available to serve the project and reasonably foreseeable future development during normal, dry, and multiple dry years?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

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## UTILITIES AND SERVICE SYSTEMS

Would the project:

	Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less than Significant Impact	No Impact
c) Result in a determination by the wastewater treatment provider which serves or may serve the project that it has adequate capacity to serve the project's projected demand in addition to the provider's existing commitments?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d) Generate solid waste in excess of State or local standards, or in excess of the capacity of local infrastructure, or otherwise impair the attainment of solid waste reduction goals?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
e) Comply with federal, state, and local management and reduction statutes and regulations related to solid waste?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Significance criteria established by CEQA Guidelines, Appendix G.

### **Discussion.** *Would the project:*

- a. Require or result in the relocation or construction of new or expanded water, wastewater treatment or stormwater drainage, electric power, natural gas, or telecommunication facilities, the construction of which could cause significant environmental effects?*

**Less than Significant Impact.** The Proposed Project would involve the development of the marsh-pond complexes and associated infrastructure, the effects of which are analyzed throughout this document. The Proposed Project would not include or require the relocation or construction of new or expanded wastewater treatment or stormwater drainage, natural gas, or telecommunications facilities as a result of the Proposed Project. The Proposed Project would not require additional water or expanded wastewater treatment capacity or facilities. The propagation ponds would be filled using either surface water or groundwater to ensure consistent regulated temperatures. The water distribution system would be a combination of earthen and concrete-lined open ditches (6 feet wide) and pipes (ranging between 4 and 24 inches in diameter) to provide surface water from existing siphons or pumped from the existing groundwater aquifer. Power for the electric motors on the proposed new well, the low-lift pumps, and the water control structures would be provided from the existing clubhouse located near the marsh-pond complex site or from PG&E powerlines that parallel the toe drain. Both sources of power would be served by PG&E. An additional transformer may be required. Construction of the Proposed Project would comply with all wastewater requirements of the Central Valley Regional Water Quality Control Board (see Section 3.10, *Hydrology and Water Quality*, for more information). Therefore, these impacts would be less than significant.

- b. Have sufficient water supplies available to serve the project and reasonably foreseeable future development during normal, dry, and multiple dry years?*

**Less than Significant Impact.** Yes, the Proposed Project would have sufficient water supplies available to serve the Project and reasonably foreseeable future development during normal, dry, and multiple dry years. Bouldin Island has water rights sufficient to supply the Proposed Project. The surface water would originate from existing siphons that pull from the Mokelumne River within the Project site. The groundwater system would include the use of a new well to be constructed within the Project site. The new groundwater well is expected to be up to 300 feet deep. The wells would not be hydraulically connected to any local surface water. Groundwater

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depth in the Project area is under 10 feet below surface level (DWR 2022). Impacts would be less than significant related to water supplies.

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

**No Impact.** No, the Proposed Project would not result in a determination by a wastewater treatment provider which serves or may serve the Proposed Project that it does not have adequate capacity to serve the Proposed Project. The Proposed Project includes the development of the marsh-pond complexes and associated infrastructure. The Proposed Project would not require additional wastewater treatment capacity or facilities. No new demand on an existing wastewater treatment provider would occur as a result of the Proposed Project, thus no impact would occur.

- d. Generate solid waste in excess of State or local standards, or in excess of the capacity of local infrastructure, or otherwise impair the attainment of solid waste reduction goals?*

**Less than Significant Impact.** No, the Proposed Project would not generate solid waste in excess of State or local standards, or in excess of the capacity of local infrastructure, or otherwise impair the attainment of solid waste reduction goals. The Proposed Project involves the development of the marsh-pond complexes and associated infrastructure. Small amounts of solid waste would be generated by the Proposed Project. The Proposed Project would generate minimal waste during temporary construction activities. As of December 31, 2009, the North County Landfill & Recycling Center, the closest permitted landfill in San Joaquin County, had a permitted capacity of 41,200,000 cubic yards and a remaining capacity of 35,400,000, and the landfill is permitted through 2048 (CalRecycle 2022). The landfill that serves the Project area has the capacity to accept the minimal amount of waste generated by the Proposed Project. Therefore, this impact would be less than significant.

- e. Comply with federal, state, and local management and reduction statutes and regulations related to solid waste?*

**No Impact.** The Proposed Project would comply with federal, state, and local management and reduction statutes and regulations related to solid waste. The Proposed Project involves development of the marsh-pond complexes and associated infrastructure. All off-hauled materials would be taken to an approved storage, recycle, or waste facility. Off-hauled material would be handled and disposed of per federal, state, and local statutes and regulations related to solid waste. Therefore, no impacts from the Proposed Project would occur related to compliance with federal, state, and local management and reduction statutes and regulations related to solid waste.

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### 3.20 Wildfire

#### Wildfire

If located in or near state responsibility areas or lands classified as very high fire hazard severity zones, would the project:

	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less than Significant Impact	No Impact
a) Substantially impair an adopted emergency response plan or emergency evacuation plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Due to slope, prevailing winds, and other factors, exacerbate wildfire risks, and thereby expose project occupants to, pollutant concentrations from a wildfire or the uncontrolled spread of a wildfire?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) Require the installation or maintenance of associated infrastructure (such as roads, fuel breaks, emergency water sources, power lines or other utilities) that may exacerbate fire risk or that may result in temporary or ongoing impacts to the environment?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d) Expose people or structures to significant risks, including downslope or downstream flooding or landslides, as a result of runoff, post-fire slope instability, or drainage changes?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

#### **Discussion.** *Would the project:*

- a. *Substantially impair an adopted emergency response plan or emergency evacuation plan?*

**No Impact.** No, the Proposed Project would not substantially impair an adopted emergency response plan or emergency evacuation plan. The Project site is adjacent to lands occupied by irrigated row crops. The Proposed Project is within a Local Responsibility Area and lies within an Unzoned fire severity zone (CAL FIRE 2007) and does not include modifications to any public roadways that would be used in an emergency response or evacuation plan. Construction activities would be completed in two phases, lasting approximately 2 months for each phase. Construction would require approximately 12 workers total for each phase. Six workers for general construction and six workers for tule transplanting. Given the scale of the Proposed Project and the length of the construction period, the capacity of local roads used to access the Proposed Project site would not likely be substantially reduced. Therefore, the Proposed Project would not impact roadways or access routes that could be utilized for emergency response or emergency evacuation. No impacts related to substantial impairment of an adopted emergency response plan or emergency evacuation plan would occur from the Proposed Project.

- b. *Due to slope, prevailing winds, and other factors, exacerbate wildfire risks, and thereby expose project occupants to, pollutant concentrations from a wildfire or the uncontrolled spread of a wildfire?*

**No Impact.** No, the Proposed Project would not expose Project occupants to pollutant concentrations from a wildfire due to slope, prevailing winds, or other factors. The Proposed Project is within a Local Responsibility Area and lies within an unzoned fire severity zone (CAL FIRE 2007). Generally, irrigated agricultural land poses a low risk for wildfire. Removing vegetation would lower on-site fuel sources for wildfires. The Project area is within a flat area and would not exacerbate wildfire risk from slopes. To reduce fire risk during construction, the construction contractor would adhere to standard Metropolitan construction practices, which

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require fire containment and extinguishing equipment located onsite and include practices to avoid accidental ignition and leaking of fuels and other combustible materials. All gasoline-powered or diesel-powered machinery used during construction would be equipped with standard exhaust controls and muffling devices that will also act as spark arrestors. The Proposed Project would not exacerbate wildfire risks that would expose on-site employees to pollutants or uncontrolled wildfires. Therefore, no impact would occur.

- c. Require the installation or maintenance of associated infrastructure (such as roads, fuel breaks, emergency water sources, power lines or other utilities) that may exacerbate fire risk or that may result in temporary or ongoing impacts to the environment?*

**Less than Significant Impact.** No, the Proposed Project would include the development of the marsh-pond complexes and associated infrastructure that would be powered by electricity. Power for the electric motors on the wells would be provided from the existing clubhouse located near the marsh-pond complex site or from powerlines that parallel the toe drain. An additional transformer may be required but would not result in additional ground disturbance. Given the low wildfire potential because of the irrigated agricultural lands surrounding the Project site, the Proposed Project is not expected to result in temporary or ongoing impacts to the environment from the installation or maintenance of infrastructure that would exacerbate wildfire risks. This impact would be less than significant.

- d. Expose people or structures to significant risks, including downslope or downstream flooding or landslides, as a result of runoff, post-fire slope instability, or drainage changes?*

**No Impact.** No, the Proposed Project would not expose people or structures to significant risks, including downslope or downstream flooding or landslides, as a result of runoff, post-fire slope instability, or drainage changes. The Proposed Project would include the development of the marsh-pond complexes and associated infrastructure in an area used for irrigated row crops. The slope and stability of the Project site would not change as a result of the Proposed Project and would not result in runoff or drainage changes after a fire. The Proposed Project is within a Local Responsibility Area and lies within an Unzoned fire severity zone (CAL FIRE 2007), the Proposed Project does not have the potential to expose people or structures to significant risks due to post-wildfire flooding or ground instability. No impacts would occur related to exposing persons or structures to significant post-fire risks.

### 3.21 Mandatory Findings of Significance

#### MANDATORY FINDINGS OF SIGNIFICANCE

Would the project:

	Potentially Significant Impact	Less than Significant With Mitigation Incorporated	Less than Significant Impact	No Impact
a) Does the project have the potential to substantially degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, substantially reduce the number or restrict the range of a rare or endangered plant or animal, or eliminate important examples of the major periods of California history or prehistory?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

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### MANDATORY FINDINGS OF SIGNIFICANCE

Would the project:

	Potentially Significant Impact	Less than Significant With Mitigation Incorporated	Less than Significant Impact	No Impact
b) Does the project have impacts that are individually limited, but cumulatively considerable? ( <i>Cumulatively considerable</i> means that the incremental effects of a project are considerable when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects.)	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
c) Does the project have environmental effects that would cause substantial adverse effects on human beings, either directly or indirectly?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Significance criteria established by CEQA Guidelines, Appendix G.

### Discussion:

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

**Less than Significant with Mitigation Incorporated.** As described in the preceding impact discussions, the impacts related to the potential of the Proposed Project to substantially degrade the environment would be less than significant with mitigation measures incorporated. As described in this IS/MND, the Proposed Project has the potential for impacts related to biological resources. However, these impacts would be avoided or reduced to a less than significant level with the incorporation of avoidance and mitigation measures discussed in each section.

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

**Less than Significant with Mitigation Incorporated.** This section provides a description of other actions in the area and a discussion of the cumulative impacts of those projects in combination with the previously identified effects of the Proposed Project. State CEQA Guidelines Section 15355 states that “cumulative impacts refer to two or more individual effects which, when considered together, are considerable or which compound or increase other environmental impacts”:

- (a) The individual effects may be changes resulting from a single project or a number of separate projects.
- (b) The cumulative impact from several projects is the change in the environment which results from the incremental impact of the Proposed Project when added to other closely related past, present, and reasonably foreseeable probable future projects. Cumulative impacts can result from individually minor but collectively significant projects taking place over a period of time.



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The past, present, and reasonably foreseeable future conditions of the Proposed Project site and vicinity were considered for the cumulative analysis.

**Aesthetics.** Completion of the Proposed Project would result in some permanent visual changes to the Proposed Project site from installation of the marsh-pond complexes and associated infrastructure. The Proposed Project would be consistent with the rural agricultural nature of the existing setting. Therefore, cumulative impacts on aesthetics would be less than significant.

**Agriculture and Forestry Resources.** The Project site is designated as Prime Farmland. The Proposed Project covers approximately 145 acres across two parcels and involves two marsh-pond complexes where research can occur. The Proposed Project would last approximately 5 years with the option to extend longer; however, the Proposed Project would not be permanent or result in the conversion of Prime Farmland, Unique Farmland, or Farmland of Statewide Importance. The Proposed Project site is not under a Williamson Act contract. The Proposed Project site is not zoned as forest land or timberland or zoned for timberland production. Therefore, impacts related to agriculture would be less than significant. As such, cumulative impacts to agricultural resources would be less than significant. The Proposed Project would have no impact on forestry resources and thus would not contribute to cumulative impacts.

**Air Quality and Greenhouse Gas Emissions.** A number of individual projects in the vicinity of the Proposed Project may be under construction simultaneously with the Proposed Project. Depending on construction schedules and actual implementation of projects in and around San Joaquin County, generation of fugitive dust and pollutant emissions during construction may result in short-term air pollutants, which would contribute to short-term cumulative impacts on air quality. However, each individual project would be subject to San Joaquin Valley Air Pollution Control District rules, regulations, and other mitigation requirements during construction. In addition, the Proposed Project's estimated construction and operation emissions are consistent with the CAP. Where applicable, the Proposed Project would follow the measures adopted in this plan, and the impact would be less than significant. For cumulative impacts on air quality and greenhouse gas emissions and further discussion of consistency with the CAP, see Section 3.3, *Air Quality*, and Section 3.8, *Greenhouse Gas Emissions*, above. The thresholds used consider the contributions of other projects in the air basin. Additionally, greenhouse gas emissions are considered cumulative in nature because it is unlikely that a single project would contribute significantly to climate change.

**Biological Resources.** Adverse effects on special-status plants and wildlife could occur as a result of construction and maintenance activities, but would be reduced to less than significant through implementation of mitigation measures BIO-1 through BIO-8. Impacts to fresh emergent wetland will be temporary in nature and will be passively restored as described in Mitigation Measures BIO-9 thereby reducing these impacts to a less-than-significant level. The Proposed Project's impacts for biological resources would be limited to the Proposed Project site, and any significant impacts would be reduced to a less than significant level by implementing proposed mitigation measures. Thus, the Proposed Project would not contribute to cumulative impacts for biological resources.

**Cultural Resources.** The Proposed Project would have no impact on historical resources, pursuant to CEQA Guidelines § 15064.5. As no known archaeological resources that may qualify as historical resources (as defined in CEQA Guidelines § 15064.5) or unique archaeological resources (as defined in PRC § 21083.2[g]) are present in the C-APE, the Proposed Project is not expected

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to impact any archaeological resource, pursuant to CEQA Guidelines § 15064.5, and impacts are less than significant. The Proposed Project is not anticipated to disturb any human remains. The Proposed Project's impacts for cultural resources would be limited to the Proposed Project site, and any significant impacts would be reduced to a less than significant level by implementing proposed mitigation measures. Thus, the Proposed Project would not contribute to cumulative impacts for cultural resources.

**Energy.** Construction of the Proposed Project would result in fuel consumption from the use of construction tools and equipment, truck trips to haul materials, and vehicle trips by construction workers commuting to and from the Proposed Project site. This impact would be temporary and localized. Operational energy impacts are not anticipated. Construction-related fuel consumption by the Proposed Project would not result in inefficient, wasteful, or unnecessary energy use compared with other construction sites in the region.

**Geology and Soils.** The Proposed Project would be constructed with adherence to regulatory requirements, which would ensure impacts related to seismic shaking would be less than significant. Construction would be required to adhere to BMPs associated with NPDES Construction General Permit for Discharges of Stormwater Associated with Construction Activities, also known as the Construction General Permit, to control sediment in stormwater runoff from the Project area which would ensure soil erosion would be less than significant. There are no nearby structures that could be damaged and the Proposed Project would not construct any structures. Therefore, the Proposed Project would not expose people or structures to potential substantial adverse effects caused by a seismic event or other phenomena that create unstable ground at the Proposed Project site. Considering the soils at the Project Site and its historical use, the potential for paleontological resources is low. Furthermore, part of Metropolitan Standard Practices, if unanticipated paleontological resources are discovered during construction activities, the Project Contractor(s) would be required to comply with Metropolitan standard practices related to the protection of paleontological resources as outlined in Section 01065 of the construction contractor specifications. Therefore, impacts to paleontological resources would be less than significant. The Proposed Project's impacts for geology and soils would be limited to the Proposed Project site, and any significant impacts would be reduced to a less than significant level by implementing proposed mitigation measures. Thus, the Proposed Project would not contribute to cumulative impacts for geology and soils.

**Hazards and Hazardous Materials.** The Proposed Project's impacts for these environmental issues would be limited to the Proposed Project site, and any significant impacts would be reduced to a less than significant level by implementing proposed mitigation measures. Thus, the Proposed Project would not contribute to cumulative impacts for these topics.

**Hydrology and Water Quality.** Implementing the Proposed Project construction activities would have the potential to increase rates of erosion, which could increase turbidity in the agricultural ditches. In addition, the use of heavy machinery during construction would have the potential to result in an accidental release of fuels, oils, solvents, hydraulic fluid, and other construction-related fluids into the environment, thereby degrading water quality. Construction contractors would be required to acquire coverage under the National Pollutant Discharge Elimination System General Stormwater Permit, which requires the preparation and implementation of an SWPPP for construction activities. The SWPPP would list the hazardous materials (including petroleum products) proposed for use during construction; describe spill prevention measures, equipment

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inspections, and equipment and fuel storage; describe protocols for responding immediately to spills; and describe best management practices for controlling site run-on and runoff. Therefore, cumulative impacts would be less than significant.

**Land Use and Land Use Planning.** The Proposed Project would have no impact on land use and land use planning; therefore, it would not contribute to cumulative land use issues.

**Mineral Resources.** The Proposed Project would have no impact on mineral resources and thus would not contribute to cumulative impacts.

**Noise.** The Proposed Project would not generate a substantial temporary or permanent increase in ambient noise levels in excess of standards. As such, this Proposed Project would not exceed established standards of the County Code. Additionally, because the nearest residential receptor is over 2,000 feet away, construction noise would not result in a substantial increase in noise levels. Operation and maintenance of the Proposed Project's marsh-pond complexes would not include any substantial sources of vibration. Thus, cumulative noise impacts would be less than significant.

**Population and Housing.** The Proposed Project would have no impact on population growth in the area because it would not include any new residential or commercial development. The Proposed Project also would not result in temporary employment during construction and would not result in the permanent creation of a significant number of new jobs that would induce substantial population growth. Therefore, cumulative population and housing impacts would be less than significant.

**Public Services.** No commercial or residential development is proposed as part of the Proposed Project; therefore, the Proposed Project would not increase demands on fire protection or police services, nor would it affect the response time of these services. Therefore, cumulative public services impacts would be less than significant.

**Recreation.** The Proposed Project would have no impact on recreation and thus would not contribute to cumulative impacts.

**Transportation.** For cumulative impacts, see Section 3.17, *Transportation*. The Proposed Project would not impact any county program, plan, ordinance, or policy related to transit, bicycle, or pedestrian facilities in the vicinity of the site or along local roadways. Construction would utilize existing construction crews and operation would not add substantial amount of VMT to the Project Area. Construction of the Proposed Project would not result in new design features on roads in the area. No pedestrian or bicycle paths are along the construction route. Further, the Proposed Project would not result in potential traffic safety hazards for vehicles, bicyclists, and pedestrians on public roadways, given the intermittent and temporary nature of construction activities. Increases in traffic volumes on local roadways providing access to the Proposed Project site could cause intermittent and temporary slowdowns in traffic flow during construction, although truck trips associated with Project operation are not expected to cause access on local roadways to deteriorate. Therefore, cumulative transportation impacts would be less than significant.

**Tribal Cultural Resources.** The Proposed Project would not cause a substantial adverse change in the significance of a tribal cultural resource, as defined in PRC § 21074, that is listed or eligible for listing in the California Register or local register of historical resources, or determined by Metropolitan to be significant pursuant to PRC § 5024.1. No tribal cultural resources, as defined in PRC § 21074, were identified in or near the Proposed Project area. No California Native

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American Tribes traditionally and culturally affiliated with the Proposed Project Area and vicinity have reached out to Metropolitan to be consulted with on Metropolitan projects as per PRC § 21080.3.1, 21080.3.2, and 21082.3. The Proposed Project's impacts for tribal cultural resources would be limited to the Proposed Project site, and any significant impacts would be reduced to a less than significant level by implementing proposed mitigation measures. Thus, the Proposed Project would not contribute to cumulative impacts for tribal cultural resources.

**Utilities and Service Systems.** The Proposed Project does not include and would not require the relocation or construction of new or expanded wastewater treatment or stormwater drainage, natural gas, or telecommunications facilities. The Proposed Project also would not require stormwater treatment. Therefore, cumulative impacts related to utilities and service systems would be less than significant.

The analyses in this draft IS/MND found that the Proposed Project and associated activities would have the potential to result in impacts on the environment in the area of biological resources. However, these potential impacts would be reduced to a less than significant level with implementation of the mitigation measures included in this document, and most impacts would be temporary (i.e., would occur only during construction). Other future projects proposed in the region and vicinity may increase the impacts identified herein, or the Proposed Project may contribute to other impacts. However, the Proposed Project is not anticipated to contribute substantially to any one impact, and the Proposed Project's impacts are not anticipated to be cumulatively considerable when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of future projects. Thus, this impact would be less than significant with mitigation incorporated.

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

**Less than Significant with Mitigation Incorporated.** The Proposed Project would not result in any substantial adverse effects on human beings, either directly or indirectly, because each potentially significant impact can be reduced to a less than significant level with the implementation of the mitigation measures provided in this document. No other substantial adverse effects on human beings are anticipated as a result of the Proposed Project, resulting in a less than significant impact with mitigation incorporated.

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## 4. List of Acronyms

AB	Assembly Bill
BMP	Best Management Practices
CAA	Clean Air Act
CCAA	California Clean Air Act
C-APE	CEQA Area of Potential Effects
CASS	Culture and Supplementation of Smelt
CalEEMod	California Emissions Estimator Model
Caltrans	California Department of Transportation
CARB	California Air Resources Board
CAP	Climate Action Plan
CAT	Caterpillar
CCIC	Central California Information Center
CDFW	California Department of Fish and Wildlife
CEQA	California Environmental Quality Act
CESA	California Endangered Species Act
CHRIS	California Historical Resources Information System
CNDDDB	California Natural Diversity Database
CO	Carbon Monoxide
CO <sub>2</sub>	Carbon Dioxide
CY	Cubic Yard
dB	Decibels
dBA	A-weighted Decibels
DPM	Diesel Particulate Matter
DWR	California Department of Water Resources
DSSS	Delta Smelt Supplementation Strategy
EIR	Environmental Impact Report
ESA	Environmental Science Associates
FCCL	UC Davis Fish Conservation and Culture Laboratory
FESA	Federal Endangered Species Act
GHG	Greenhouse Gas
Hz	Hertz
IS/MND	Initial Study/Mitigated Negative Declaration
L	Liters
Metropolitan	Metropolitan Water District of Southern California
NAHC	Native American Heritage Commission
NGVD	National Geodetic Vertical Datum
NO <sub>x</sub>	Nitrous Oxides
NO <sub>2</sub>	Nitrogen Dioxide
NOAA	National Oceanic and Atmospheric Administration
NPDES	National Pollution Discharge Elimination System
OHP	State Office of Historic Preservation
PG&E	Pacific Gas and Electric Company
PM	Particulate Matter
PM <sub>10</sub>	Particulate Matter less than or equal to 10 microns in diameter
PM <sub>2.5</sub>	Particulate Matter less than or equal to 2.5 microns in diameter

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PPV	Peak Particle Velocity
ROG	Reactive Organic Gas
RMS	Root Mean Square
SB	Senate Bill
SHPO	State Historic Preservation Office
SJVAB	San Joaquin Valley Air Basin
SJVAPCD	San Joaquin Valley Air Pollution Control District
SLF	Sacred Lands File
SO <sub>x</sub>	Sulfur Oxide
SR	State Route
SWPPP	Stormwater Pollution Prevention Plan
SVP	Society of Vertebrate Paleontology
TCR	Tribal Cultural Resources
UC	University of California
USBR	US Bureau of Reclamation
USFWS	US Fish and Wildlife Service
USGS	US Geological Survey
VdB	Decibel Notation
VMT	Vehicle Miles Traveled
VOC	Volatile Organic Compounds

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DELTA SMELT AND NATIVE SPECIES PRESERVATION PROJECT  
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# **Appendix A**

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## **Proposed Project Construction Plans**





1

2

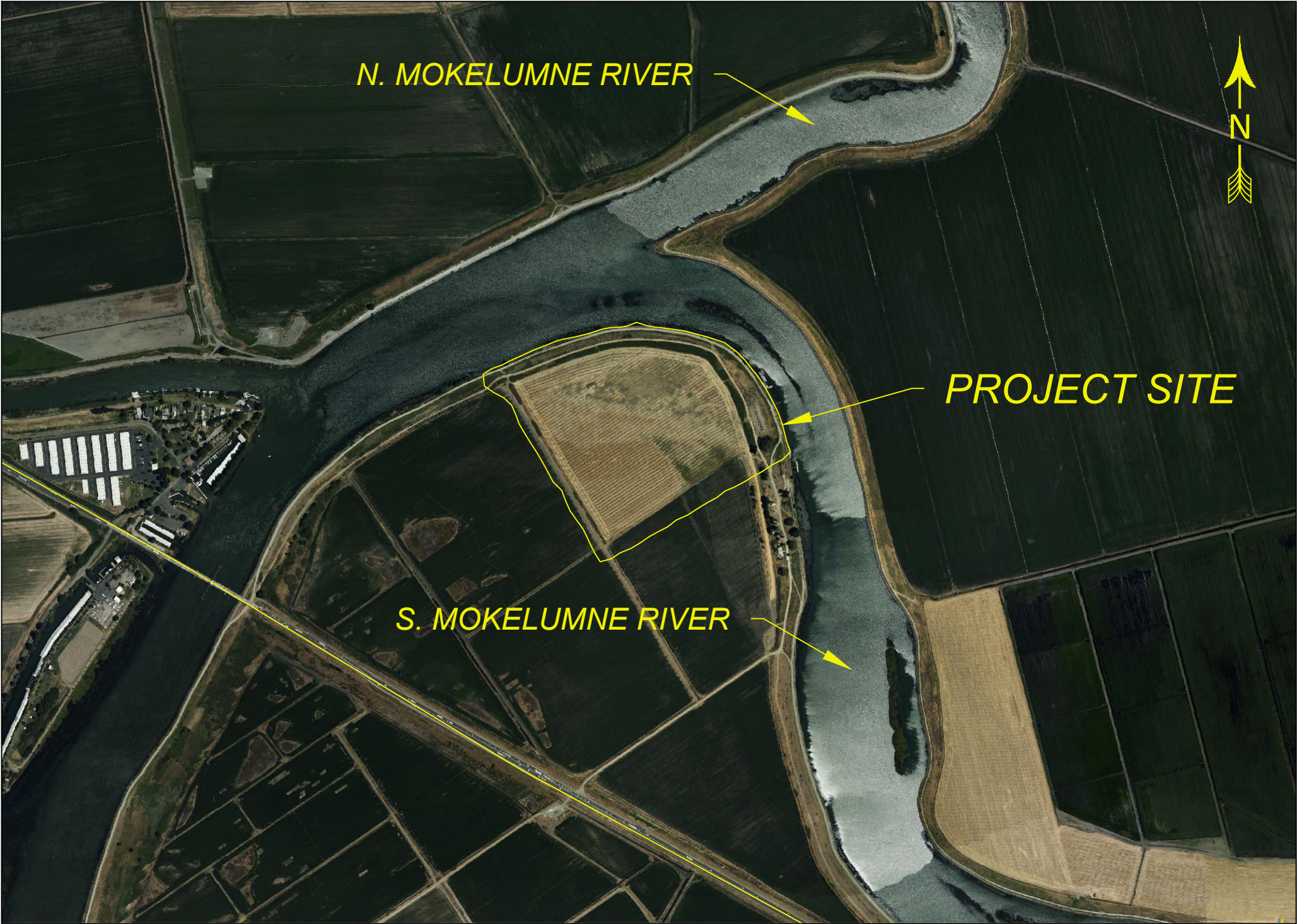
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4

# DELTA SMELT PROPAGATION RESEARCH PROJECT

BOULDIN ISLAND, CA

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LOCATION MAP  
NOT TO SCALE



VICINITY MAP  
NOT TO SCALE

LEGEND

- 100 —

EXISTING GROUND CONTOURS

— 80 —

FINISHED GRADE CONTOURS

× 89.4

EXISTING GROUND SPOT ELEVATION

+ 84.5

FINISHED GRADE SPOT ELEVATION

-----

GRADING EXTENTS

-----

PROJECT BOUNDARY

CONTACTS

MWD	CURT SCHMUTTE, REPRESENTATIVE FOR MWD	(530) 219-9369
cbec, INC.	GREG SHELLNBARGER, PROJECT MANAGER	(916) 668-5226
cbec, INC.	SAM DIAZ, PROJECT ENGINEER	(916) 668-5235
cbec, INC.	CHRIS BOWLES, PROJECT DIRECTOR	(916) 668-5231

NOTE: CONTOURS AND ELEVATIONS SHOWN ON PLANS CONSIST OF UNITED STATES GEOLOGICAL SURVEY (USGS) LIDAR SUPPLEMENTED WITH MBK'S SITE TOPOGRAPHY COLLECTED IN JUNE 2021 AND CBEC'S SITE TOPOGRAPHY COLLECTED IN APRIL 2022. USGS LIDAR REFERENCES NAD83 (NSRS2007) EPOCH 2017.95 HORIZONTAL DATUM, UTM ZONE 10N, METERS PROJECTION AND NAVD88 GEOID 12B US SURVEY FEET VERTICAL DATUM (CA SACRAMENTO LIDAR 2017 B16 - AIRBORNE LIDAR REPORT).

SHEET LIST TABLE	
SHEET NUMBER	SHEET TITLE
C1	COVER SHEET
C2	SHEET LAYOUT PLAN
C3	ACCESS, STAGING & ROADS
C4	COOLING MARSH A PLAN VIEW 1
C5	FEEDING MARSH A & FLOATING PEAT POND PLAN VIEW 2
C6	PROPAGATION POND A PLAN VIEW 3
C7	COOLING MARSH B PLAN VIEW 4
C8	FEEDING MARSH B PLAN VIEW 5
C9	PROPAGATION POND B PLAN VIEW 6
C10	DETENTION BASIN PLAN VIEW 7
C11	SITE GRADING & DRAINAGE
C12	PROFILES - 1
C13	PROFILES - 2
C14	PROFILES - 3
C15	ROAD CROSSING PROFILES - 1
C16	ROAD CROSSING PROFILES - 2
C17	TYPICAL SECTIONS
C18	DETAILS - 1
C19	DETAILS - 2
C20	DETAILS - 3
C21	TILTING WEIR PLAN DETAIL
C22	TILTING WEIR PROFILE AND SECTION DETAILS
C23	ALIGNMENT GEOMETRY


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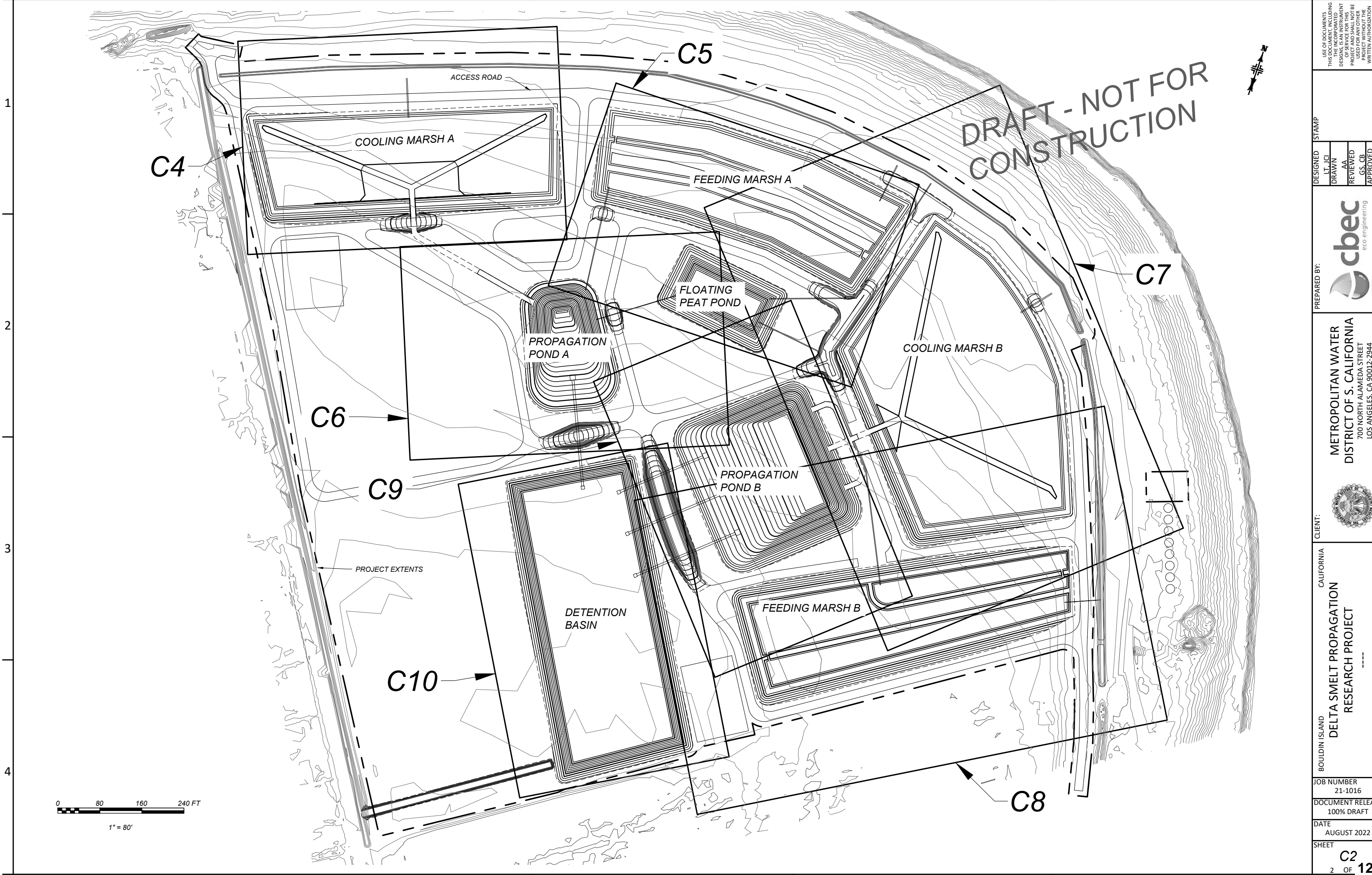
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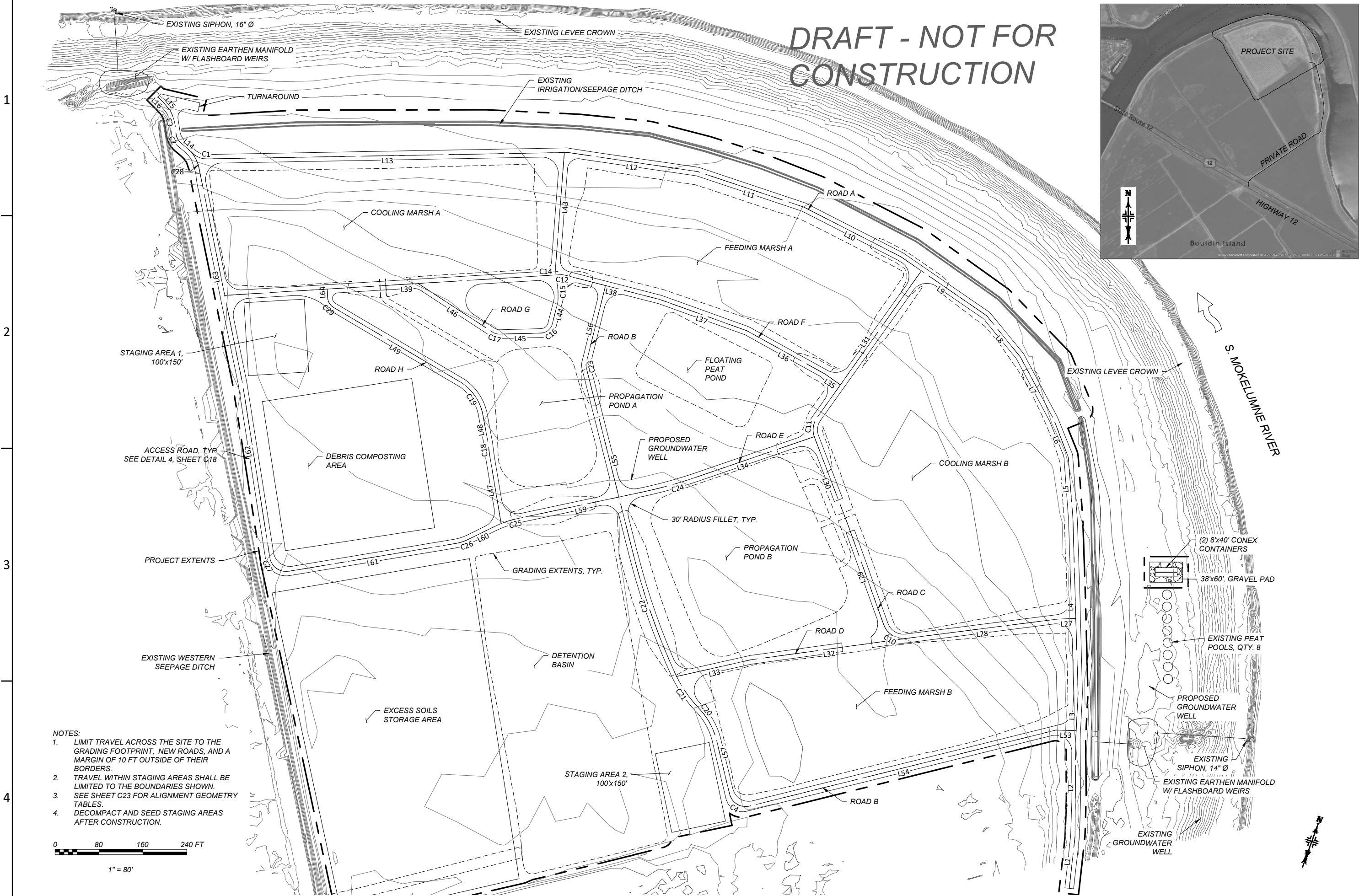
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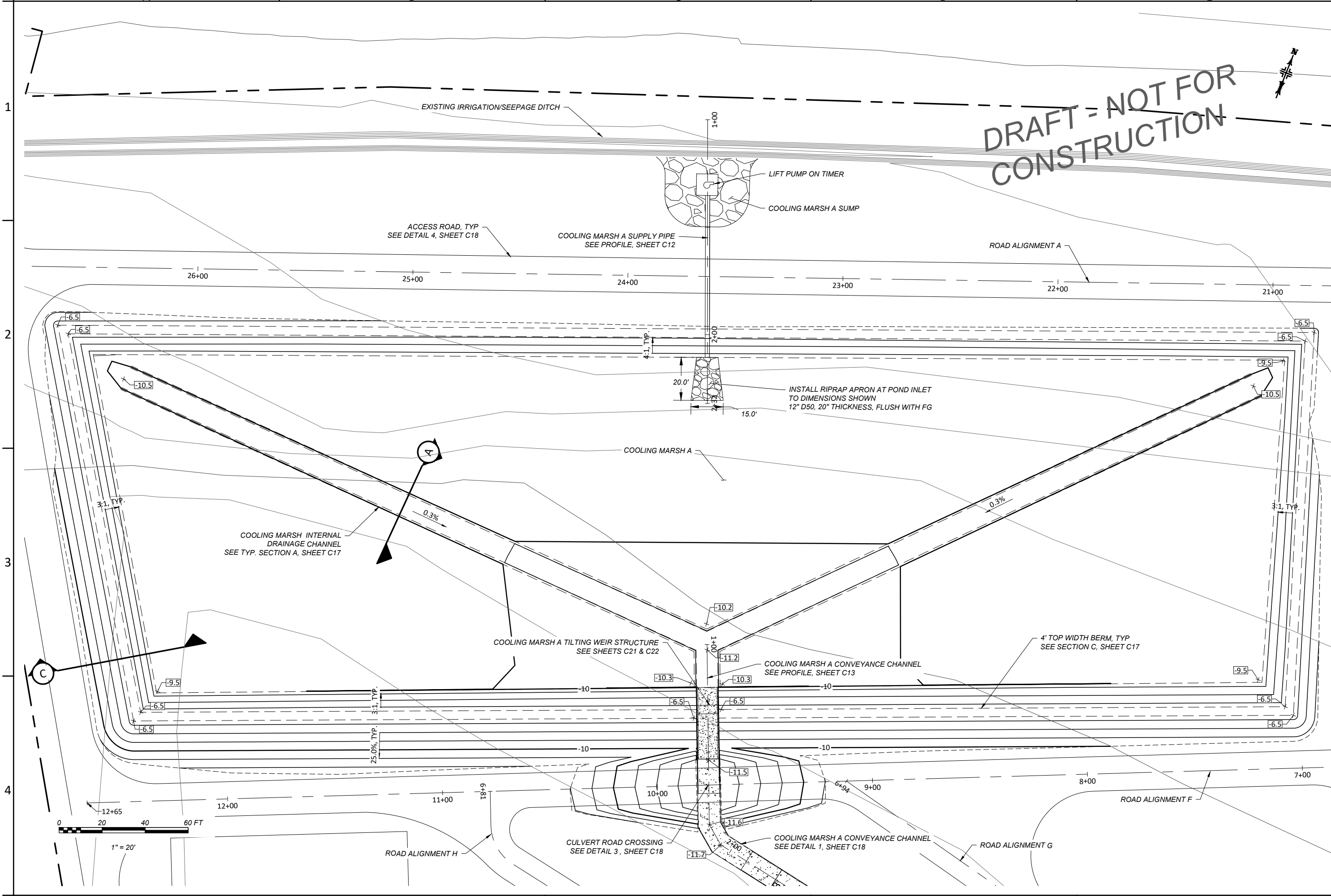
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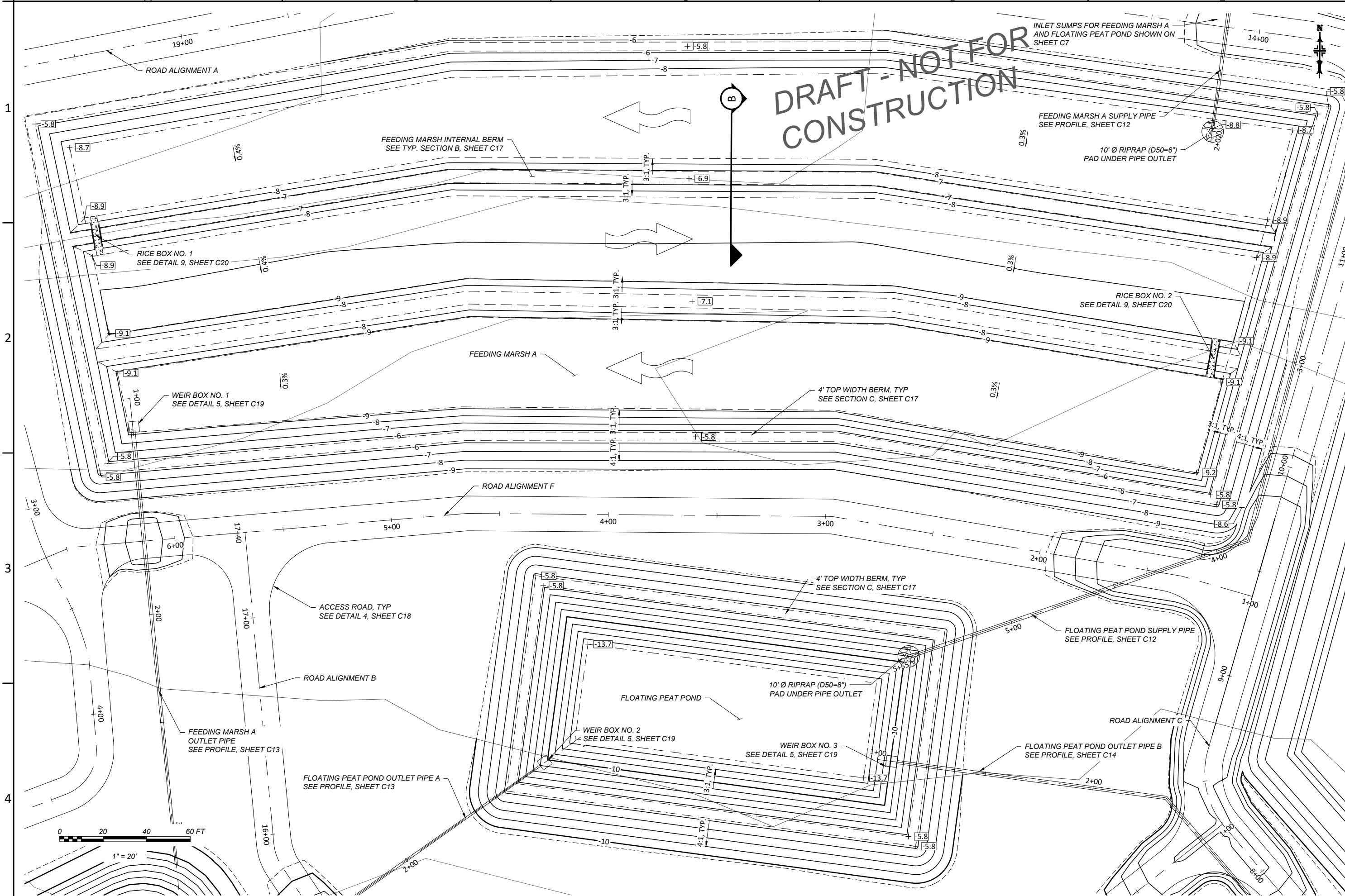
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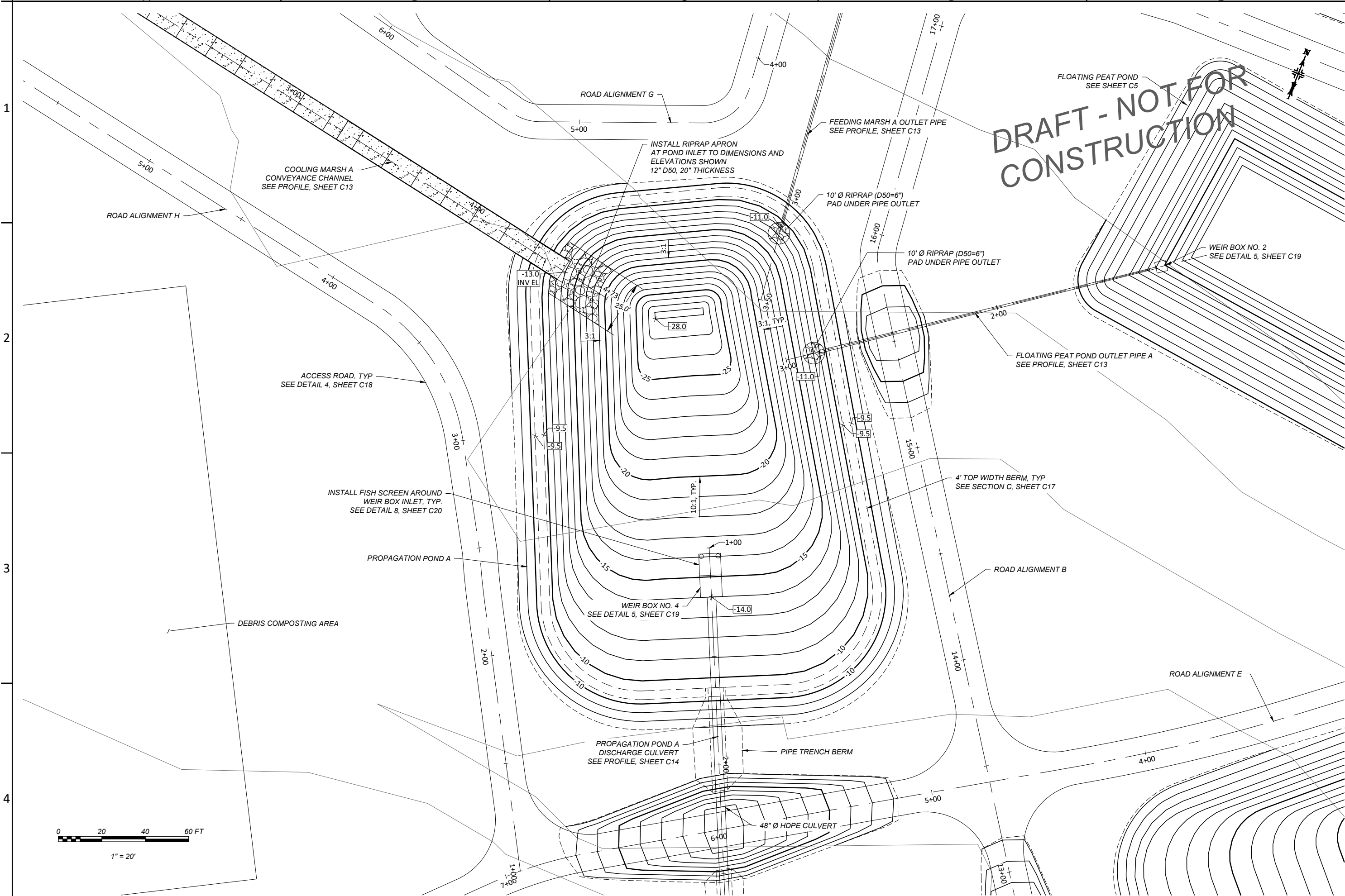
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PROPAGATION POND A PLAN VIEW 3

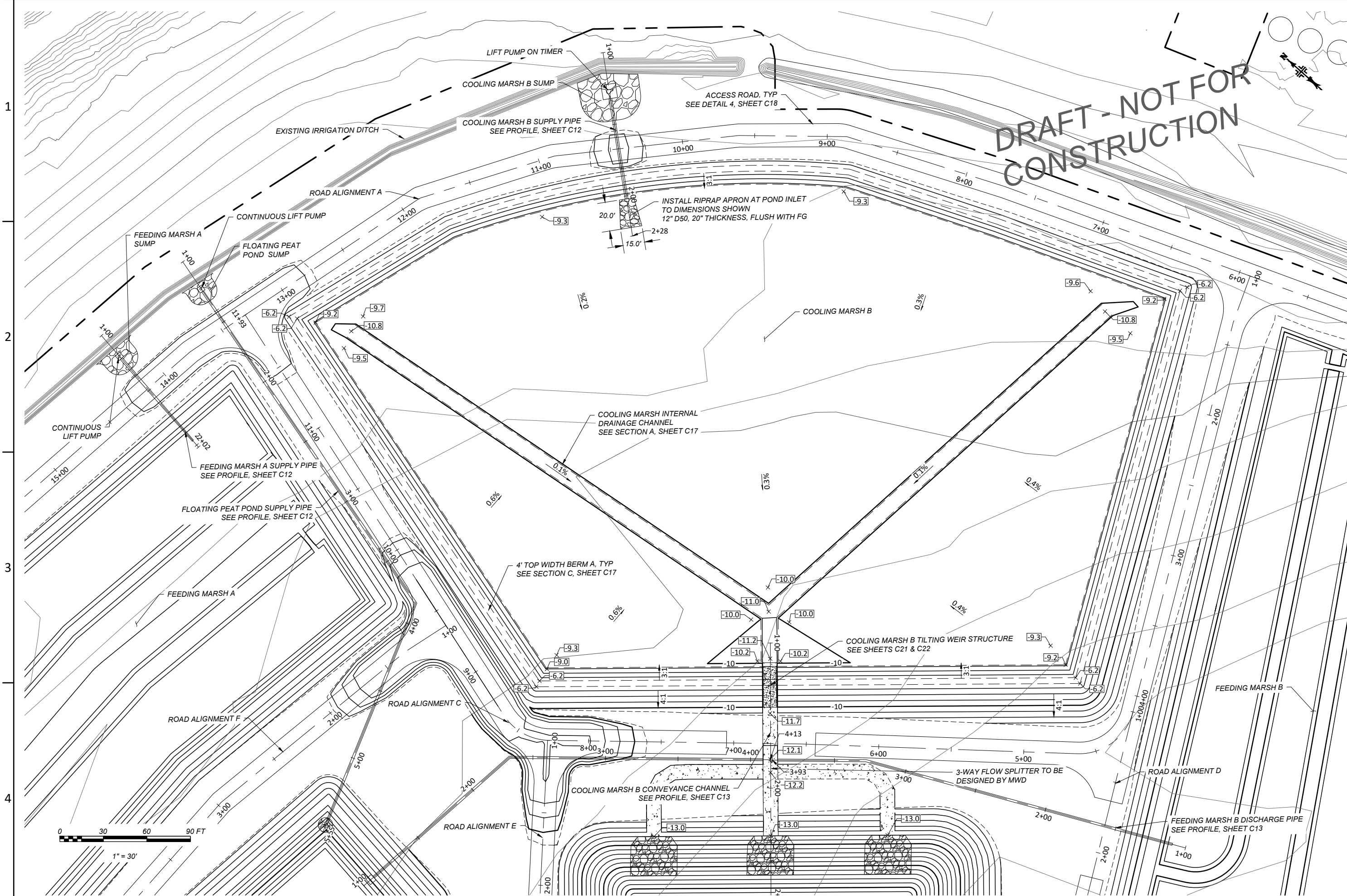
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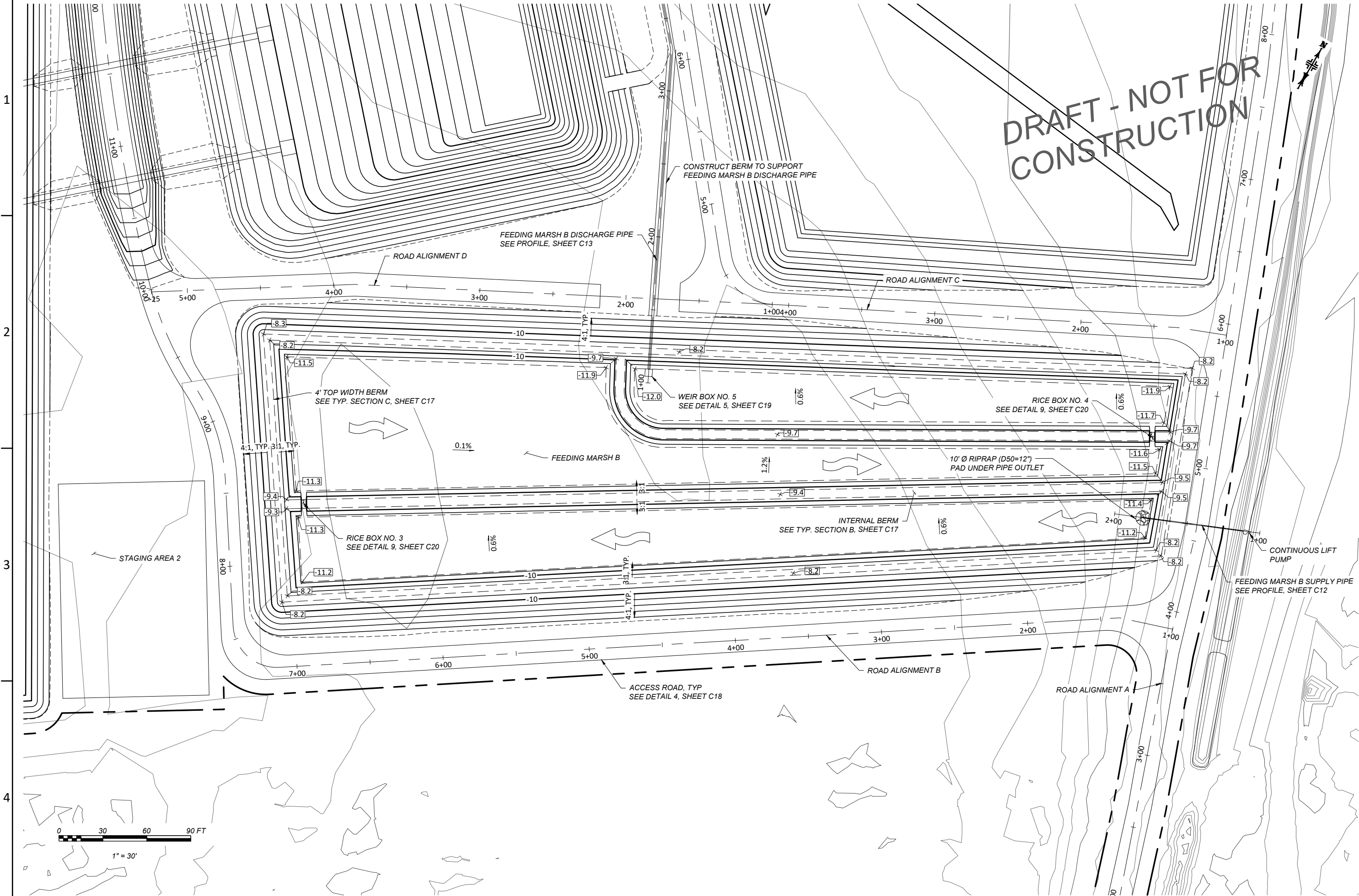
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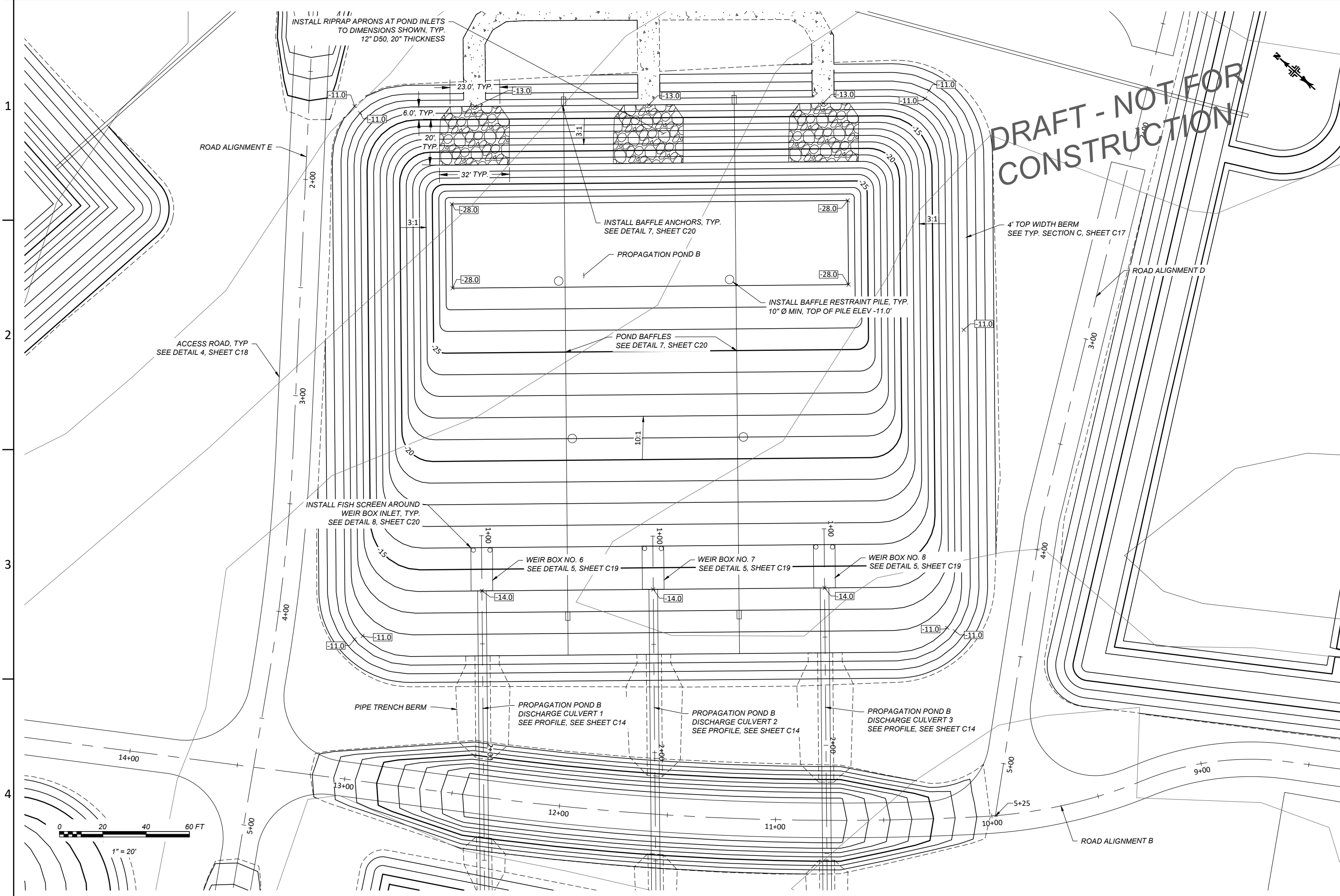
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 FEEDING MARSH B PLAN VIEW 5

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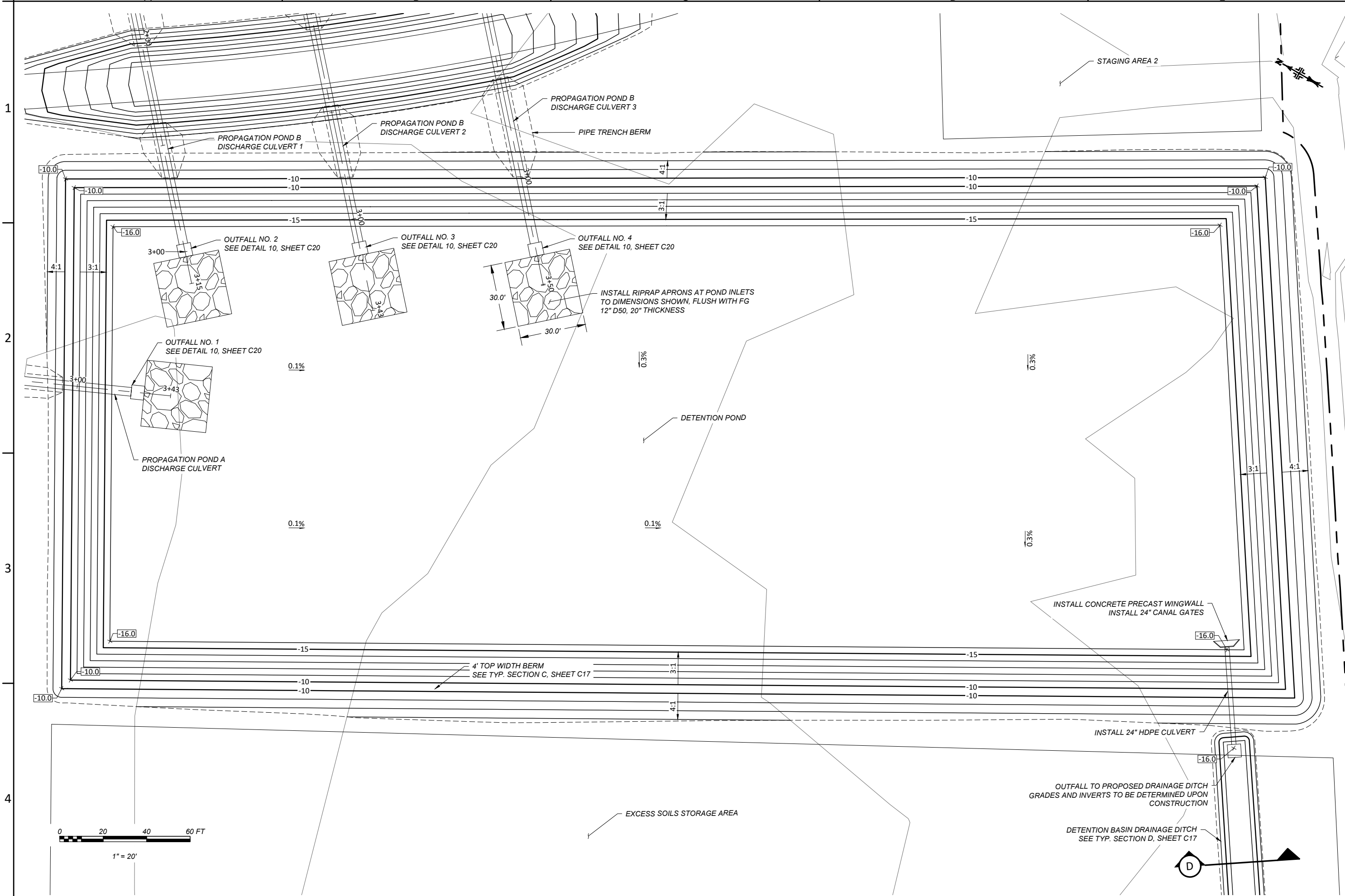
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DETENTION BASIN PLAN VIEW 7

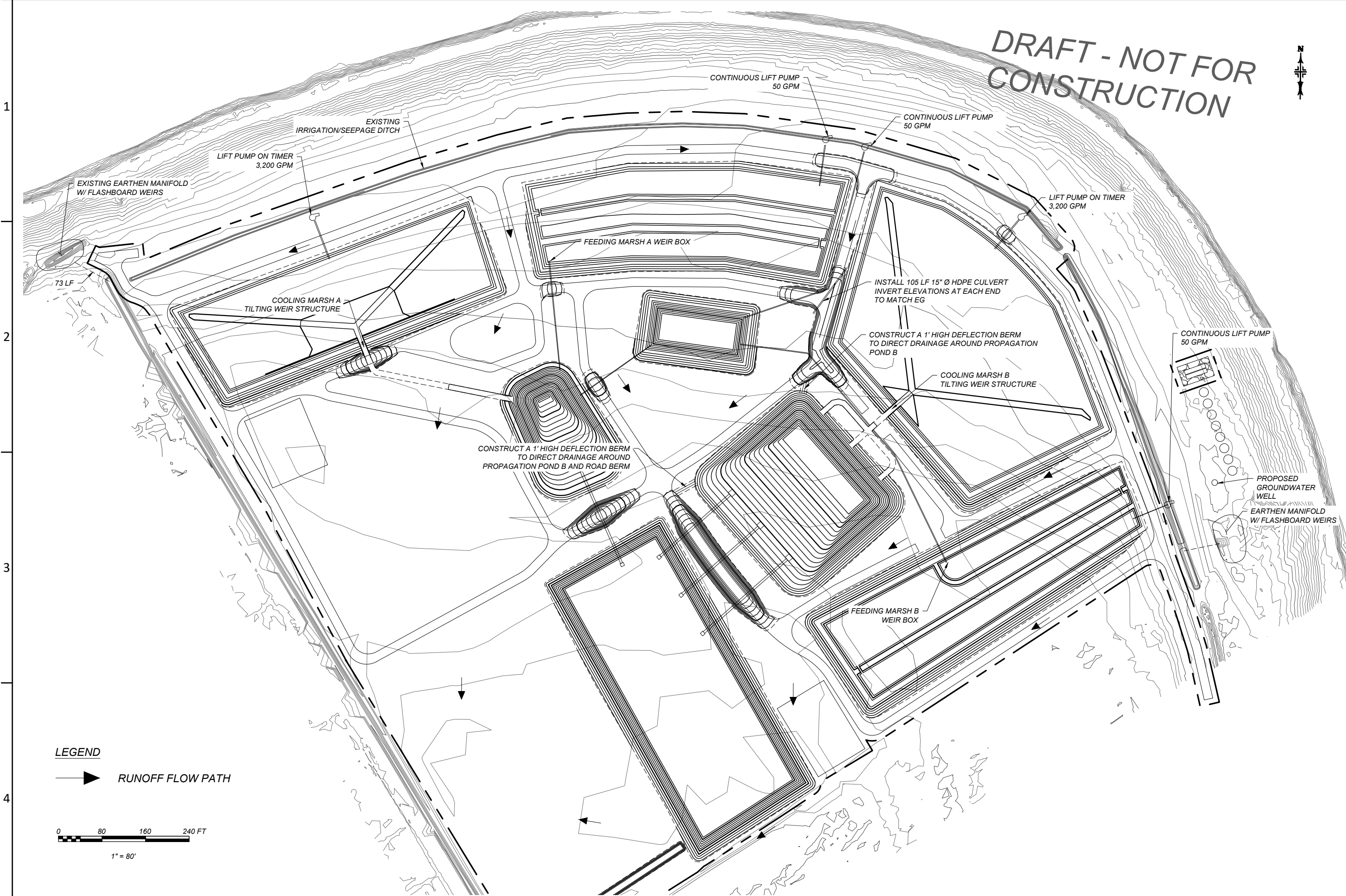
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**LEGEND**

RUNOFF FLOW PATH

0 80 160 240 FT

1" = 80'

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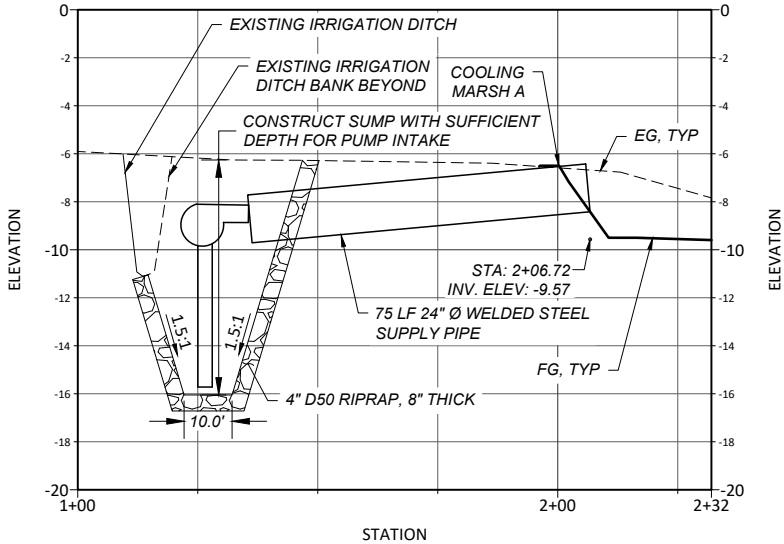
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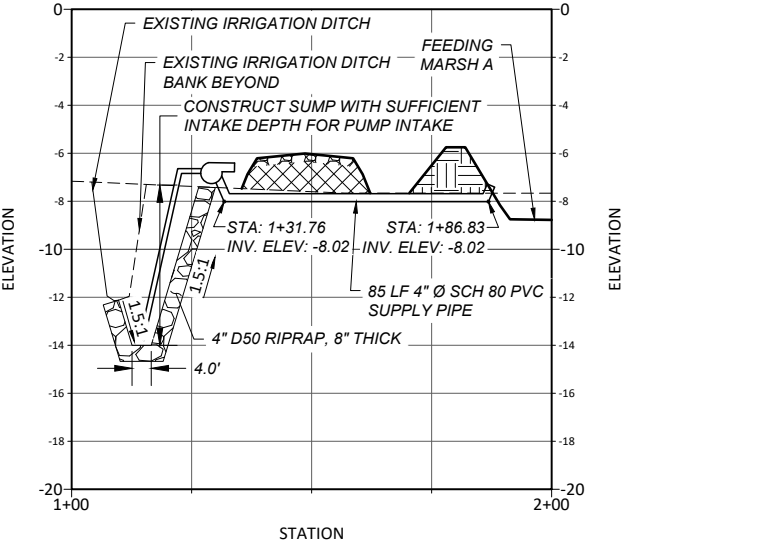
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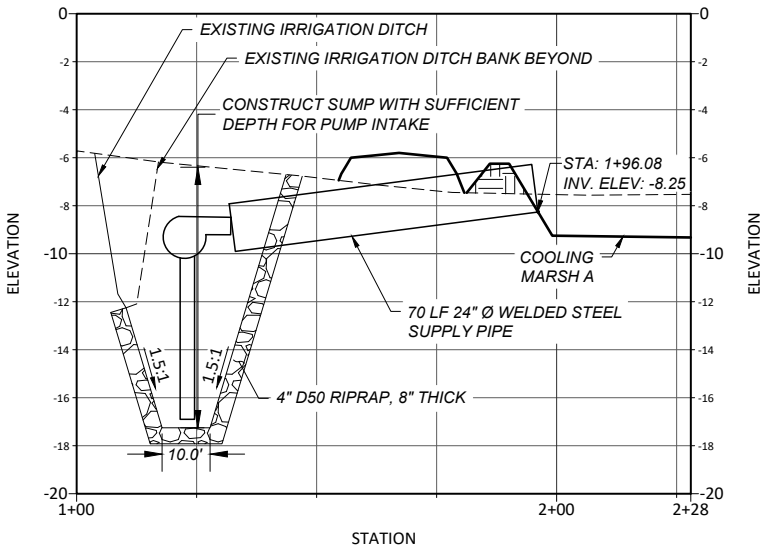
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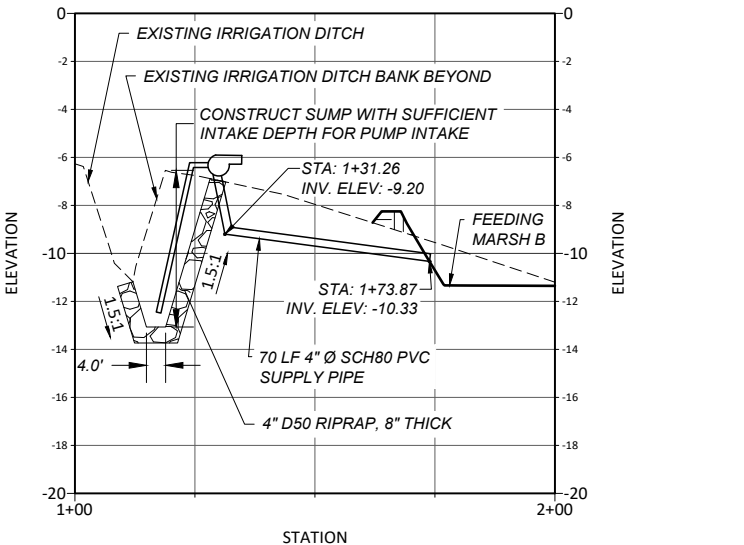
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SCALE: H1" = 20'; V1" = 4' SHEET C4



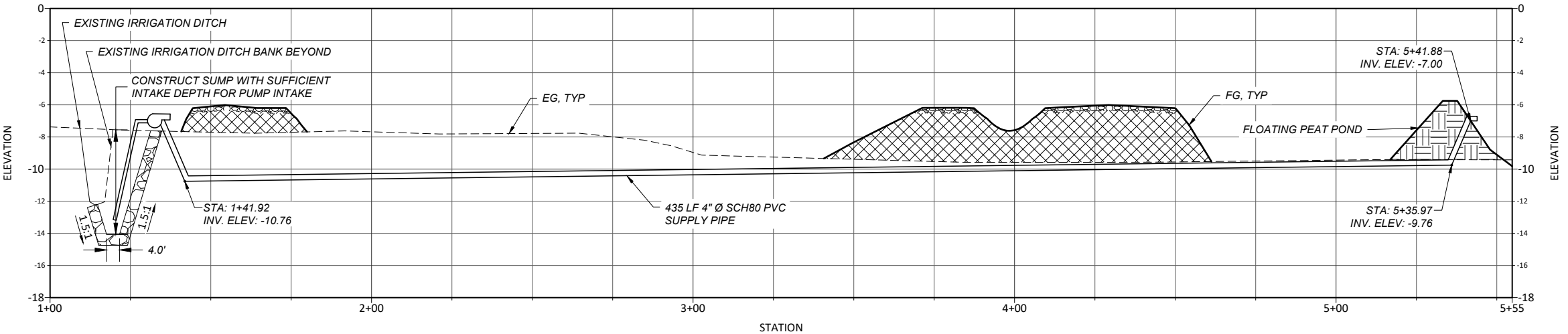
PROFILE: FEEDING MARSH A SUPPLY PIPE  
SCALE: H1" = 20'; V1" = 4' SHEET C5



PROFILE: COOLING MARSH B SUPPLY PIPE  
SCALE: H1" = 20'; V1" = 4' SHEET C7



PROFILE: FEEDING MARSH B SUPPLY PIPE  
SCALE: H1" = 20'; V1" = 4' SHEET C8



PROFILE: FLOATING PEAT POND SUPPLY PIPE  
SCALE: H1" = 20'; V1" = 4' SHEET C5

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PROFILES - 1

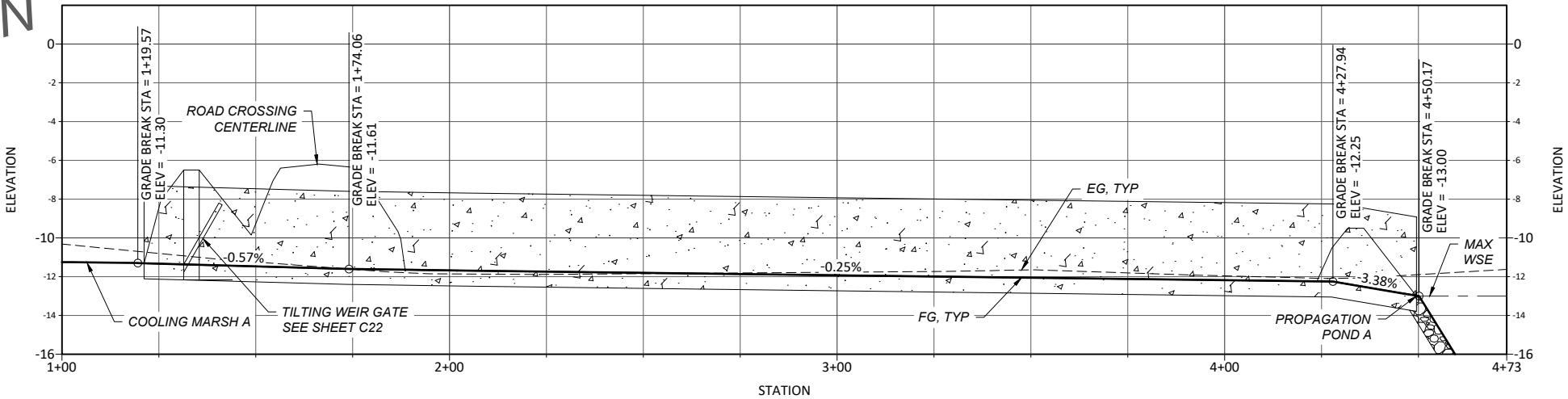
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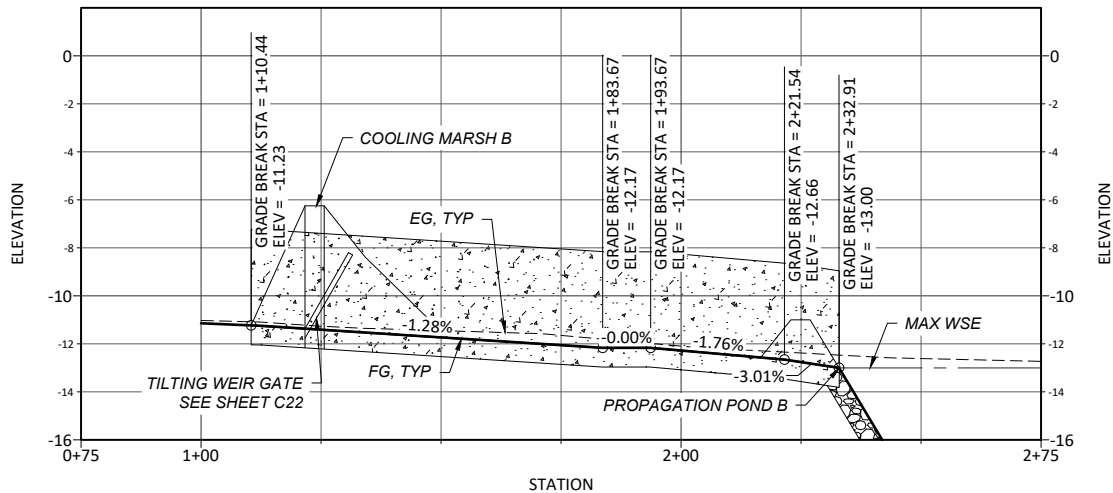
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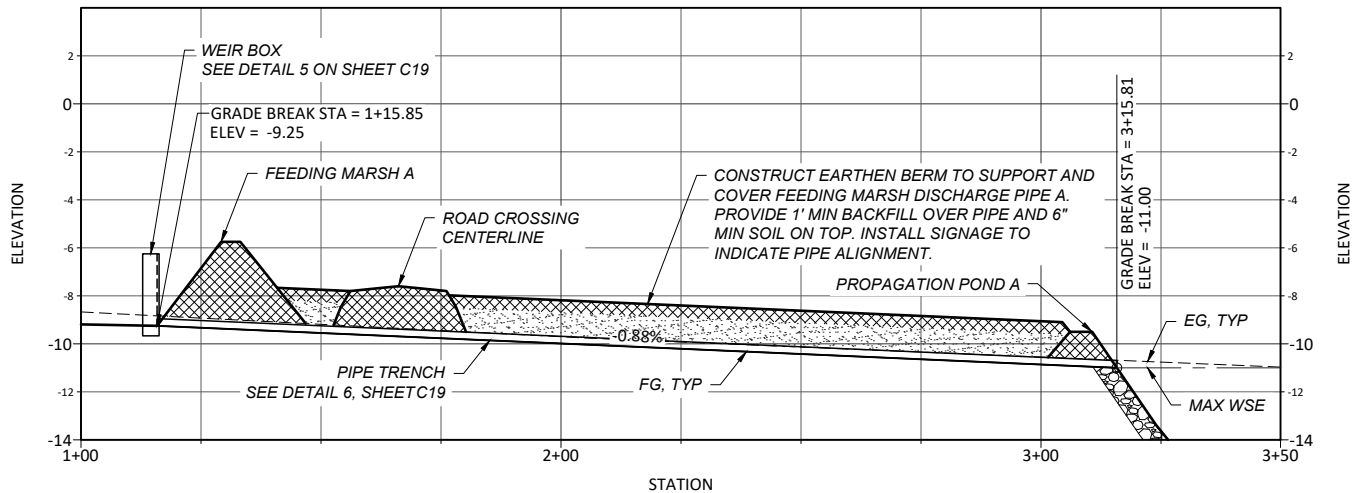
PROFILE: COOLING MARSH A CONVEYANCE CHANNEL  
SCALE: H1" = 20'; V1" = 4'

SHEET C4



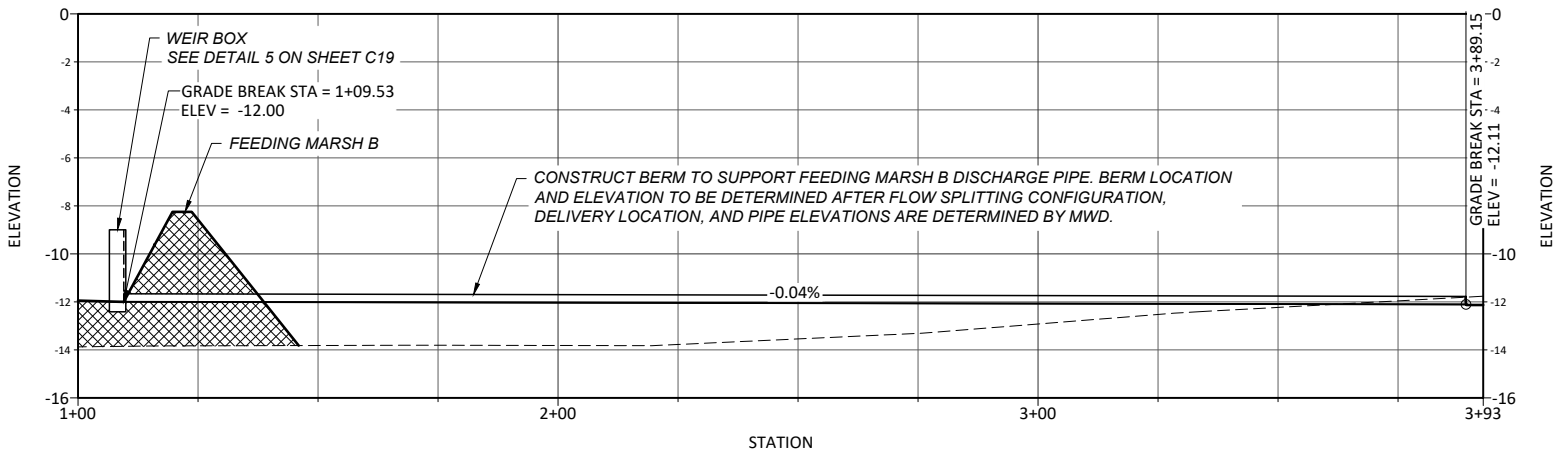
PROFILE: COOLING MARSH B CONVEYANCE CHANNEL  
SCALE: H1" = 20'; V1" = 4'

SHEET C7



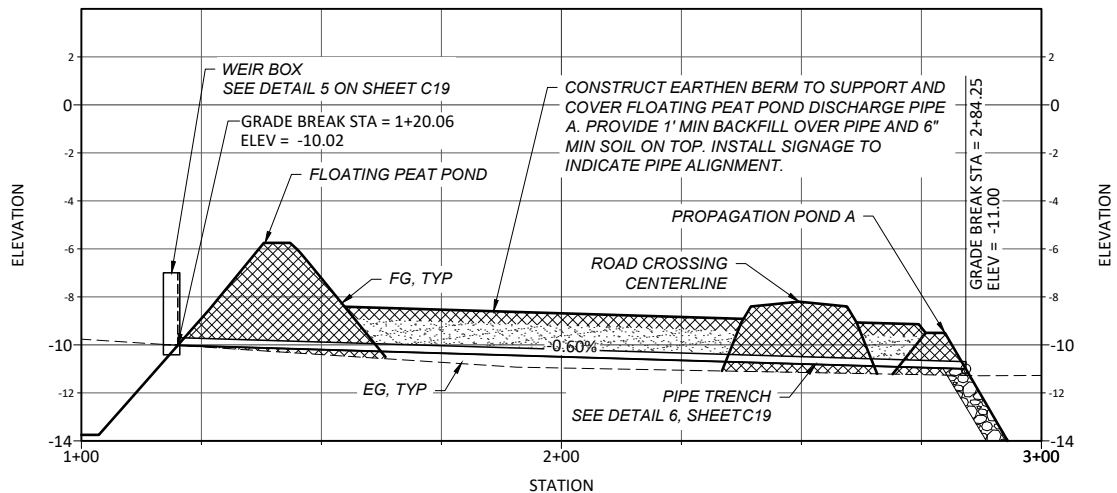
PROFILE: FEEDING MARSH A DISCHARGE PIPE  
SCALE: H1" = 20'; V1" = 4'

SHEET C5



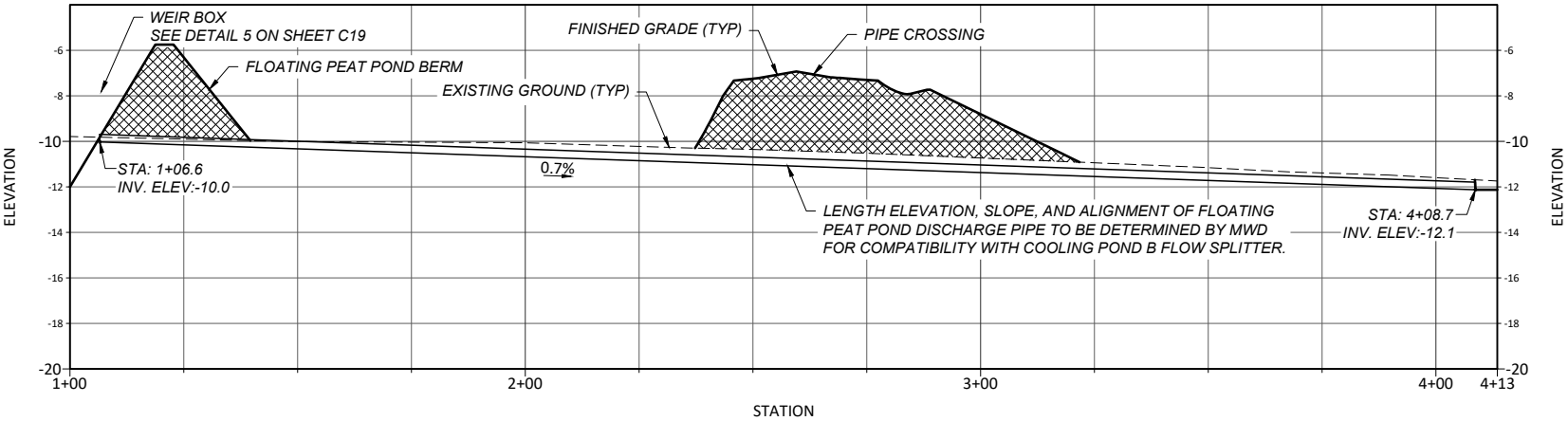
PROFILE: FEEDING MARSH B DISCHARGE PIPE  
SCALE: H1" = 20'; V1" = 4'

SHEET C8



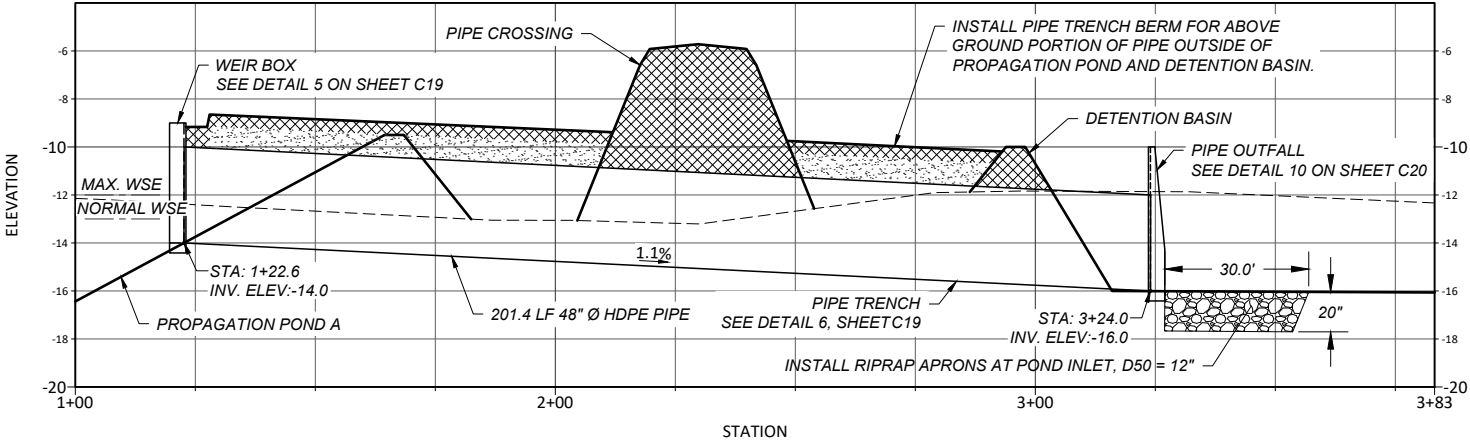
PROFILE: FLOATING PEAT POND DISCHARGE PIPE A  
SCALE: H1" = 20'; V1" = 4'

SHEET C5



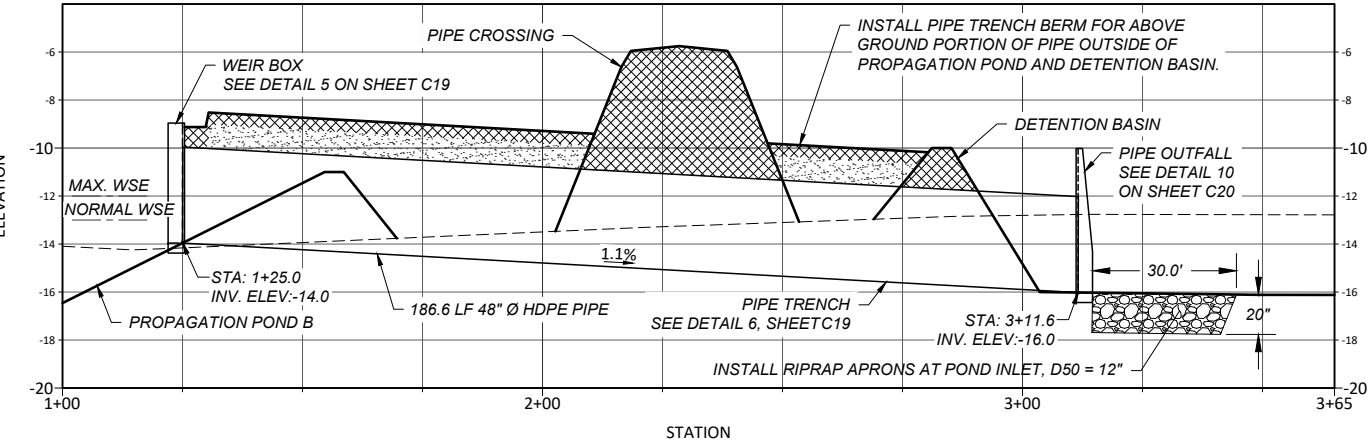
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PROFILE: FLOATING PEAT POND DISCHARGE PIPE B  
SCALE: H1" = 20'; V1" = 4' SHEET C5



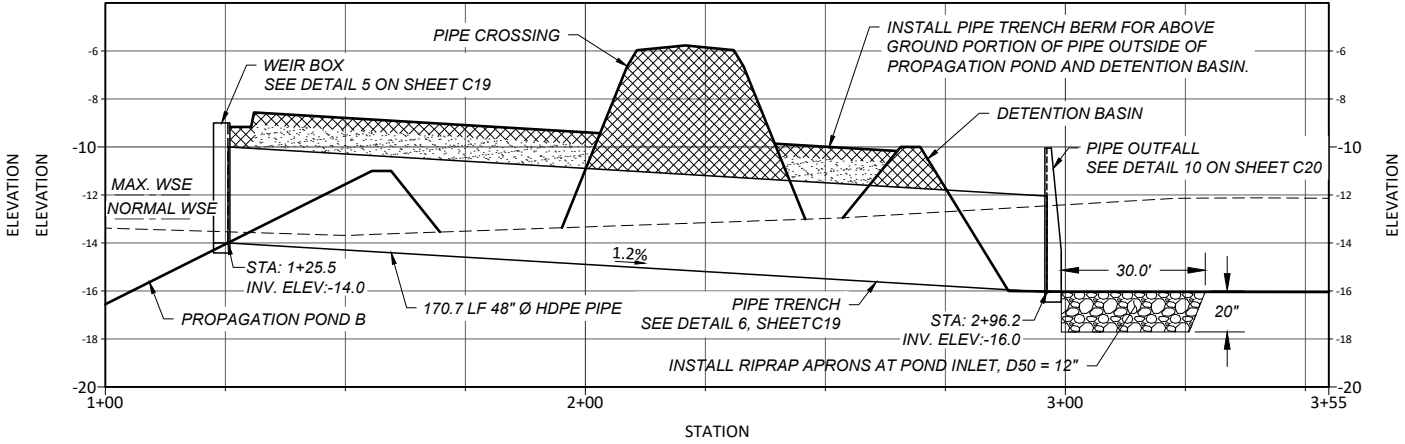
PROFILE: PROPAGATION POND A DISCHARGE CULVERT  
SCALE: H1" = 20'; V1" = 4' SHEET C6

NOTE:  
1. THE NORMAL WSE IN THE PROPAGATION PONDS IS -13'. THE MAXIMUM WSE IN THE PROPAGATION PONDS IS -12'



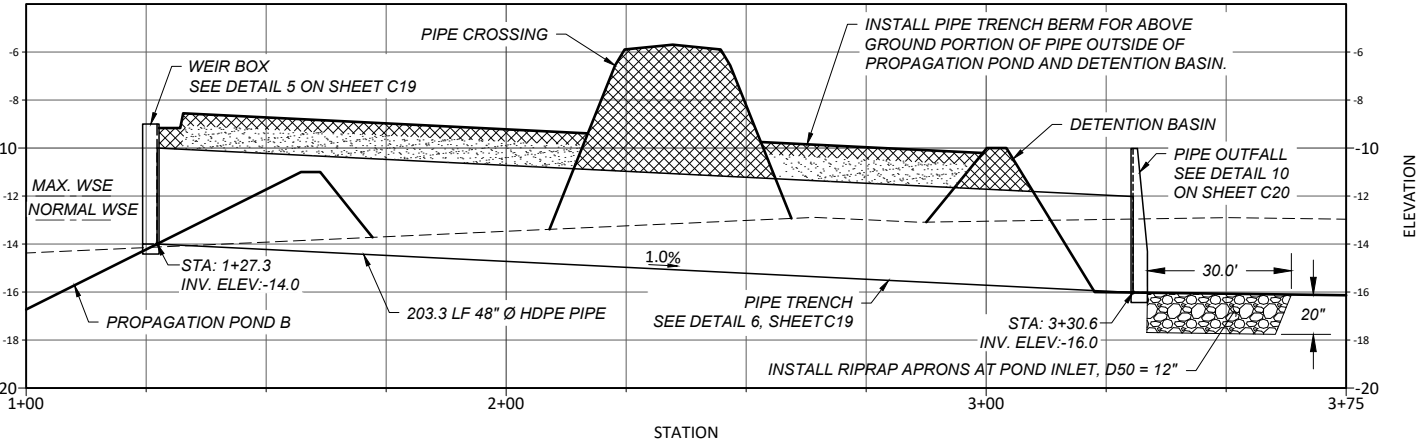
PROFILE: PROPAGATION POND B DISCHARGE CULVERT 2  
SCALE: H1" = 20'; V1" = 4' SHEET C9

NOTE:  
1. THE NORMAL WSE IN THE PROPAGATION PONDS IS -13'. THE MAXIMUM WSE IN THE PROPAGATION PONDS IS -12'



PROFILE: PROPAGATION POND B DISCHARGE CULVERT 1  
SCALE: H1" = 20'; V1" = 4' SHEET C9

NOTE:  
1. THE NORMAL WSE IN THE PROPAGATION PONDS IS -13'. THE MAXIMUM WSE IN THE PROPAGATION PONDS IS -12'



PROFILE: PROPAGATION POND B DISCHARGE CULVERT 3  
SCALE: H1" = 20'; V1" = 4' SHEET C9

NOTE:  
1. THE NORMAL WSE IN THE PROPAGATION PONDS IS -13'. THE MAXIMUM WSE IN THE PROPAGATION PONDS IS -12'

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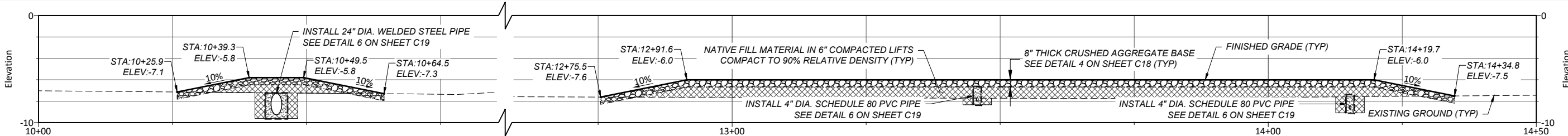


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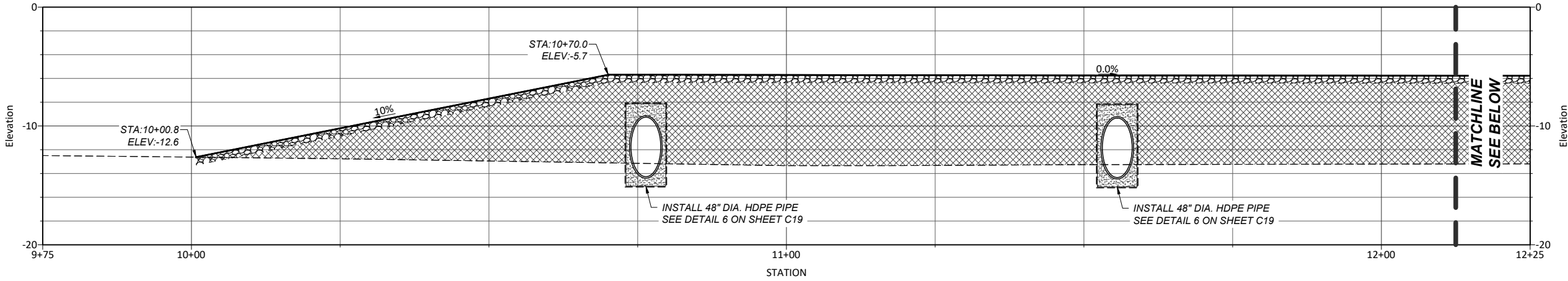


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PROFILES - 3

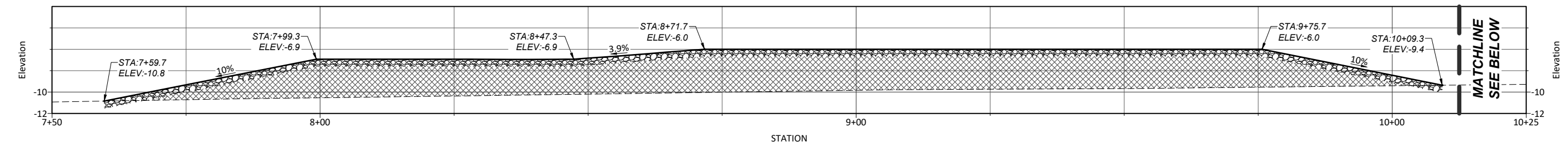
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14 OF	141



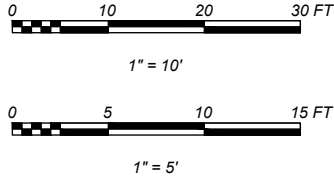
PROFILE: ROAD A - PIPE CROSSING  
SCALE: H1" = 10'; V1" = 5' SHEET C7



PROFILE: ROAD B - PIPE CROSSING  
SCALE: H1" = 10'; V1" = 5' SHEET C9



PROFILE: ROAD C - PIPE CROSSING  
SCALE: H1" = 10'; V1" = 5' SHEET C7



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ROAD CROSSING PROFILES - 1

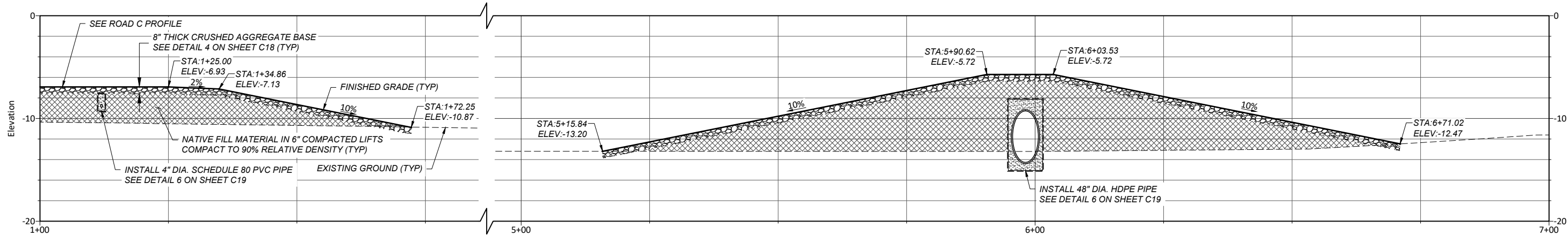
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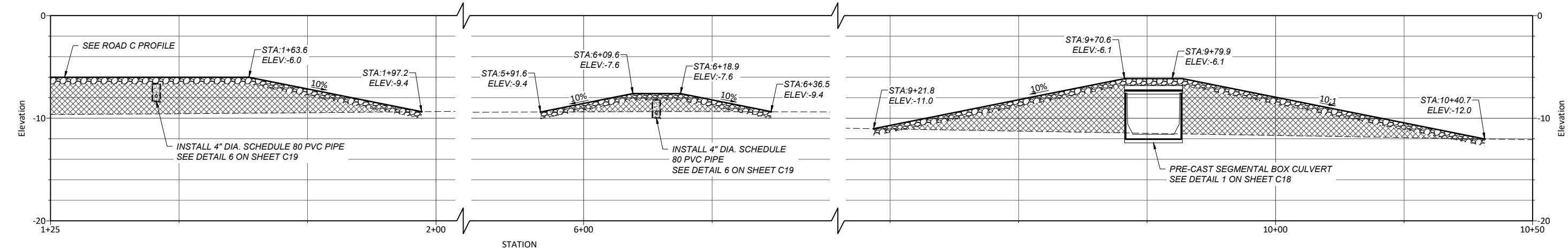
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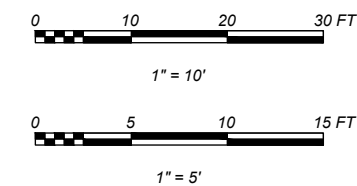
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PROFILE: ROAD E - PIPE CROSSING  
SCALE: H1" = 10'; V1" = 5' SHEET C6



PROFILE: ROAD F - PIPE CROSSING  
SCALE: H1" = 10'; V1" = 5' SHEET C4, C5



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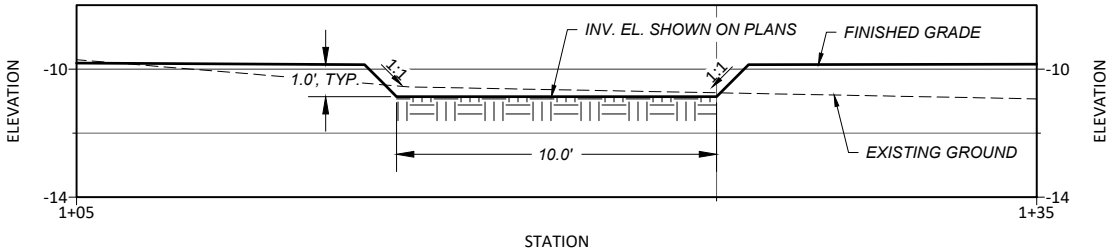
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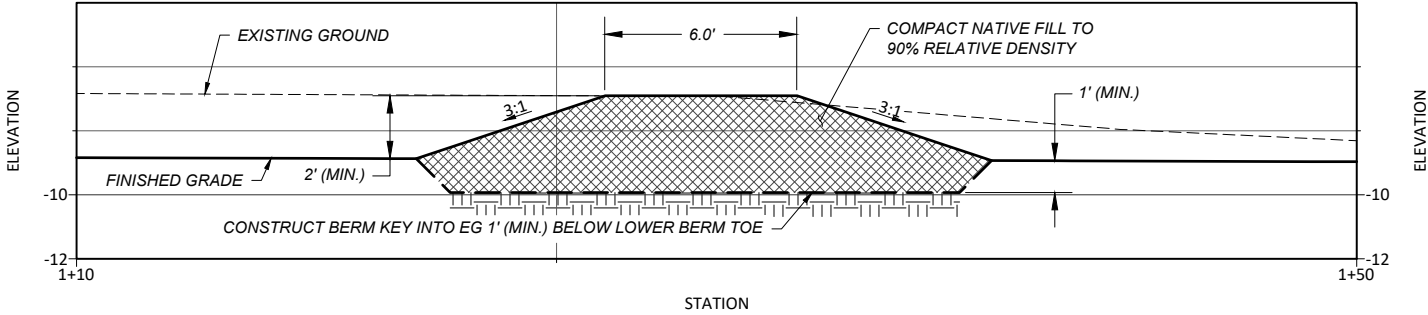
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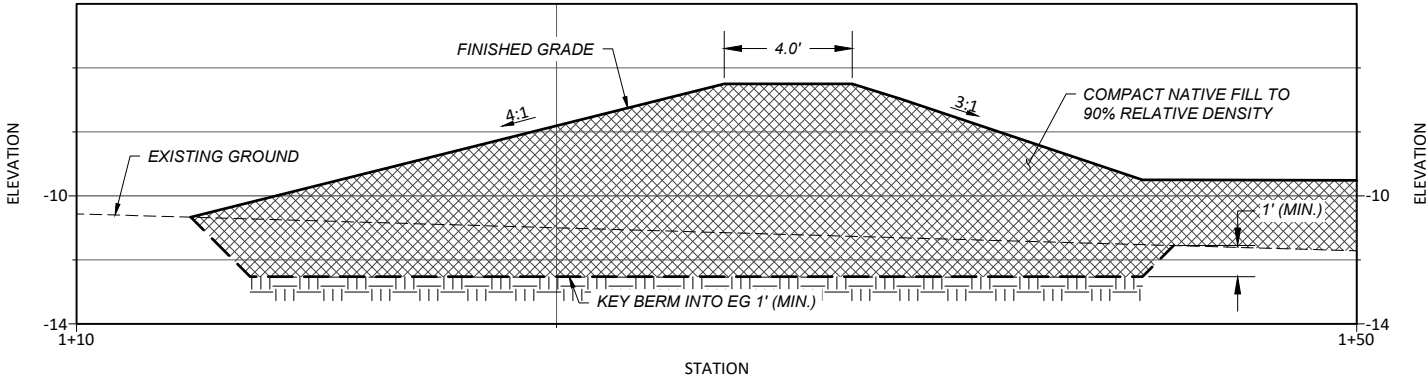
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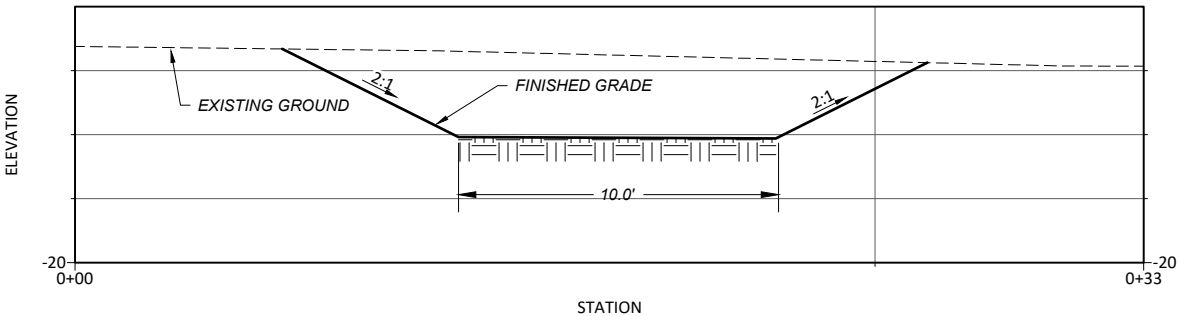
**A**  
**C4** COOLING MARSH INTERNAL DRAINAGE CHANNEL TYPICAL SECTION  
SCALE: 1" = 3'



**B**  
**C5** FEEDING MARSH INTERNAL BERM TYPICAL SECTION  
SCALE: 1" = 3'



**C**  
**C4** MARSH AND POND PERIMETER BERM TYPICAL SECTION  
SCALE: 1" = 3'



**D**  
**C10** DETENTION BASIN DRAINAGE DITCH TYPICAL SECTION  
SCALE: 1" = 3'

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TYPICAL SECTIONS

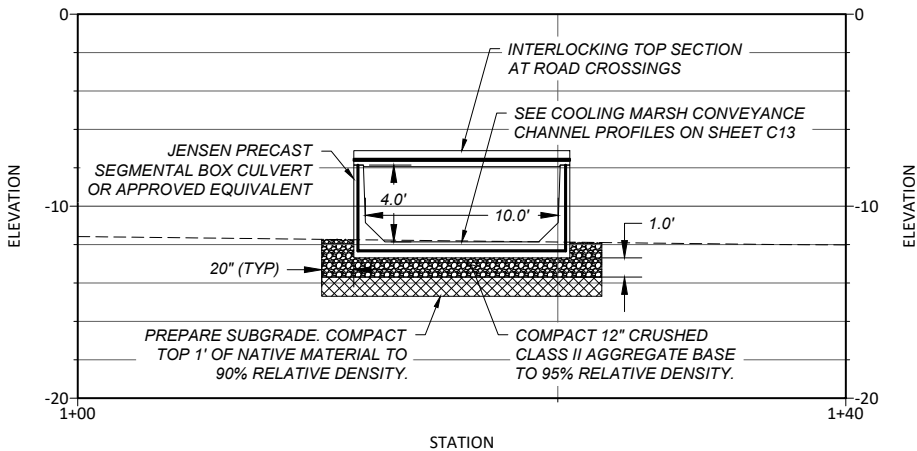
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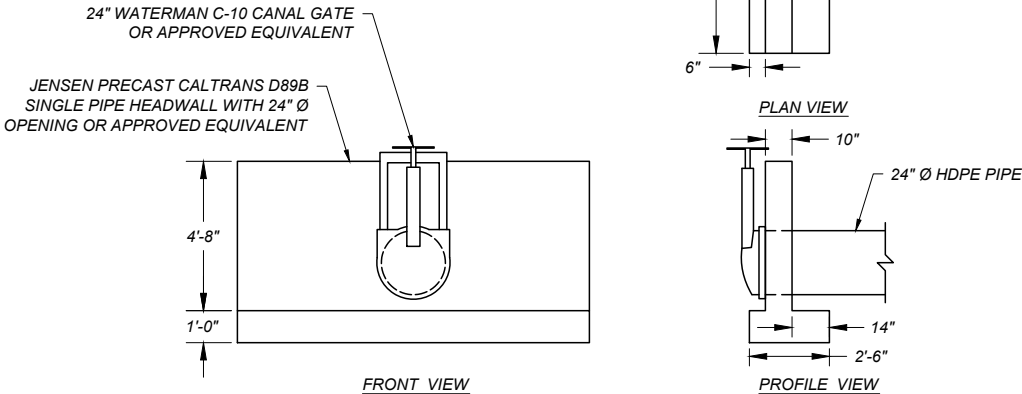
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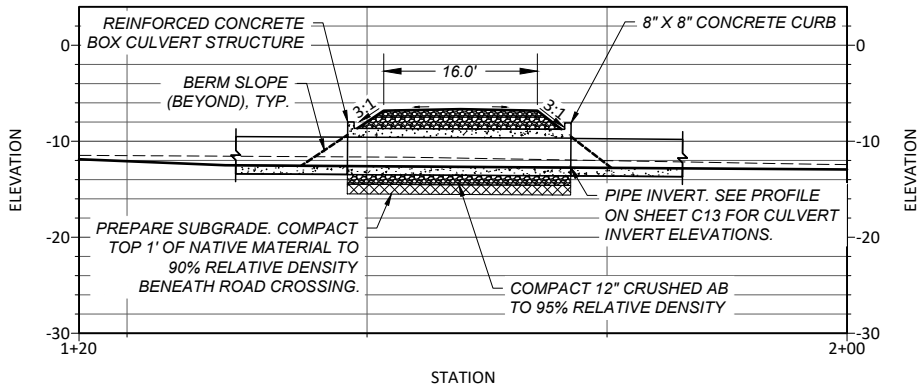




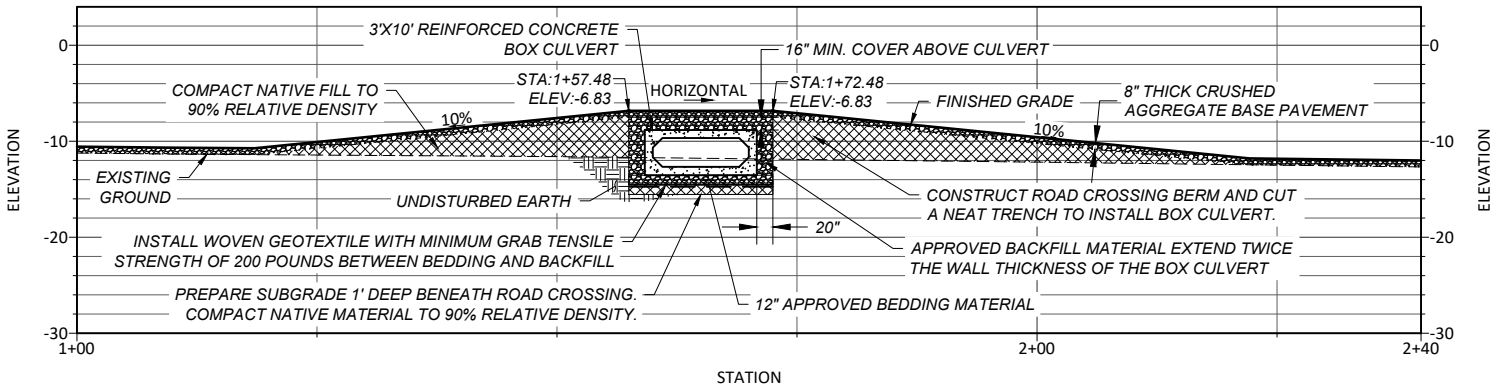
1 SEGMENTAL BOX CULVERT DETAIL  
SCALE: 1" = 5'



2 DETENTION BASIN OUTLET HEADWALL DETAIL  
SCALE: 1" = 4'



3 CULVERT CROSSING DETAIL  
SCALE: 1" = 10'

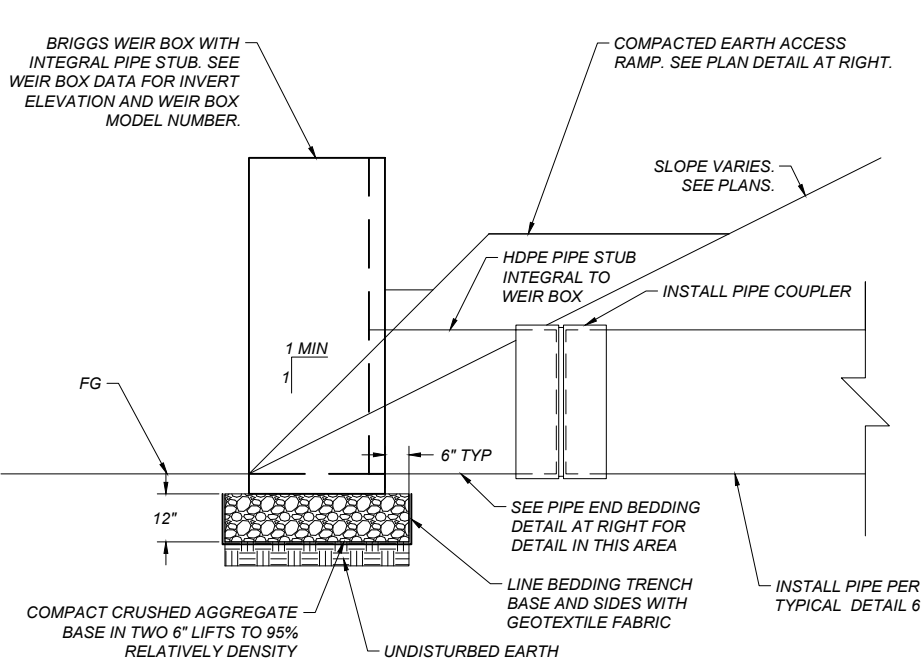


4 ACCESS ROAD TYPICAL SECTION DETAIL  
SCALE: 1" = 5'

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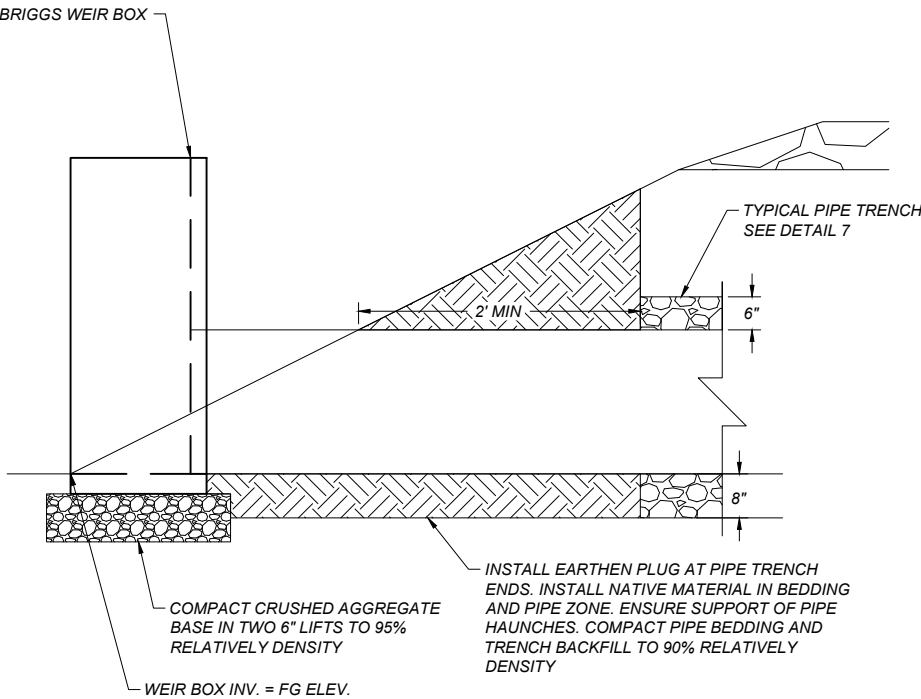
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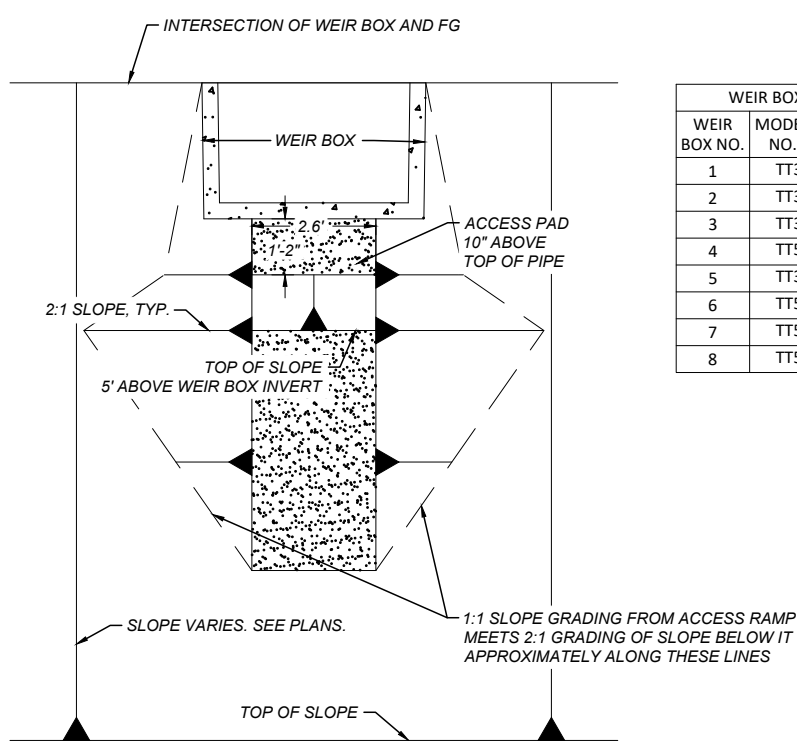


- NOTES:
1. CONSTRUCT COMPACTED EARTH ACCESS RAMP TO WEIR BOX. SEE COMPACTED EARTH ACCESS RAMP GRADING DETAIL.
  2. WHERE THE TRENCH BOTTOM IS UNSTABLE, THE CONTRACTOR SHALL SCARIFY AND RECOMPACT NATIVE SOILS TO AT LEAST 4" BELOW THE BEDDING, OR EXCAVATE TO A DEPTH REQUIRED BY THE OWNER'S REPRESENTATIVE AND REPLACE WITH SUITABLE MATERIAL AS SPECIFIED BY THE OWNER'S REPRESENTATIVE.

TYPICAL CONSTRUCTION



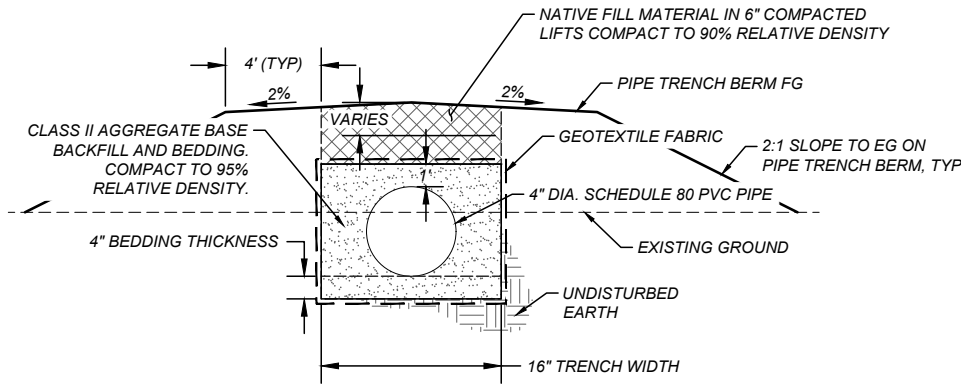
PIPE END BEDDING



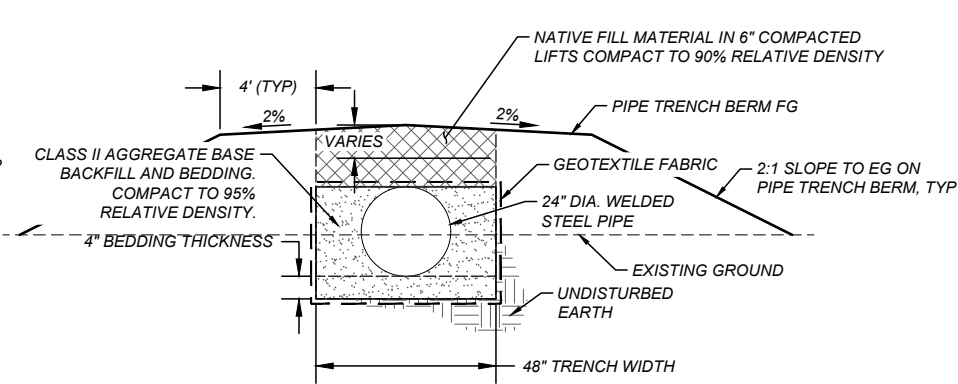
COMPACTED EARTH ACCESS RAMP GRADING DETAIL

WEIR BOX DATA		
WEIR BOX NO.	MODEL NO.	INVERT ELEV. (FT)
1	TT33	-9.2
2	TT33	-9.0
3	TT33	-9.0
4	TT55	-14.0
5	TT33	-12.0
6	TT55	-14.0
7	TT55	-14.0
8	TT55	-14.0

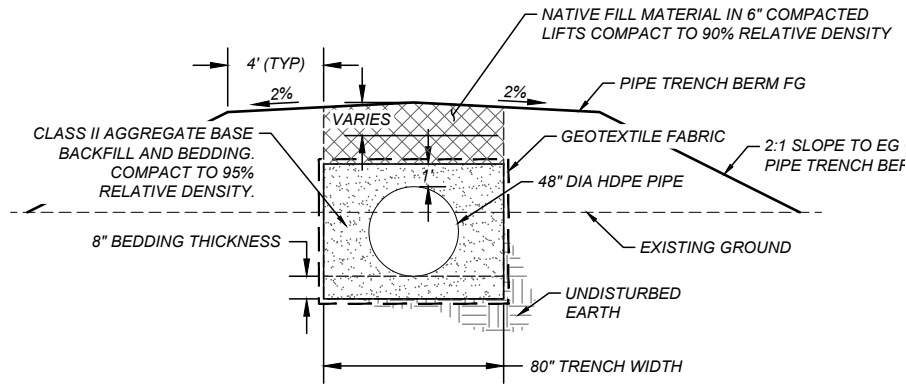
5 WEIR BOX INSTALLATION DETAIL  
NTS



4" DIA. SCHEDULE 80 PVC PIPE TRENCH



24" DIA. WELDED STEEL PIPE TRENCH



48" DIA. HDPE PIPE TRENCH

- NOTES
1. UNSTABLE TRENCH BOTTOM MATERIAL SHALL BE EXCAVATED TO A DEPTH SPECIFIED BY THE ENGINEER AND REPLACED WITH SUITABLE MATERIAL AS DIRECTED.
  2. APPROVED BEDDING AND BACKFILL MATERIAL SHALL BE CALTRANS CLASS 2 AGGREGATE BASE
  3. PIPE INSTALLATION SHALL NOT OCCUR IF WATER IS PRESENT IN THE TRENCH.
  4. INSTALLATION SHALL BE IN ACCORDANCE WITH ASTM D2321.
  5. 2' MINIMUM COVER REQUIRED DURING HEAVY CONSTRUCTION ACTIVITIES.
  6. EXPOSE FIRM, STABLE SOILS FOR THE SUBGRADE BY DRAWING THE BACKHOE BUCKET AND NOT ITS TEETH THROUGH THE SOILS.

6 PIPE TRENCH DETAIL  
NTS

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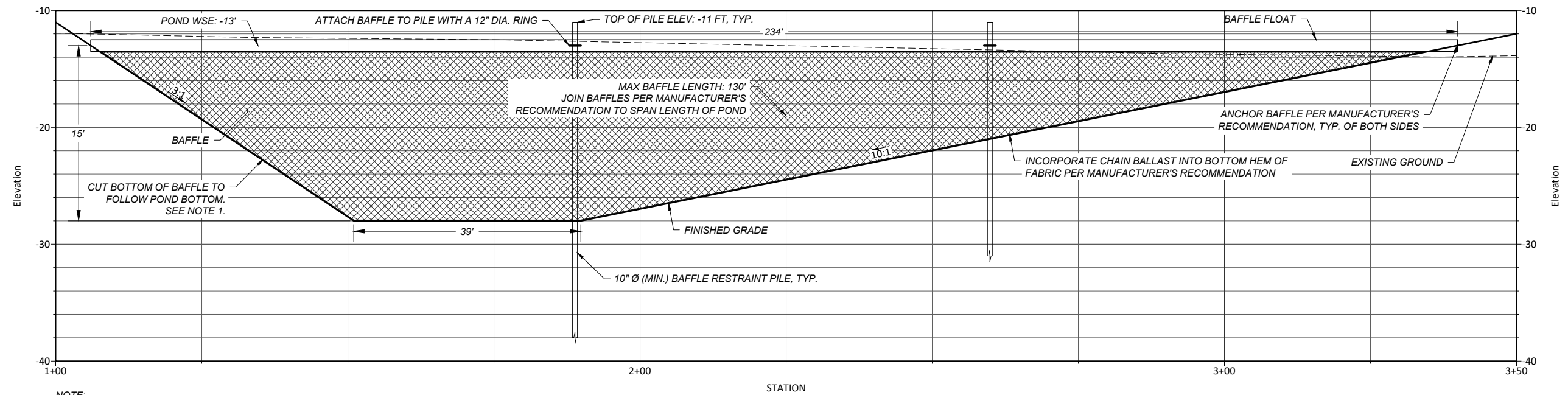
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C10

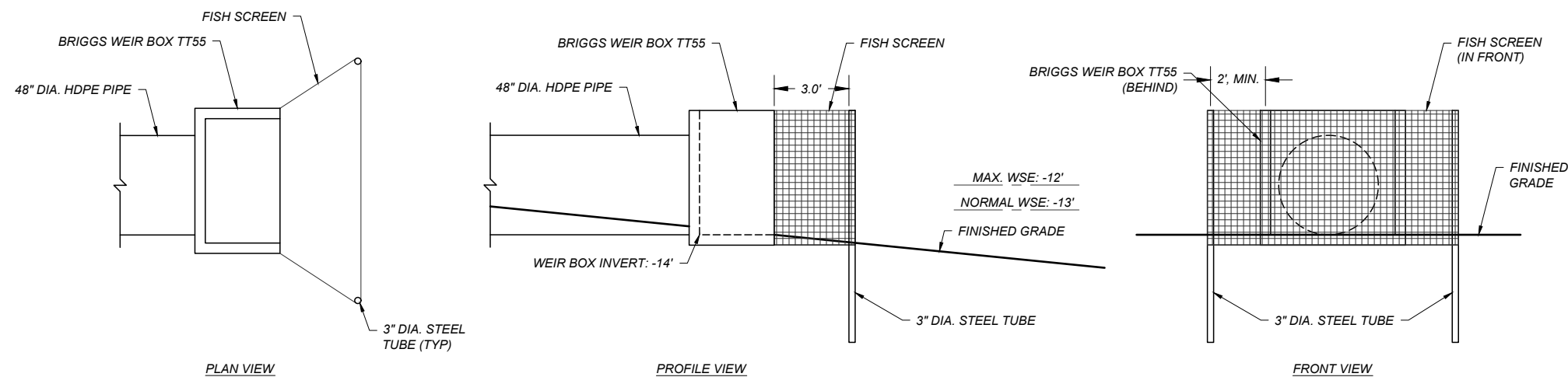
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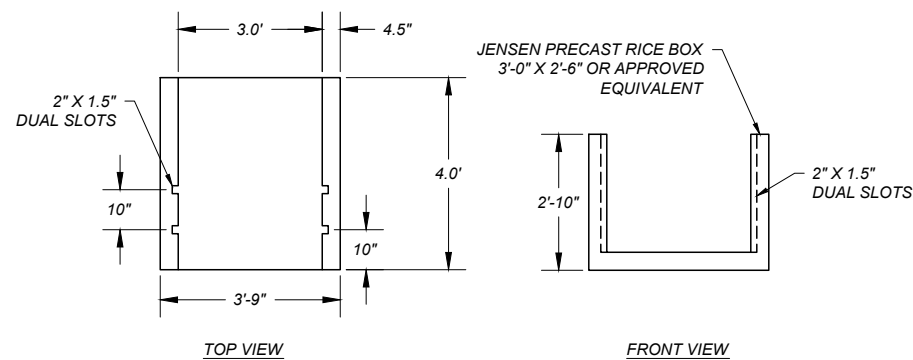
NOTE:

1. CUT BOTTOM OF BAFFLE WITH SUFFICIENT MATERIAL TO MAINTAIN SEGMENTATION OF POND AT THE MAXIMUM POND WSE (-12'), ACCORDING TO MANUFACTURER'S RECOMMENDATION.

**7**  
**C9** **BAFFLE DETAIL**  
SCALE: H1" = 10', V1" = 5'

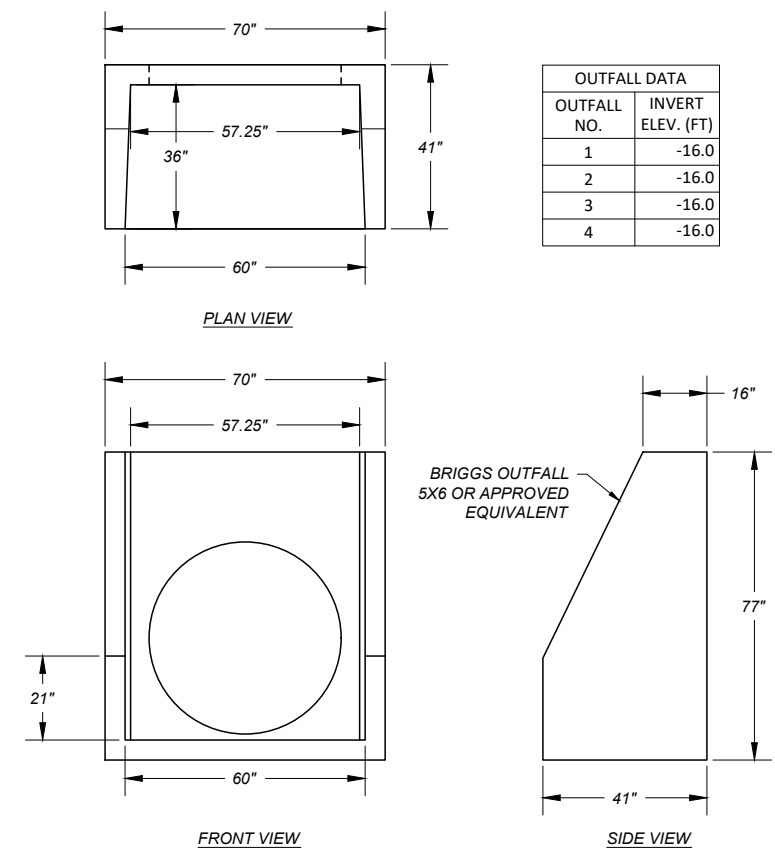


 8 FISH SCREEN DETAIL  
C6, C9 SCALE: 1" = 3'



RICE BOX DATA	
RICE BOX NO.	INVERT ELEV. (FT)
1	-8.9
2	-9.1
3	-11.3
4	-11.7

9 RICE BOX DETAIL  
C5, C8 SCALE: 1" = 2'

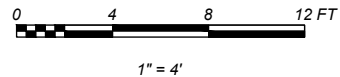


10  
C10

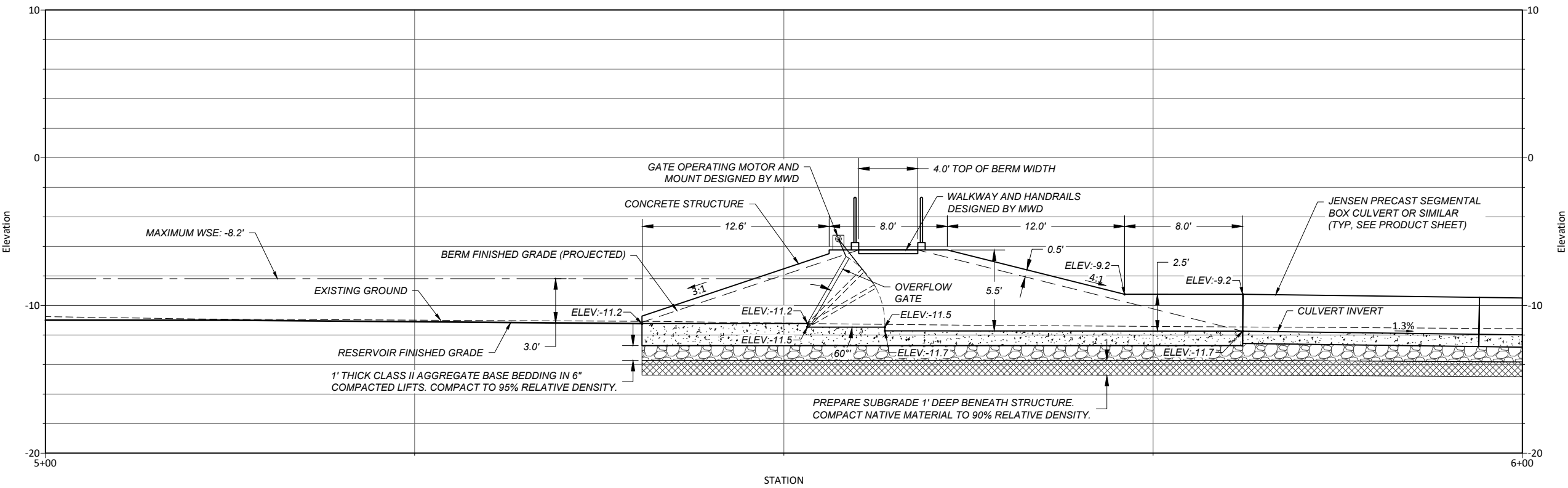
OUTFALL DETAIL

SCALE: 1" = 2'

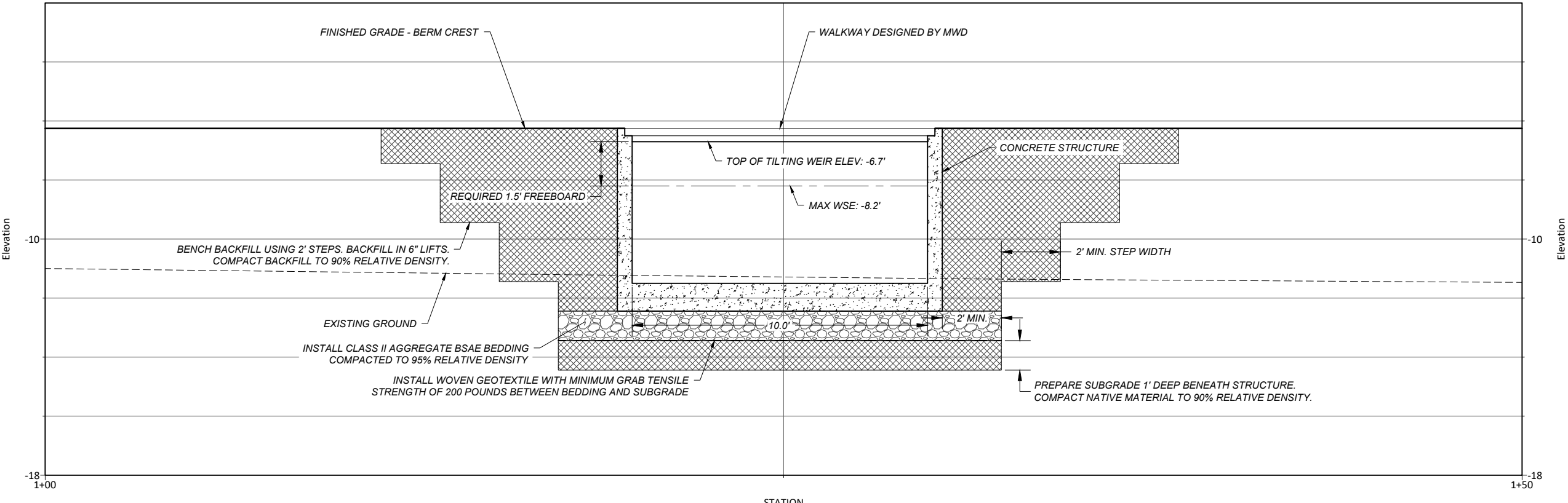
NOTE:  
1. INSTALL RICE BOXES IN SERIES TO SPAN THE TOE TO TOE DISTANCE OF THE FEEDING MARSH BERMS AS SHOWN ON PLANS.



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PROFILE: COOLING MARSH TILTING WEIR STRUCTURE  
SCALE: 1" = 4'



WATER CONTROL STRUCTURE SECTION  
SCALE: 1" = 2'

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SHEET  
C22  
22 OF 149

Road A ALIGNMENT GEOMETRY				
NUMBER	LENGTH	RADIUS	START POINT	END POINT
L1	95.4		E: 6255697.46 N: 2234965.28	E: 6255676.14 N: 2235058.26
L2	176.6		E: 6255676.14 N: 2235058.26	E: 6255618.99 N: 2235225.32
L3	83.5		E: 6255618.99 N: 2235225.32	E: 6255595.42 N: 2235305.40
L4	316.9		E: 6255595.42 N: 2235305.40	E: 6255481.96 N: 2235601.30
L5	114.1		E: 6255481.96 N: 2235601.30	E: 6255436.47 N: 2235705.96
L6	74.5		E: 6255436.47 N: 2235705.96	E: 6255388.20 N: 2235762.70
L7	127.9		E: 6255388.20 N: 2235762.70	E: 6255294.06 N: 2235849.30
L8	97.3		E: 6255294.06 N: 2235849.30	E: 6255211.16 N: 2235900.28
L9	190.3		E: 6255211.16 N: 2235900.28	E: 6255027.51 N: 2235950.17
L10	198.5		E: 6255027.51 N: 2235950.17	E: 6254830.90 N: 2235977.11
L11	203.7		E: 6254830.90 N: 2235977.11	E: 6254627.17 N: 2235974.28
L12	239.1		E: 6254627.17 N: 2235974.28	E: 6254392.37 N: 2235929.00
L13	657.5		E: 6254392.37 N: 2235929.00	E: 6253775.76 N: 2235700.82
C1	32.2	37	E:6253775.76 N: 2235700.82	E: 6253744.68 N: 2235703.45
L14	25.1		E: 6253744.68 N: 2235703.45	E: 6253721.32 N: 2235712.74
C2	21.8	26	E:6253721.32 N: 2235712.74	E: 6253706.39 N: 2235727.81
C3	41.0	94	E:6253706.39 N: 2235727.81	E: 6253683.87 N: 2235761.68
L15	20.4		E: 6253683.87 N: 2235761.68	E: 6253666.26 N: 2235771.98
L16	13.5		E: 6253666.26 N: 2235771.98	E: 6253654.05 N: 2235777.83

Road B ALIGNMENT GEOMETRY				
NUMBER	LENGTH	RADIUS	START POINT	END POINT
L17	37.0		E: 6255614.48 N: 2235240.62	E: 6255579.22 N: 2235229.35
L53	37.0		E: 6255614.48 N: 2235240.62	E: 6255579.22 N: 2235229.35
L18	574.9		E: 6255579.22 N: 2235229.35	E: 6255098.27 N: 2234914.31
L54	574.9		E: 6255579.22 N: 2235229.35	E: 6255098.27 N: 2234914.31
C4	47.3	30	E:6255098.27 N: 2234914.31	E: 6255056.64 N: 2234923.11
L57	99.8		E: 6255056.64 N: 2234923.11	E: 6255002.45 N: 2235006.86
C20	68.4	130	E:6255002.45 N: 2235006.86	E: 6254952.21 N: 2235052.15
C21	78.2	233	E:6254952.21 N: 2235052.15	E: 6254889.68 N: 2235098.54
C22	228.2	1256	E:6254889.68 N: 2235098.54	E: 6254747.43 N: 2235276.55
L55	350.7		E: 6254747.43 N: 2235276.55	E: 6254554.23 N: 2235569.27
C23	11.1	23	E:6254554.23 N: 2235569.27	E: 6254550.58 N: 2235579.66
L56	143.8		E: 6254550.58 N: 2235579.66	E: 6254537.34 N: 2235722.86

Road C ALIGNMENT GEOMETRY				
NUMBER	LENGTH	RADIUS	START POINT	END POINT
L27	33.7		E: 6255546.42 N: 2235433.18	E: 6255514.93 N: 2235421.11
L28	277.5		E: 6255514.93 N: 2235421.11	E: 6255266.75 N: 2235296.96
C10	51.7	38	E:6255266.75 N: 2235296.96	E: 6255219.93 N: 2235306.89
L29	190.8		E: 6255219.93 N: 2235306.89	E: 6255099.88 N: 2235455.18
L30	173.4		E: 6255099.88 N: 2235455.18	E: 6254987.95 N: 2235587.64
C11	37.4	38	E:6254987.95 N: 2235587.64	E: 6254980.49 N: 2235622.79
L31	328.3		E: 6254980.49 N: 2235622.79	E: 6255071.60 N: 2235938.19

Road D ALIGNMENT GEOMETRY				
NUMBER	LENGTH	RADIUS	START POINT	END POINT
L32	285.7		E: 6255266.75 N: 2235296.96	E: 6255012.46 N: 2235166.73
L33	138.8		E: 6255012.46 N: 2235166.73	E: 6254894.67 N: 2235093.24

Road E ALIGNMENT GEOMETRY				
NUMBER	LENGTH	RADIUS	START POINT	END POINT
L34	225.5		E: 6254987.20 N: 2235588.55	E: 6254810.09 N: 2235448.97
C24	103.8	854	E:6254810.09 N: 2235448.97	E: 6254724.89 N: 2235389.85
L59	232.3		E: 6254724.89 N: 2235389.85	E: 6254526.32 N: 2235269.22
C25	45.6	183	E:6254526.32 N: 2235269.22	E: 6254490.69 N: 2235240.97
L60	52.1		E: 6254490.69 N: 2235240.97	E: 6254454.22 N: 2235203.79
C26	24.9	85	E:6254454.22 N: 2235203.79	E: 6254434.46 N: 2235188.83
L61	307.7		E: 6254434.46 N: 2235188.83	E: 6254164.69 N: 2235040.91
C27	47.4	30	E:6254164.69 N: 2235040.91	E: 6254123.82 N: 2235053.04
L62	321.2		E: 6254123.82 N: 2235053.04	E: 6253972.10 N: 2235336.11
L63	399.9		E: 6253972.10 N: 2235336.11	E: 6253767.86 N: 2235679.87
C28	33.4	69	E:6253767.86 N: 2235679.87	E: 6253744.68 N: 2235703.45

Road F ALIGNMENT GEOMETRY				
NUMBER	LENGTH	RADIUS	START POINT	END POINT
L35	33.5		E: 6255000.88 N: 2235693.39	E: 6254968.68 N: 2235702.69
L36	163.6		E: 6254968.68 N: 2235702.69	E: 6254807.45 N: 2235730.22
L37	167.8		E: 6254807.45 N: 2235730.22	E: 6254639.61 N: 2235731.64
L38	178.6		E: 6254639.61 N: 2235731.64	E: 6254461.67 N: 2235716.36
C12	9.4	30	E:6254461.67 N: 2235716.36	E: 6254452.60 N: 2235714.13
L39	612.4		E: 6254452.60 N: 2235714.13	E: 6253888.09 N: 2235476.63

Road G ALIGNMENT GEOMETRY				
NUMBER	LENGTH	RADIUS	START POINT	END POINT
L43	199.5		E: 6254386.45 N: 2235926.81	E: 6254437.71 N: 2235734.05
C14	37.0	149	E:6254437.71 N: 2235734.05	E: 6254451.56 N: 2235699.83
C15	37.0	149	E:6254451.56 N: 2235699.83	E: 6254465.40 N: 2235665.61
L44	41.0		E: 6254465.40 N: 2235665.61	E: 6254468.91 N: 2235624.72
C16	28.5	22	E:6254468.91 N: 2235624.72	E: 6254454.79 N: 2235602.27
L45	75.3		E: 6254454.79 N: 2235602.27	E: 6254384.38 N: 2235575.56
C17	13.3	22	E:6254384.38 N: 2235575.56	E: 6254371.31 N: 2235574.77
L46	162.3		E: 6254371.31 N: 2235574.77	E: 6254213.70 N: 2235613.62

Road H ALIGNMENT GEOMETRY				
NUMBER	LENGTH	RADIUS	START POINT	END POINT
L47	124.5		E: 6254501.06 N: 2235250.75	E: 6254441.12 N: 2235359.90
C18	23.6	338	E:6254441.12 N: 2235359.90	E: 6254430.48 N: 2235380.98
L48	52.4		E: 6254430.48 N: 2235380.98	E: 6254404.42 N: 2235426.47
C19	71.6	90	E:6254404.42 N: 2235426.47	E: 6254349.07 N: 2235468.95
L49	271.4		E: 6254349.07 N: 2235468.95	E: 6254082.87 N: 2235521.60
C29	21.5	22	E:6254082.87 N: 2235521.60	E: 6254066.95 N: 2235534.68
L64	15.8		E: 6254066.95 N: 2235534.68	E: 6254060.91 N: 2235549.34

COOLING MARSH A CONVEYANCE CHANNEL ALIGNMENT GEOMETRY				
NUMBER	LENGTH	RADIUS	START POINT	END POINT
L65	83.8		E: 6254130.28 N: 2235649.45	E: 6254161.54 N: 2235571.67
L66	10.8		E: 6254161.54 N: 2235571.67	E: 6254169.96 N: 2235564.83
L67	278.1		E: 6254169.96 N: 2235564.83	E: 6254442.81 N: 2235510.98

COOLING MARSH B CONVEYANCE CHANNEL ALIGNMENT GEOMETRY				
NUMBER	LENGTH	RADIUS	START POINT	END POINT
L68	174.9		E: 6255138.57 N: 2235516.72	E: 6255006.90 N: 2235401.58

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ALIGNMENT GEOMETRY

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# **Appendix B**

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## **Construction Details and Air Quality Emission Estimate Calculations**





## **B-1 CalEEMod Output**

## Bouldin Smelt - San Joaquin Valley Air Basin, Annual

**EMFAC Off-Model Adjustment Factors for Gasoline Light Duty Vehicle to Account for the SAFE Vehicle Rule Not Applied****Bouldin Smelt****San Joaquin Valley Air Basin, Annual****1.0 Project Characteristics****1.1 Land Usage**

Land Uses	Size	Metric	Lot Acreage	Floor Surface Area	Population
User Defined Industrial	1.00	User Defined Unit	25.00	0.00	0

**1.2 Other Project Characteristics**

<b>Urbanization</b>	Rural	<b>Wind Speed (m/s)</b>	2.7	<b>Precipitation Freq (Days)</b>	45
<b>Climate Zone</b>	2			<b>Operational Year</b>	2023
<b>Utility Company</b>	Pacific Gas and Electric Company				
<b>CO2 Intensity (lb/MW hr)</b>	203.98	<b>CH4 Intensity (lb/MW hr)</b>	0.033	<b>N2O Intensity (lb/MW hr)</b>	0.004

**1.3 User Entered Comments & Non-Default Data**

Project Characteristics -

Land Use - Project specific information

Construction Phase - Project specific information

Off-road Equipment - Project specific info

Off-road Equipment - Project specific information

Off-road Equipment - Placeholder for dust calcs

Grading - Project info

Trips and VMT - Project specific information, trip for flatbed and fish transport trucks

Table Name	Column Name	Default Value	New Value
tblConstructionPhase	NumDays	35.00	47.00

## Bouldin Smelt - San Joaquin Valley Air Basin, Annual

**EMFAC Off-Model Adjustment Factors for Gasoline Light Duty Vehicle to Account for the SAFE Vehicle Rule Not Applied**

tblConstructionPhase	NumDays	370.00	47.00
tblConstructionPhase	NumDaysWeek	5.00	6.00
tblConstructionPhase	NumDaysWeek	5.00	6.00
tblGrading	AcresOfGrading	11.75	117.00
tblLandUse	LotAcreage	0.00	25.00
tblOffRoadEquipment	HorsePower	367.00	231.00
tblOffRoadEquipment	HorsePower	402.00	362.00
tblOffRoadEquipment	HorsePower	158.00	1.00
tblOffRoadEquipment	HorsePower	97.00	200.00
tblOffRoadEquipment	HorsePower	97.00	450.00
tblOffRoadEquipment	HorsePower	247.00	265.00
tblOffRoadEquipment	HorsePower	221.00	570.00
tblOffRoadEquipment	HorsePower	8.00	249.00
tblOffRoadEquipment	HorsePower	187.00	180.00
tblOffRoadEquipment	HorsePower	158.00	200.00
tblOffRoadEquipment	HorsePower	187.00	1.00
tblOffRoadEquipment	HorsePower	247.00	1.00
tblOffRoadEquipment	HorsePower	16.00	375.00
tblOffRoadEquipment	HorsePower	367.00	1.00
tblOffRoadEquipment	HorsePower	172.00	100.00
tblOffRoadEquipment	HorsePower	97.00	1.00
tblOffRoadEquipment	LoadFactor	0.48	0.29
tblOffRoadEquipment	LoadFactor	0.38	0.20
tblOffRoadEquipment	LoadFactor	0.37	0.74
tblOffRoadEquipment	LoadFactor	0.40	0.45
tblOffRoadEquipment	LoadFactor	0.38	0.50
tblOffRoadEquipment	OffRoadEquipmentType	Cranes	Scrapers
tblOffRoadEquipment	OffRoadEquipmentType	Forklifts	Off-Highway Trucks
tblOffRoadEquipment	OffRoadEquipmentType	Welders	Rubber Tired Dozers

## Bouldin Smelt - San Joaquin Valley Air Basin, Annual

**EMFAC Off-Model Adjustment Factors for Gasoline Light Duty Vehicle to Account for the SAFE Vehicle Rule Not Applied**

tblOffRoadEquipment	OffRoadEquipmentType		Bore/Drill Rigs
tblOffRoadEquipment	OffRoadEquipmentType		Plate Compactors
tblOffRoadEquipment	OffRoadEquipmentType		Graders
tblOffRoadEquipment	OffRoadEquipmentType		Excavators
tblOffRoadEquipment	OffRoadEquipmentType		Dumpers/Tenders
tblOffRoadEquipment	OffRoadEquipmentType		Other Construction Equipment
tblOffRoadEquipment	OffRoadEquipmentUnitAmount	2.00	1.00
tblOffRoadEquipment	OffRoadEquipmentUnitAmount	3.00	1.00
tblOffRoadEquipment	OffRoadEquipmentUnitAmount	3.00	1.00
tblOffRoadEquipment	OffRoadEquipmentUnitAmount	2.00	1.00
tblOffRoadEquipment	OffRoadEquipmentUnitAmount	2.00	1.00
tblOffRoadEquipment	UsageHours	8.00	1.00
tblOffRoadEquipment	UsageHours	7.00	2.40
tblOffRoadEquipment	UsageHours	7.00	2.40
tblOffRoadEquipment	UsageHours	8.00	1.00
tblOffRoadEquipment	UsageHours	8.00	1.00
tblOffRoadEquipment	UsageHours	8.00	1.00
tblOffRoadEquipment	UsageHours	8.00	1.00
tblProjectCharacteristics	UrbanizationLevel	Urban	Rural
tblTripsAndVMT	HaulingTripNumber	0.00	2.00

**2.0 Emissions Summary**

## Bouldin Smelt - San Joaquin Valley Air Basin, Annual

## EMFAC Off-Model Adjustment Factors for Gasoline Light Duty Vehicle to Account for the SAFE Vehicle Rule Not Applied

## 2.1 Overall Construction

Unmitigated Construction

	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio- CO2	Total CO2	CH4	N2O	CO2e
Year	tons/yr										MT/yr					
2022	0.0249	0.2382	0.1742	5.1000e-004	0.0835	9.3100e-003	0.0929	0.0174	8.5700e-003	0.0260	0.0000	45.0756	45.0756	0.0136	1.0000e-004	45.4453
Maximum	0.0249	0.2382	0.1742	5.1000e-004	0.0835	9.3100e-003	0.0929	0.0174	8.5700e-003	0.0260	0.0000	45.0756	45.0756	0.0136	1.0000e-004	45.4453

Mitigated Construction

	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio- CO2	Total CO2	CH4	N2O	CO2e
Year	tons/yr										MT/yr					
2022	0.0249	0.2382	0.1742	5.1000e-004	0.0835	9.3100e-003	0.0929	0.0174	8.5700e-003	0.0260	0.0000	45.0755	45.0755	0.0136	1.0000e-004	45.4453
Maximum	0.0249	0.2382	0.1742	5.1000e-004	0.0835	9.3100e-003	0.0929	0.0174	8.5700e-003	0.0260	0.0000	45.0755	45.0755	0.0136	1.0000e-004	45.4453

	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio-CO2	Total CO2	CH4	N2O	CO2e
Percent Reduction	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00

## Bouldin Smelt - San Joaquin Valley Air Basin, Annual

**EMFAC Off-Model Adjustment Factors for Gasoline Light Duty Vehicle to Account for the SAFE Vehicle Rule Not Applied**

Quarter	Start Date	End Date	Maximum Unmitigated ROG + NOX (tons/quarter)	Maximum Mitigated ROG + NOX (tons/quarter)
1	9-1-2022	9-30-2022	0.1440	0.1440
		Highest	0.1440	0.1440

**2.2 Overall Operational****Unmitigated Operational**

	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio- CO2	Total CO2	CH4	N2O	CO2e
Category	tons/yr										MT/yr					
Area	0.0000	0.0000	1.0000e-005	0.0000		0.0000	0.0000		0.0000	0.0000	0.0000	2.0000e-005	2.0000e-005	0.0000	0.0000	2.0000e-005
Energy	0.0000	0.0000	0.0000	0.0000		0.0000	0.0000		0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000
Mobile	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000
Waste						0.0000	0.0000		0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000
Water						0.0000	0.0000		0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000
Total	0.0000	0.0000	1.0000e-005	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	2.0000e-005	2.0000e-005	0.0000	0.0000	2.0000e-005

## Bouldin Smelt - San Joaquin Valley Air Basin, Annual

## EMFAC Off-Model Adjustment Factors for Gasoline Light Duty Vehicle to Account for the SAFE Vehicle Rule Not Applied

## 2.2 Overall Operational

Mitigated Operational

	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio- CO2	Total CO2	CH4	N2O	CO2e
Category	tons/yr										MT/yr					
Area	0.0000	0.0000	1.0000e-005	0.0000		0.0000	0.0000		0.0000	0.0000	0.0000	2.0000e-005	2.0000e-005	0.0000	0.0000	2.0000e-005
Energy	0.0000	0.0000	0.0000	0.0000		0.0000	0.0000		0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000
Mobile	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000
Waste						0.0000	0.0000		0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000
Water						0.0000	0.0000		0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000
Total	0.0000	0.0000	1.0000e-005	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	2.0000e-005	2.0000e-005	0.0000	0.0000	2.0000e-005

	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio-CO2	Total CO2	CH4	N2O	CO2e
Percent Reduction	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00

## 3.0 Construction Detail

Construction Phase

Phase Number	Phase Name	Phase Type	Start Date	End Date	Num Days Week	Num Days	Phase Description
1	Phase I	Building Construction	9/1/2022	10/25/2022	6	47	
2	Grading for dust calc	Grading	9/1/2022	10/25/2022	6	47	

## Bouldin Smelt - San Joaquin Valley Air Basin, Annual

**EMFAC Off-Model Adjustment Factors for Gasoline Light Duty Vehicle to Account for the SAFE Vehicle Rule Not Applied****Acres of Grading (Site Preparation Phase): 0****Acres of Grading (Grading Phase): 117****Acres of Paving: 0****Residential Indoor: 0; Residential Outdoor: 0; Non-Residential Indoor: 0; Non-Residential Outdoor: 0; Striped Parking Area: 0 (Architectural Coating – sqft)****OffRoad Equipment**

Phase Name	Offroad Equipment Type	Amount	Usage Hours	Horse Power	Load Factor
Phase I	Scrapers	1	2.40	231	0.29
Phase I	Off-Highway Trucks	1	2.40	362	0.20
Grading for dust calc	Excavators	1	1.00	1	0.38
Phase I	Tractors/Loaders/Backhoes	1	2.40	200	0.74
Phase I	Tractors/Loaders/Backhoes	1	2.40	450	0.37
Phase I	Rubber Tired Dozers	1	2.40	265	0.45
Phase I	Bore/Drill Rigs	1	0.50	570	0.50
Phase I	Plate Compactors	1	2.40	249	0.43
Phase I	Graders	1	2.40	180	0.41
Phase I	Excavators	1	2.40	200	0.38
Grading for dust calc	Graders	1	1.00	1	0.41
Grading for dust calc	Rubber Tired Dozers	1	1.00	1	0.40
Phase I	Dumpers/Tenders	1	2.40	375	0.50
Grading for dust calc	Scrapers	1	1.00	1	0.48
Phase I	Other Construction Equipment	1	0.20	100	0.42
Grading for dust calc	Tractors/Loaders/Backhoes	1	1.00	1	0.37

**Trips and VMT**



## Bouldin Smelt - San Joaquin Valley Air Basin, Annual

**EMFAC Off-Model Adjustment Factors for Gasoline Light Duty Vehicle to Account for the SAFE Vehicle Rule Not Applied**

Phase Name	Offroad Equipment Count	Worker Trip Number	Vendor Trip Number	Hauling Trip Number	Worker Trip Length	Vendor Trip Length	Hauling Trip Length	Worker Vehicle Class	Vendor Vehicle Class	Hauling Vehicle Class
Phase I	11	0.00	0.00	2.00	16.80	6.60	20.00	LD_Mix	HDT_Mix	HHDT
Grading for dust calc	5	13.00	0.00	0.00	16.80	6.60	20.00	LD_Mix	HDT_Mix	HHDT

**3.1 Mitigation Measures Construction****3.2 Phase I - 2022****Unmitigated Construction On-Site**

	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio- CO2	Total CO2	CH4	N2O	CO2e
Category	tons/yr										MT/yr					
Off-Road	0.0235	0.2370	0.1622	4.8000e-004		9.2900e-003	9.2900e-003		8.5500e-003	8.5500e-003	0.0000	41.9086	41.9086	0.0136	0.0000	42.2475
<b>Total</b>	<b>0.0235</b>	<b>0.2370</b>	<b>0.1622</b>	<b>4.8000e-004</b>		<b>9.2900e-003</b>	<b>9.2900e-003</b>		<b>8.5500e-003</b>	<b>8.5500e-003</b>	<b>0.0000</b>	<b>41.9086</b>	<b>41.9086</b>	<b>0.0136</b>	<b>0.0000</b>	<b>42.2475</b>

## Bouldin Smelt - San Joaquin Valley Air Basin, Annual

## EMFAC Off-Model Adjustment Factors for Gasoline Light Duty Vehicle to Account for the SAFE Vehicle Rule Not Applied

## 3.2 Phase I - 2022

Unmitigated Construction Off-Site

	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio- CO2	Total CO2	CH4	N2O	CO2e
Category	tons/yr										MT/yr					
Hauling	0.0000	1.5000e-004	3.0000e-005	0.0000	2.0000e-005	0.0000	2.0000e-005	0.0000	0.0000	1.0000e-005	0.0000	0.0587	0.0587	0.0000	1.0000e-005	0.0615
Vendor	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000
Worker	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000
<b>Total</b>	<b>0.0000</b>	<b>1.5000e-004</b>	<b>3.0000e-005</b>	<b>0.0000</b>	<b>2.0000e-005</b>	<b>0.0000</b>	<b>2.0000e-005</b>	<b>0.0000</b>	<b>0.0000</b>	<b>1.0000e-005</b>	<b>0.0000</b>	<b>0.0587</b>	<b>0.0587</b>	<b>0.0000</b>	<b>1.0000e-005</b>	<b>0.0615</b>

Mitigated Construction On-Site

	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio- CO2	Total CO2	CH4	N2O	CO2e
Category	tons/yr										MT/yr					
Off-Road	0.0235	0.2370	0.1622	4.8000e-004		9.2900e-003	9.2900e-003		8.5500e-003	8.5500e-003	0.0000	41.9086	41.9086	0.0136	0.0000	42.2474
<b>Total</b>	<b>0.0235</b>	<b>0.2370</b>	<b>0.1622</b>	<b>4.8000e-004</b>		<b>9.2900e-003</b>	<b>9.2900e-003</b>		<b>8.5500e-003</b>	<b>8.5500e-003</b>	<b>0.0000</b>	<b>41.9086</b>	<b>41.9086</b>	<b>0.0136</b>	<b>0.0000</b>	<b>42.2474</b>

## Bouldin Smelt - San Joaquin Valley Air Basin, Annual

## EMFAC Off-Model Adjustment Factors for Gasoline Light Duty Vehicle to Account for the SAFE Vehicle Rule Not Applied

## 3.2 Phase I - 2022

Mitigated Construction Off-Site

	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio- CO2	Total CO2	CH4	N2O	CO2e
Category	tons/yr										MT/yr					
Hauling	0.0000	1.5000e-004	3.0000e-005	0.0000	2.0000e-005	0.0000	2.0000e-005	0.0000	0.0000	1.0000e-005	0.0000	0.0587	0.0587	0.0000	1.0000e-005	0.0615
Vendor	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000
Worker	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000
<b>Total</b>	<b>0.0000</b>	<b>1.5000e-004</b>	<b>3.0000e-005</b>	<b>0.0000</b>	<b>2.0000e-005</b>	<b>0.0000</b>	<b>2.0000e-005</b>	<b>0.0000</b>	<b>0.0000</b>	<b>1.0000e-005</b>	<b>0.0000</b>	<b>0.0587</b>	<b>0.0587</b>	<b>0.0000</b>	<b>1.0000e-005</b>	<b>0.0615</b>

## 3.3 Grading for dust calc - 2022

Unmitigated Construction On-Site

	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio- CO2	Total CO2	CH4	N2O	CO2e
Category	tons/yr										MT/yr					
Fugitive Dust					0.0797	0.0000	0.0797	0.0164	0.0000	0.0164	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000
<b>Total</b>					<b>0.0797</b>	<b>0.0000</b>	<b>0.0797</b>	<b>0.0164</b>	<b>0.0000</b>	<b>0.0164</b>	<b>0.0000</b>	<b>0.0000</b>	<b>0.0000</b>	<b>0.0000</b>	<b>0.0000</b>	<b>0.0000</b>

## Bouldin Smelt - San Joaquin Valley Air Basin, Annual

## EMFAC Off-Model Adjustment Factors for Gasoline Light Duty Vehicle to Account for the SAFE Vehicle Rule Not Applied

## 3.3 Grading for dust calc - 2022

Unmitigated Construction Off-Site

	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio- CO2	Total CO2	CH4	N2O	CO2e
Category	tons/yr										MT/yr					
Hauling	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000
Vendor	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000
Worker	1.3700e-003	1.0500e-003	0.0120	3.0000e-005	3.8000e-003	2.0000e-005	3.8200e-003	1.0100e-003	2.0000e-005	1.0300e-003	0.0000	3.1083	3.1083	8.0000e-005	9.0000e-005	3.1364
Total	1.3700e-003	1.0500e-003	0.0120	3.0000e-005	3.8000e-003	2.0000e-005	3.8200e-003	1.0100e-003	2.0000e-005	1.0300e-003	0.0000	3.1083	3.1083	8.0000e-005	9.0000e-005	3.1364

Mitigated Construction On-Site

	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio- CO2	Total CO2	CH4	N2O	CO2e
Category	tons/yr										MT/yr					
Fugitive Dust					0.0797	0.0000	0.0797	0.0164	0.0000	0.0164	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000
Total					0.0797	0.0000	0.0797	0.0164	0.0000	0.0164	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000

## Bouldin Smelt - San Joaquin Valley Air Basin, Annual

## EMFAC Off-Model Adjustment Factors for Gasoline Light Duty Vehicle to Account for the SAFE Vehicle Rule Not Applied

## 3.3 Grading for dust calc - 2022

Mitigated Construction Off-Site

	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio- CO2	Total CO2	CH4	N2O	CO2e
Category	tons/yr										MT/yr					
Hauling	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000
Vendor	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000
Worker	1.3700e-003	1.0500e-003	0.0120	3.0000e-005	3.8000e-003	2.0000e-005	3.8200e-003	1.0100e-003	2.0000e-005	1.0300e-003	0.0000	3.1083	3.1083	8.0000e-005	9.0000e-005	3.1364
Total	1.3700e-003	1.0500e-003	0.0120	3.0000e-005	3.8000e-003	2.0000e-005	3.8200e-003	1.0100e-003	2.0000e-005	1.0300e-003	0.0000	3.1083	3.1083	8.0000e-005	9.0000e-005	3.1364

## Bouldin Smelt - San Joaquin Valley Air Basin, Annual

## EMFAC Off-Model Adjustment Factors for Gasoline Light Duty Vehicle to Account for the SAFE Vehicle Rule Not Applied

## 4.0 Operational Detail - Mobile

## 4.1 Mitigation Measures Mobile

	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio- CO2	Total CO2	CH4	N2O	CO2e
Category	tons/yr										MT/yr					
Mitigated	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000
Unmitigated	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000

## 4.2 Trip Summary Information

Land Use	Average Daily Trip Rate			Unmitigated	Mitigated
	Weekday	Saturday	Sunday	Annual VMT	Annual VMT
User Defined Industrial	0.00	0.00	0.00		
Total	0.00	0.00	0.00		

## 4.3 Trip Type Information

Land Use	Miles			Trip %			Trip Purpose %		
	H-W or C-W	H-S or C-C	H-O or C-NW	H-W or C-W	H-S or C-C	H-O or C-NW	Primary	Diverted	Pass-by
User Defined Industrial	14.70	6.60	6.60	0.00	0.00	0.00	0	0	0

## 4.4 Fleet Mix

Land Use	LDA	LDT1	LDT2	MDV	LHD1	LHD2	MHD	HHD	OBUS	UBUS	MCY	SBUS	MH
User Defined Industrial	0.505022	0.051937	0.170337	0.165963	0.030143	0.007880	0.013096	0.025463	0.000664	0.000317	0.023954	0.001505	0.003719

## Bouldin Smelt - San Joaquin Valley Air Basin, Annual

## EMFAC Off-Model Adjustment Factors for Gasoline Light Duty Vehicle to Account for the SAFE Vehicle Rule Not Applied

## 5.0 Energy Detail

Historical Energy Use: N

## 5.1 Mitigation Measures Energy

	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio- CO2	Total CO2	CH4	N2O	CO2e
Category	tons/yr										MT/yr					
Electricity Mitigated						0.0000	0.0000		0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000
Electricity Unmitigated						0.0000	0.0000		0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000
NaturalGas Mitigated	0.0000	0.0000	0.0000	0.0000		0.0000	0.0000		0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000
NaturalGas Unmitigated	0.0000	0.0000	0.0000	0.0000		0.0000	0.0000		0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000

## Bouldin Smelt - San Joaquin Valley Air Basin, Annual

**EMFAC Off-Model Adjustment Factors for Gasoline Light Duty Vehicle to Account for the SAFE Vehicle Rule Not Applied****5.2 Energy by Land Use - NaturalGas****Unmitigated**

	NaturalGas Use	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio- CO2	Total CO2	CH4	N2O	CO2e
Land Use	kBTU/yr	tons/yr										MT/yr					
User Defined Industrial	0	0.0000	0.0000	0.0000	0.0000		0.0000	0.0000		0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000
<b>Total</b>		<b>0.0000</b>	<b>0.0000</b>	<b>0.0000</b>	<b>0.0000</b>		<b>0.0000</b>	<b>0.0000</b>		<b>0.0000</b>	<b>0.0000</b>	<b>0.0000</b>	<b>0.0000</b>	<b>0.0000</b>	<b>0.0000</b>	<b>0.0000</b>	<b>0.0000</b>

**Mitigated**

	NaturalGas Use	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio- CO2	Total CO2	CH4	N2O	CO2e
Land Use	kBTU/yr	tons/yr										MT/yr					
User Defined Industrial	0	0.0000	0.0000	0.0000	0.0000		0.0000	0.0000		0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000
<b>Total</b>		<b>0.0000</b>	<b>0.0000</b>	<b>0.0000</b>	<b>0.0000</b>		<b>0.0000</b>	<b>0.0000</b>		<b>0.0000</b>	<b>0.0000</b>	<b>0.0000</b>	<b>0.0000</b>	<b>0.0000</b>	<b>0.0000</b>	<b>0.0000</b>	<b>0.0000</b>



## Bouldin Smelt - San Joaquin Valley Air Basin, Annual

**EMFAC Off-Model Adjustment Factors for Gasoline Light Duty Vehicle to Account for the SAFE Vehicle Rule Not Applied****5.3 Energy by Land Use - Electricity****Unmitigated**

	Electricity Use	Total CO2	CH4	N2O	CO2e
Land Use	kWh/yr	MT/yr			
User Defined Industrial	0	0.0000	0.0000	0.0000	0.0000
<b>Total</b>		<b>0.0000</b>	<b>0.0000</b>	<b>0.0000</b>	<b>0.0000</b>

**Mitigated**

	Electricity Use	Total CO2	CH4	N2O	CO2e
Land Use	kWh/yr	MT/yr			
User Defined Industrial	0	0.0000	0.0000	0.0000	0.0000
<b>Total</b>		<b>0.0000</b>	<b>0.0000</b>	<b>0.0000</b>	<b>0.0000</b>

**6.0 Area Detail****6.1 Mitigation Measures Area**

## Bouldin Smelt - San Joaquin Valley Air Basin, Annual

## EMFAC Off-Model Adjustment Factors for Gasoline Light Duty Vehicle to Account for the SAFE Vehicle Rule Not Applied

	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio- CO2	Total CO2	CH4	N2O	CO2e
Category	tons/yr										MT/yr					
Mitigated	0.0000	0.0000	1.0000e-005	0.0000		0.0000	0.0000		0.0000	0.0000	0.0000	2.0000e-005	2.0000e-005	0.0000	0.0000	2.0000e-005
Unmitigated	0.0000	0.0000	1.0000e-005	0.0000		0.0000	0.0000		0.0000	0.0000	0.0000	2.0000e-005	2.0000e-005	0.0000	0.0000	2.0000e-005

## 6.2 Area by SubCategory

Unmitigated

	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio- CO2	Total CO2	CH4	N2O	CO2e
SubCategory	tons/yr										MT/yr					
Architectural Coating	0.0000					0.0000	0.0000		0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000
Consumer Products	0.0000					0.0000	0.0000		0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000
Landscaping	0.0000	0.0000	1.0000e-005	0.0000		0.0000	0.0000		0.0000	0.0000	0.0000	2.0000e-005	2.0000e-005	0.0000	0.0000	2.0000e-005
<b>Total</b>	<b>0.0000</b>	<b>0.0000</b>	<b>1.0000e-005</b>	<b>0.0000</b>		<b>0.0000</b>	<b>0.0000</b>		<b>0.0000</b>	<b>0.0000</b>	<b>0.0000</b>	<b>2.0000e-005</b>	<b>2.0000e-005</b>	<b>0.0000</b>	<b>0.0000</b>	<b>2.0000e-005</b>

## Bouldin Smelt - San Joaquin Valley Air Basin, Annual

## EMFAC Off-Model Adjustment Factors for Gasoline Light Duty Vehicle to Account for the SAFE Vehicle Rule Not Applied

## 6.2 Area by SubCategory

Mitigated

	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio- CO2	Total CO2	CH4	N2O	CO2e
SubCategory	tons/yr										MT/yr					
Architectural Coating	0.0000					0.0000	0.0000		0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000
Consumer Products	0.0000					0.0000	0.0000		0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000
Landscaping	0.0000	0.0000	1.0000e-005	0.0000		0.0000	0.0000		0.0000	0.0000	0.0000	2.0000e-005	2.0000e-005	0.0000	0.0000	2.0000e-005
<b>Total</b>	<b>0.0000</b>	<b>0.0000</b>	<b>1.0000e-005</b>	<b>0.0000</b>		<b>0.0000</b>	<b>0.0000</b>		<b>0.0000</b>	<b>0.0000</b>	<b>0.0000</b>	<b>2.0000e-005</b>	<b>2.0000e-005</b>	<b>0.0000</b>	<b>0.0000</b>	<b>2.0000e-005</b>

## 7.0 Water Detail

## 7.1 Mitigation Measures Water

## Bouldin Smelt - San Joaquin Valley Air Basin, Annual

**EMFAC Off-Model Adjustment Factors for Gasoline Light Duty Vehicle to Account for the SAFE Vehicle Rule Not Applied**

	Total CO2	CH4	N2O	CO2e
Category	MT/yr			
Mitigated	0.0000	0.0000	0.0000	0.0000
Unmitigated	0.0000	0.0000	0.0000	0.0000

**7.2 Water by Land Use****Unmitigated**

	Indoor/Outdoor Use	Total CO2	CH4	N2O	CO2e
Land Use	Mgal	MT/yr			
User Defined Industrial	0 / 0	0.0000	0.0000	0.0000	0.0000
<b>Total</b>		<b>0.0000</b>	<b>0.0000</b>	<b>0.0000</b>	<b>0.0000</b>

## Bouldin Smelt - San Joaquin Valley Air Basin, Annual

**EMFAC Off-Model Adjustment Factors for Gasoline Light Duty Vehicle to Account for the SAFE Vehicle Rule Not Applied****7.2 Water by Land Use****Mitigated**

	Indoor/Outdoor Use	Total CO2	CH4	N2O	CO2e
Land Use	Mgal	MT/yr			
User Defined Industrial	0 / 0	0.0000	0.0000	0.0000	0.0000
<b>Total</b>		<b>0.0000</b>	<b>0.0000</b>	<b>0.0000</b>	<b>0.0000</b>

**8.0 Waste Detail**

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**8.1 Mitigation Measures Waste****Category/Year**

	Total CO2	CH4	N2O	CO2e
	MT/yr			
Mitigated	0.0000	0.0000	0.0000	0.0000
Unmitigated	0.0000	0.0000	0.0000	0.0000

## Bouldin Smelt - San Joaquin Valley Air Basin, Annual

**EMFAC Off-Model Adjustment Factors for Gasoline Light Duty Vehicle to Account for the SAFE Vehicle Rule Not Applied****8.2 Waste by Land Use****Unmitigated**

	Waste Disposed	Total CO2	CH4	N2O	CO2e
Land Use	tons	MT/yr			
User Defined Industrial	0	0.0000	0.0000	0.0000	0.0000
<b>Total</b>		<b>0.0000</b>	<b>0.0000</b>	<b>0.0000</b>	<b>0.0000</b>

**Mitigated**

	Waste Disposed	Total CO2	CH4	N2O	CO2e
Land Use	tons	MT/yr			
User Defined Industrial	0	0.0000	0.0000	0.0000	0.0000
<b>Total</b>		<b>0.0000</b>	<b>0.0000</b>	<b>0.0000</b>	<b>0.0000</b>

**9.0 Operational Offroad**

Equipment Type	Number	Hours/Day	Days/Year	Horse Power	Load Factor	Fuel Type
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## Bouldin Smelt - San Joaquin Valley Air Basin, Annual

**EMFAC Off-Model Adjustment Factors for Gasoline Light Duty Vehicle to Account for the SAFE Vehicle Rule Not Applied****10.0 Stationary Equipment**

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**Fire Pumps and Emergency Generators**

Equipment Type	Number	Hours/Day	Hours/Year	Horse Power	Load Factor	Fuel Type
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**Boilers**

Equipment Type	Number	Heat Input/Day	Heat Input/Year	Boiler Rating	Fuel Type
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**User Defined Equipment**

Equipment Type	Number
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**11.0 Vegetation**

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## **B-2 EMFAC Output**



Source: EMFAC2017 (v1.0.3) Emission Rates  
Region Type: Air District  
Region: San Joaquin Valley Unified APCD  
Calendar Year: 2022  
Season: Annual

Vehicle Classification: EMFAC2007 Categories  
Units: miles/day for VMT, trips/day for Trips,  
g/mile for RUNEX, PMBW and PMTW, g/trip for  
STREX, HOTSOAK and RUNLOSS, g/vehicle/day  
for IDLEX, RESTLOSS and DIURN

Region	Calendar Year	Vehicle Category	Model Year	Speed	Fuel	Population	VMT	Trips	NOx_RUNEX	NOx_IDLEX	NOx_STREX	PM2.5_RUNEX	PM2.5_IDLEX	PM2.5_STREX	PM2.5_PMTW	PM2.5_PMBW	PM10_RUNEX
SAN JOAQUIN VALLEY UNIFIED APCD	2022	LDA	Aggregate	Aggregate	Gasoline	1661148.167	64658321.37	7803211.342	0.043284634	0	0.265155809	0.001199407	0	0.001952554	0.002000001	0.002562831	0.001304465
SAN JOAQUIN VALLEY UNIFIED APCD	2022	LDA	Aggregate	Aggregate	Diesel	14264.95498	589120.3636	67883.18562	0.226664724	0	0	0.017600996	0	0	0.002000001	0.002627942	0.018396835
SAN JOAQUIN VALLEY UNIFIED APCD	2022	LDT1	Aggregate	Aggregate	Gasoline	176038.9696	6110101.244	793270.5784	0.125423483	0	0.398245816	0.001721538	0	0.002735029	0.002000001	0.003135613	0.001872301
SAN JOAQUIN VALLEY UNIFIED APCD	2022	LDT1	Aggregate	Aggregate	Diesel	136.7096324	2398.669101	456.7800866	1.630771493	0	0	0.239514193	0	0	0.002000001	0.003697181	0.250343962
SAN JOAQUIN VALLEY UNIFIED APCD	2022	LDT2	Aggregate	Aggregate	Gasoline	574010.1744	20743582.97	2646431.26	0.065397601	0	0.332795078	0.001240111	0	0.001961236	0.002000001	0.003009773	0.001348733
SAN JOAQUIN VALLEY UNIFIED APCD	2022	LDT2	Aggregate	Aggregate	Diesel	2918.123683	125207.1376	14281.74698	0.046595085	0	0	0.005015774	0	0	0.002000001	0.003029454	0.005242565

SAN JOAQUIN VALLEY UNIFIED APCD	2022	LDA	Aggregate	Aggregate	Gasoline	1661148.167	64658321.37	7803211.342
SAN JOAQUIN VALLEY UNIFIED APCD	2022	LDA	Aggregate	Aggregate	Diesel	14264.95498	589120.3636	67883.18562
SAN JOAQUIN VALLEY UNIFIED APCD	2022	LDT1	Aggregate	Aggregate	Gasoline	176038.9696	6110101.244	793270.5784
SAN JOAQUIN VALLEY UNIFIED APCD	2022	LDT1	Aggregate	Aggregate	Diesel	136.7096324	2398.669101	456.7800866
SAN JOAQUIN VALLEY UNIFIED APCD	2022	LDT2	Aggregate	Aggregate	Gasoline	574010.1744	20743582.97	2646431.26
SAN JOAQUIN VALLEY UNIFIED APCD	2022	LDT2	Aggregate	Aggregate	Diesel	2918.123683	125207.1376	14281.74698

Source: EMFAC2017 (v1.0.3) Emission Rates  
Region Type: Air District  
Region: San Joaquin Valley Unified APCD  
Calendar Year: 2022  
Season: Annual

GWP  
N2O 298  
CH4 25

Vehicle Classification: EMFAC2007 Categories  
Units: miles/day for VMT, trips/day for Trips,  
g/mile for RUNEX, PMBW and PMTW, g/trip for  
STREX, HOTSOAK and RUNLOSS, g/vehicle/day  
for IDLEX, RESTLOSS and DIURN

Region	PM10_IDLEX	PM10_STREX	PM10_PMTW	PM10_PMBW	CO2_RUNEX	CO2_IDLEX	CO2_STREX	CH4_RUNEX	CH4_IDLEX	CH4_STREX	N2O_RUNEX	N2O_IDLEX	N2O_STREX	ROG_RUNEX	ROG_IDLEX	ROG_STREX	ROG_HOTSOAK
SAN JOAQUIN VALLEY UNIFIED APCD	0	0.002123581	0.008000002	0.007322374	277.2970776	0	70.47021729	0.002379009	0	0.073795306	0.00472715	0	0.033531307	0.009157725	0	0.341211899	0.094269277
SAN JOAQUIN VALLEY UNIFIED APCD	0	0	0.008000002	0.007508406	237.5206877	0	0	0.001352907	0	0	0.037421481	0	0	0.029127284	0	0	0
SAN JOAQUIN VALLEY UNIFIED APCD	0	0.002974529	0.008000002	0.008958894	329.4377608	0	87.20086303	0.006025977	0	0.1095182	0.009291582	0	0.039592558	0.026698346	0	0.566767342	0.172338095
SAN JOAQUIN VALLEY UNIFIED APCD	0	0	0.008000002	0.010563373	420.6566494	0	0	0.014144852	0	0	0.066274626	0	0	0.304530336	0	0	0
SAN JOAQUIN VALLEY UNIFIED APCD	0	0.002133019	0.008000002	0.00859935	340.9798583	0	87.12353711	0.002752676	0	0.083090134	0.005760212	0	0.037309505	0.010699157	0	0.384386245	0.080750375
SAN JOAQUIN VALLEY UNIFIED APCD	0	0	0.008000002	0.008655584	314.9866554	0	0	0.000637114	0	0	0.049626276	0	0	0.013716696	0	0	0

SAN JOAQUIN VALLEY UNIFIED APCD  
SAN JOAQUIN VALLEY UNIFIED APCD  
SAN JOAQUIN VALLEY UNIFIED APCD  
SAN JOAQUIN VALLEY UNIFIED APCD  
SAN JOAQUIN VALLEY UNIFIED APCD  
SAN JOAQUIN VALLEY UNIFIED APCD

CO2e_RUNEX	CO2e_IDLEX	CO2e_STREX
278.7652434	0	82.30742957
248.7061117	0	0
332.3573017	0	101.7374002
440.7601093	0	0
342.7652182	0	100.3190229
329.7912134	0	0

Source: EMFAC2017 (v1.0.3) Emission Rates  
Region Type: Air District  
Region: San Joaquin Valley Unified APCD  
Calendar Year: 2022  
Season: Annual

Vehicle Classification: EMFAC2007 Categories  
Units: miles/day for VMT, trips/day for Trips,  
g/mile for RUNEX, PMBW and PMTW, g/trip for  
STREX, HOTSOAK and RUNLOSS, g/vehicle/day  
for IDLEX, RESTLOSS and DIURN

Region	ROG_RUNLOSS	ROG_DIURN	TOG_RUNEX	TOG_IDLEX	TOG_STREX	TOG_HOTSOAK	TOG_RUNLOSS	TOG_RESTLOSS	TOG_DIURN	CO_RUNEX	CO_IDLEX	CO_STREX	SOx_RUNEX	SOx_IDLEX	SOx_STREX
SAN JOAQUIN VALLEY UNIFIED APCD	0.242861844	1.463803414	0.013362931	0	0.37358408	0.094269277	0.242861844	1.463803414	0.034744349	0.724398196	0	3.355647743	0.002741364	0	0.00069667
SAN JOAQUIN VALLEY UNIFIED APCD	0	0	0.033159476	0	0	0	0	0	0.0031	0.349589455	0	0	0.002250629	0	0
SAN JOAQUIN VALLEY UNIFIED APCD	0.497312475	2.745407653	0.038954398	0	0.620538374	0.172338095	0.497312475	2.745407653	0.035934282	1.357871019	0	5.517556387	0.003256828	0	0.000862069
SAN JOAQUIN VALLEY UNIFIED APCD	0	0	0.346687541	0	0	0	0	0	0.0031	1.694602598	0	0	0.003985936	0	0
SAN JOAQUIN VALLEY UNIFIED APCD	0.21429534	1.325386307	0.015611903	0	0.420854514	0.080750375	0.21429534	1.325386307	0.036406635	0.797763172	0	3.708245642	0.003370933	0	0.000861305
SAN JOAQUIN VALLEY UNIFIED APCD	0	0	0.015615547	0	0	0	0	0	0.0031	0.13810128	0	0	0.002984659	0	0

SAN JOAQUIN VALLEY UNIFIED APCD  
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SAN JOAQUIN VALLEY UNIFIED APCD  
SAN JOAQUIN VALLEY UNIFIED APCD



## **B-3 On Road Emissions**

**Bouldin Smelt - Final Emissions Calculations**

TPY		ROG	NOx	PM10	PM2.5	CO2e
Offsite Emissions	Exhaust (Trucks and passenger vehicles)	1.91E-04	1.39E-04	3.08E-05	1.09E-05	5.40E-01
	Fugitive Dust (Trucks and passenger vehicles)	x	x	0.000502	0.000123 x	
<b>Total</b>		0.00	0.00	0.00	0.00	0.54

PPD		ROG	NOx	PM10	PM2.5	CO2e
Offsite Emissions	Exhaust (Trucks and passenger vehicles)	0.00E+00	0.00E+00	0.00E+00	0.00E+00	0.00E+00
	Fugitive Dust (Trucks and passenger vehicles)	x	x	0.002753	0.000676 x	
<b>Total</b>		0.00	0.00	0.00	0.00	0.00



Bouldin Smelt - AP42 Emissions Calculations for *Off-Site Fugitive Dust Emissions*

*Accounts for trucks and passenger vehicles driving to and from the site*

Background Information

Conversions

Tons	Pounds	Grams
1	2000	907185

Mile	Feet
1	5280

Year	Day
1	365

Vehicle Weight

4800	pounds
2.4	tons

NOTE: average vehicle weight, California statewide

Roadway Travel Fractions and VMT

Estimates

County	San Joaquin
Freeway	0.46
Major	0.35
Collector	0.117
Local	0.02

SOURCE: Table 6

Silt Loading Content

County	San Joaquin
Freeway	0.015
Major	0.032
Collector	0.032
Local	1.6

SOURCE: Table 7

Composite Silt Load

0.053844
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Operational Trips

	Annual One-Way Trips	Trip Length (mi)	VMT/Year
Trucks	16	39	624
Passenger	128	16.8	2150.4
Total			2774.4

AP42 Paved Roads - Re-entrained PAVED Road Dust and Emission Factors

Calculation Methodology: USEPA AP-42, Paved Roads, Section 13.2.1, Revised January 2011

<http://www.epa.gov/ttn/chief/ap42/ch13/final/c13s0201.pdf>

Road Dust Equation	$E \text{ [lb/VMT]} = k * (sL)^{0.91} * (W)^{1.02} * (1-P/4N)$
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Where:

E = the particulate emission factor in units of pounds of particulate matter per VMT

k = the U.S. EPA AP-42 particle size multiplier (PM10 = 0.0022 lb/VMT),[1]

sL = the roadway-specific silt loading in grams/square meter (g/m2),[2,3,4,5]

W = the average weight of vehicles traveling the road (California statewide default = 2.4 tons),[5]

P = number of “wet” days, when at least one site per county received at least 0.01 inch of precipitation during the annual averaging period,[9] and

N = the number of days in the annual averaging period (default = 365)

Source: California Air Resources Board (CARB), Miscellaneous Process Methodology 7.9 — Entrained Road Travel, Paved Road Dust. Revised and updated March

Source:

calculation

Table 13.2.1-1 Particle Size Multipliers for Paved Road Equation of Calculated above (silt loading factor)

Table 7 of CARB, 2018.

Table 8 of CARB, 2018.

annual days (365)

Emission Factor	PM10	PM2.5
	0.000362	8.8893E-05

lbs/mi

Off-Site Fugitive Dust Emissions

lb/year	PM10	PM2.5
	1.004768	0.24662479

PPD	PM10	PM2.5
	0.002753	0.000675684

TPY	PM10	PM2.5
	0.000502	0.000123312



Background Information

Table 6  
2008 Roadway Travel Fractions and VMT (1) Estimates  
for California Entrained Paved Road Dust

Air Basin	County	Air District	2012 VMT (million VMT per year)	2008 HPMS Travel Fractions (2)				
				Freeway	Major	Collector	Local, Local Urban (3)	Local Rural
GB	Alpine	GBU	67	0.000	0.775	0.118	0.107	
GB	Inyo	GBU	555	0.002	0.743	0.156	0.099	
GB	Mono	GBU	314	0.000	0.776	0.085	0.139	
LC	Lake	LAK	510	0.000	0.610	0.278	0.113	
LT	El Dorado	ED	387	0.174	0.572	0.130	0.124	
LT	Placer	PLA	312	0.408	0.381	0.113	0.097	
MC	Amador	AMA	443	0.000	0.763	0.139	0.098	
MC	Calaveras	CAL	369	0.000	0.688	0.186	0.126	
MC	El Dorado	ED	1,384	0.174	0.572	0.130	0.124	
MC	Mariposa	MPA	177	0.000	0.488	0.075	0.437	
MC	Nevada	NSI	1,050	0.437	0.261	0.167	0.135	
MC	Placer	PLA	556	0.408	0.381	0.113	0.097	
MC	Plumas	NSI	259	0.000	0.519	0.273	0.209	
MC	Sierra	NSI	90	0.140	0.435	0.153	0.272	
MC	Tuolumne	TUO	387	0.000	0.583	0.246	0.171	
MD	Kern	KER	1,666	0.268	0.562	0.082	0.089	
MD	Los Angeles	AV	3,466	0.453	0.442	0.054	0.051	
MD	Riverside	MOJ	392	0.478	0.333	0.126	0.063	
MD	Riverside	SC	425	0.478	0.333	0.126	0.063	
MD	San Bernardino	MOJ	8,814	0.524	0.340	0.069	0.067	
NC	Del Norte	NCU	224	0.000	0.657	0.227	0.116	
NC	Humboldt	NCU	1,111	0.222	0.497	0.175	0.106	
NC	Mendocino	MEN	1,020	0.062	0.599	0.221	0.118	
NC	Sonoma	NS	716	0.258	0.470	0.185	0.087	
NC	Trinity	NCU	200	0.000	0.712	0.082	0.206	
NCC	Monterey	MBU	3,620	0.164	0.572	0.164	0.101	
NCC	San Benito	MBU	686	0.000	0.853	0.082	0.064	
NCC	Santa Cruz	MBU	1,523	0.271	0.476	0.187	0.066	
NEP	Lassen	LAS	374	0.000	0.587	0.256	0.157	
NEP	Modoc	MOD	134	0.000	0.453	0.224	0.323	
NEP	Siskiyou	SIS	1,000	0.453	0.224	0.121	0.201	
SC	Los Angeles	SC	78,066	0.453	0.442	0.054	0.051	
SC	Orange	SC	27,160	0.483	0.431	0.027	0.059	
SC	Riverside	SC	18,207	0.478	0.333	0.126	0.063	
SC	San Bernardino	SC	14,487	0.524	0.340	0.069	0.067	
SCC	San Luis Obispo	SLO	2,761	0.211	0.611	0.086	0.092	
SCC	Santa Barbara	SB	3,304	0.299	0.505	0.127	0.069	
SCC	Ventura	VEN	7,191	0.370	0.469	0.082	0.079	
SD	San Diego	SD	30,297	0.553	0.319	0.080	0.048	
SF	Alameda	BA	13,732	0.566	0.317	0.064	0.053	
SF	Contra Costa	BA	7,985	0.517	0.334	0.066	0.082	
SF	Marin	BA	2,258	0.497	0.290	0.146	0.067	
SF	Napa	BA	1,101	0.180	0.524	0.204	0.092	
SF	San Francisco	BA	3,159	0.360	0.520	0.068	0.053	
SF	San Mateo	BA	5,595	0.563	0.319	0.063	0.055	
SF	Santa Clara	BA	14,041	0.434	0.449	0.054	0.064	
SF	Solano	BA	2,891	0.627	0.251	0.061	0.062	
SF	Sonoma	BA	3,047	0.258	0.470	0.185	0.087	

Table 6  
2008 Roadway Travel Fractions and VMT (1) Estimates  
for California Entrained Paved Road Dust

Air Basin	County	Air District	2012 VMT (million VMT per year)	2008 HPMS Travel Fractions (2)				
				Freeway	Major	Collector	Local, Local Urban (3)	Local Rural
SJV	Fresno	SJU	8,641	0.293	0.427	0.126	0.085	0.022
SJV	Kern	SJU	6,872	0.268	0.562	0.082	0.066	0.026
SJV	Kings	SJU	1,408	0.264	0.503	0.144	0.063	0.070
SJV	Madera	SJU	1,854	0.139	0.650	0.100	0.041	0.052
SJV	Merced	SJU	2,575	0.244	0.527	0.125	0.052	0.018
SJV	San Joaquin	SJU	6,485	0.456	0.351	0.117	0.058	0.020
SJV	Stanislaus	SJU	3,769	0.300	0.375	0.229	0.075	0.071
SJV	Tulare	SJU	3,777	0.152	0.545	0.172	0.059	0.022
SS	Imperial	IMP	2,400	0.273	0.453	0.168	0.106	
SS	Riverside	SC	4,714	0.478	0.333	0.126	0.063	
SV	Butte	BUT	1,693	0.080	0.557	0.240	0.124	
SV	Colusa	COL	696	0.609	0.167	0.077	0.147	
SV	Glenn	GLE	527	0.541	0.209	0.121	0.129	
SV	Placer	PLA	3,110	0.408	0.381	0.113	0.097	
SV	Sacramento (4)	SAC	13,027	0.469	0.389	0.075	0.067	
SV	Shasta	SHA	1,923	0.419	0.401	0.090	0.090	
SV	Solano	YS	1,660	0.627	0.251	0.061	0.062	
SV	Sutter	FR	798	0.088	0.628	0.129	0.155	
SV	Tehama	TEH	1,065	0.492	0.264	0.148	0.095	
SV	Yolo	YS	2,167	0.561	0.252	0.086	0.101	
SV	Yuba	FR	658	0.165	0.503	0.220	0.111	
Statewide Total			337,332					

Table 7  
2008 Silt Loadings and PM<sub>10</sub> Emission Factors for California  
Entrained Paved Road Dust Estimates

Air Basin	County	Air District	Silt Loadings (SL, g/m <sup>2</sup> ) and PM <sub>10</sub> Emission Factors (EF; lbs PM <sub>10</sub> /10 <sup>6</sup> VMT)										Avg. Vehicle Weight (tons)
			Freeway		Major (1)		Collector (1)		Local, Local Urban (1,2)		Local Rural (2) Sand/Gravel Proc. (3)		
			SL	EF	SL	EF	SL	EF	SL	EF	SL	EF	
GB	Alpine	GBU	0.015	111.8	0.032	222.8	0.032	222.8	0.32	1,811.2			2.4
GB	Inyo	GBU	0.015	115.4	0.032	229.9	0.032	229.9	0.32	1,868.6			2.4
GB	Mono	GBU	0.015	114.5	0.032	228.1	0.032	228.1	0.32	1,854.2			2.4
LC	Lake	LAK	0.015	112.1	0.032	223.5	0.032	223.5	0.32	1,816.4			2.4
LT	El Dorado	ED	0.015	112.1	0.032	223.5	0.032	223.5	0.32	1,816.4			2.4
LT	Placer	PLA	0.015	111.4	0.032	222.0	0.032	222.0	0.32	1,804.7			2.4
MC	Amador	AMA	0.015	112.5	0.032	224.1	0.032	224.1	0.32	1,821.6			2.4
MC	Calaveras	CAL	0.015	111.8	0.032	222.8	0.032	222.8	0.32	1,811.2			2.4
MC	El Dorado	ED	0.015	112.3	0.032	223.8	0.032	223.8	0.32	1,819.0			2.4
MC	Mariposa	MPA	0.015	112.1	0.032	223.3	0.032	223.3	0.32	1,815.1			2.4
MC	Nevada	NSI	0.015	110.9	0.032	221.1	0.032	221.1	0.32	1,796.8			2.4
MC	Placer	PLA	0.015	111.7	0.032	222.7	0.032	222.7	0.32	1,809.9			2.4
MC	Plumas	NSI	0.015	111.6	0.032	222.3	0.032	222.3	0.32	1,807.3			2.4
MC	Sierra	NSI	0.015	111.3	0.032	221.7	0.032	221.7	0.32	1,802.0			2.4
MC	Tuolumne	TUO	0.015	112.4	0.032	223.9	0.032	223.9	0.32	1,820.3			2.4
MD	Kern	KER	0.015	115.7	0.032	230.5	0.032	230.5	0.32	1,873.8			2.4
MD	Los Angeles	AV	0.015	115.7	0.032	230.5	0.032	230.5	0.32	1,873.8			2.4
MD	Riverside	MOJ	0.015	116.3	0.08	533.3	0.08	533.3	0.84	4,531.5			2.4
MD	Riverside	SC	0.015	116.3	0.08	533.3	0.08	533.3	0.84	4,531.5			2.4
MD	San Bernardino	MOJ	0.015	115.8	0.08	531.1	0.08	531.1	0.84	4,512.7			2.4
NC	Del Norte	NCU	0.015	108.7	0.032	216.6	0.032	216.6	0.32	1,760.3			2.4
NC	Humboldt	NCU	0.015	107.9	0.032	215.0	0.032	215.0	0.32	1,747.2			2.4
NC	Mendocino	MEN	0.015	108.4	0.032	215.9	0.032	215.9	0.32	1,755.1			2.4
NC	Sonoma	NS	0.015	111.6	0.032	222.3	0.032	222.3	0.32	1,807.3			2.4
NC	Trinity	NCU	0.015	110.9	0.032	220.9	0.032	220.9	0.32	1,795.5			2.4
NCC	Monterey	MBU	0.015	113.2	0.032	225.6	0.032	225.6	0.32	1,833.4			2.4
NCC	San Benito	MBU	0.015	113.5	0.032	226.2	0.032	226.2	0.32	1,838.6			2.4
NCC	Santa Cruz	MBU	0.015	112.4	0.032	223.9	0.032	223.9	0.32	1,820.3			2.4
NEP	Lassen	LAS	0.015	112.9	0.032	224.9	0.032	224.9	0.32	1,828.1			2.4
NEP	Modoc	MOD	0.015	111.5	0.032	222.2	0.032	222.2	0.32	1,806.0			2.4
NEP	Siskiyou	SIS	0.015	109.9	0.032	219.0	0.032	219.0	0.32	1,779.9			2.4
SC	Los Angeles	SC	0.015	114.9	0.013	100.9	0.013	100.9	0.135	848.4			2.4
SC	Orange	SC	0.015	115.0	0.013	100.9	0.013	100.9	0.135	849.0			2.4
SC	Riverside	SC	0.015	114.9	0.08	527.0	0.08	527.0	0.84	4,478.2			2.4
SC	San Bernardino	SC	0.015	114.3	0.08	524.4	0.08	524.4	0.84	4,456.2			2.4
SCC	San Luis Obispo	SLO	0.015	114.2	0.032	227.6	0.032	227.6	0.32	1,850.3			2.4
SCC	Santa Barbara	SB	0.015	113.9	0.032	227.0	0.032	227.0	0.32	1,845.1			2.4
SCC	Ventura	VEN	0.015	115.1	0.032	229.4	0.032	229.4	0.32	1,864.7			2.4
SD	San Diego	SD	0.015	114.2	0.032	227.6	0.032	227.6	0.32	1,850.3			2.4

Table 7  
2008 Silt Loadings and PM<sub>10</sub> Emission Factors for California  
Entrained Paved Road Dust Estimates

Air Basin	County	Air District	Silt Loadings (SL, g/m <sup>2</sup> ) and PM <sub>10</sub> Emission Factors (EF; lbs PM <sub>10</sub> /10 <sup>6</sup> VMT)										Avg. Vehicle Weight (tons)
			Freeway		Major (1)		Collector (1)		Local, Local Urban (1,2)		Local Rural (2) Sand/Gravel Proc. (3)		
			SL	EF	SL	EF	SL	EF	SL	EF	SL	EF	
SF	Alameda	BA	0.015	112.7	0.032	224.6	0.032	224.6	0.32	1,825.5			2.4
SF	Contra Costa	BA	0.015	112.8	0.032	224.8	0.032	224.8	0.32	1,826.8			2.4
SF	Marin	BA	0.015	112.3	0.032	223.8	0.032	223.8	0.32	1,819.0			2.4
SF	Napa	BA	0.015	112.1	0.032	223.5	0.032	223.5	0.32	1,816.4			2.4
SF	San Francisco	BA	0.015	112.2	0.032	223.6	0.032	223.6	0.32	1,817.7			2.4
SF	San Mateo	BA	0.015	112.8	0.032	224.8	0.032	224.8	0.32	1,826.8			2.4
SF	Santa Clara	BA	0.015	112.5	0.032	224.1	0.032	224.1	0.32	1,821.6			2.4
SF	Solano	BA	0.015	113.3	0.032	225.7	0.032	225.7	0.32	1,834.7			2.4
SF	Sonoma	BA	0.015	112.1	0.032	223.3	0.032	223.3	0.32	1,815.1			2.4
SJV	Fresno	SJU	0.015	114.0	0.032	227.2	0.032	227.2	0.32	1846.4	1.6	7987.1	2.4
SJV	Kern	SJU	0.015	114.6	0.032	228.4	0.032	228.4	0.32	1856.8	1.6	8032.3	2.4
SJV	Kings	SJU	0.015	114.6	0.032	228.3	0.032	228.3	0.32	1855.5	1.6	8026.6	2.4
SJV	Madera	SJU	0.015	114.1	0.032	227.3	0.032	227.3	0.32	1847.7	1.6	7992.8	2.4
SJV	Merced	SJU	0.015	113.5	0.032	226.2	0.032	226.2	0.32	1838.6	1.6	7953.3	2.4
SJV	San Joaquin	SJU	0.015	113.2	0.032	225.6	0.032	225.6	0.32	1833.4	1.6	7930.7	2.4
SJV	Stanislaus	SJU	0.015	113.4	0.032	226.0	0.032	226.0	0.32	1837.3	1.6	7947.6	2.4
SJV	Tulare	SJU	0.015	114.4	0.032	228.0	0.032	228.0	0.32	1852.9	1.6	8015.4	2.4
SS	Imperial	IMP	0.015	116.7	0.032	232.6	0.032	232.6	0.32	1890.8			2.4
SS	Riverside	SC	0.015	116.3	0.08	533.3	0.08	533.3	0.84	4,531.5			2.4
SV	Butte	BUT	0.015	112.5	0.032	224.3	0.032	224.3	0.32	1,822.9			2.4
SV	Colusa	COL	0.015	113.1	0.032	225.4	0.032	225.4	0.32	1,832.1			2.4
SV	Glenn	GLE	0.015	112.5	0.032	224.3	0.032	224.3	0.32	1,822.9			2.4
SV	Placer	PLA	0.015	112.3	0.032	223.8	0.032	223.8	0.32	1,819.0			2.4
SV	Sacramento (4)	SAC	0.015	113.0	0.032	225.2	0.032	225.2	0.32	1,830.8			2.4
SV	Shasta	SHA	0.015	111.0	0.032	221.2	0.032	221.2	0.32	1,798.1			2.4
SV	Solano	YS	0.015	112.9	0.032	225.1	0.032	225.1	0.32	1,829.4			2.4
SV	Sutter	FR	0.015	111.6	0.032	222.3	0.032	222.3	0.32	1,807.3			2.4
SV	Tehama	TEH	0.015	111.9	0.032	223.0	0.032	223.0	0.32	1,812.5			2.4
SV	Yolo	YS	0.015	112.9	0.032	225.1	0.032	225.1	0.32	1,829.4			2.4
SV	Yuba	FR	0.015	112.5	0.032	224.3	0.032	224.3	0.32	1,822.9			2.4

Table 8  
Annual Rainfall Days: Average Days per Year that California Counties Receive  
0.01 Inch or Greater Precipitation Over Years of Record (1)

Air Basin	County	Air District	Annual Rainfall Days (1)
GBV	Alpine	GBU	72
GBV	Inyo	GBU	28
GBV	Mono	GBU	39
LC	Lake	LAK	68
LT	El Dorado	ED	68
LT	Placer	PLA	77
MC	Amador	AMA	64
MC	Calaveras	CAL	72
MC	El Dorado	ED	66
MC	Mariposa	MPA	69
MC	Nevada	NSI	83
MC	Placer	PLA	73
MC	Plumas	NSI	75
MC	Sierra	NSI	79
MC	Tuolumne	TUO	65
MD	Kern	KER	24
MD	Los Angeles	AV	24
MD	Riverside	MOJ	17
MD	Riverside	SC	17
MD	San Bernardino	MOJ	23
NC	Del Norte	NCU	111
NC	Humboldt	NCU	121
NC	Mendocino	MEN	115
NC	Sonoma	NS	75
NC	Trinity	NCU	84
NCC	Monterey	MBU	55
NCC	San Benito	MBU	51
NCC	Santa Cruz	MBU	65
NEP	Lassen	LAS	59
NEP	Modoc	MOD	76
NEP	Siskiyou	SIS	96
SC	Los Angeles	SC	34
SC	Orange	SC	33
SC	Riverside	SC	34
SC	San Bernardino	SC	41
SCC	San Luis Obispo	SLO	42
SCC	Santa Barbara	SB	46
SCC	Ventura	VEN	31
SD	San Diego	SD	42

Air Basin	County	Air District	Annual Rainfall Days (1)
SF	Alameda	BA	61
SF	Contra Costa	BA	60
SF	Marin	BA	66
SF	Napa	BA	68
SF	San Francisco	BA	67
SF	San Mateo	BA	60
SF	Santa Clara	BA	64
SF	Solano	BA	54
SF	Sonoma	BA	69
SJV	Fresno	SJU	45
SJV	Kern	SJU	37
SJV	Kings	SJU	38
SJV	Madera	SJU	44
SJV	Merced	SJU	51
SJV	San Joaquin	SJU	55
SJV	Stanislaus	SJU	52
SJV	Tulare	SJU	40
SS	Imperial	IMP	11
SS	Riverside	SC	17
SV	Butte	BUT	63
SV	Colusa	COL	56
SV	Glenn	GLE	63
SV	Placer	PLA	66
SV	Sacramento	SAC	57
SV	Shasta	SHA	82
SV	Solano	YS	58
SV	Sutter	FR	75
SV	Tehama	TEH	71
SV	Yolo	YS	58
SV	Yuba	FR	63

SOURCE: CARB, 2018.

Table 13.2.1-1. PARTICLE SIZE MULTIPLIERS FOR PAVED ROAD EQUATION

Size range <sup>a</sup>	Particle Size Multiplier k <sup>b</sup>		
	g/VKT	g/VMT	lb/VMT
PM-2.5 <sup>c</sup>	0.15	0.25	0.00054
PM-10	0.62	1.00	0.0022
PM-15	0.77	1.23	0.0027
PM-30 <sup>d</sup>	3.23	5.24	0.011

<sup>a</sup> Refers to airborne particulate matter (PM-x) with an aerodynamic diameter equal to or less than x micrometers.

<sup>b</sup> Units shown are grams per vehicle kilometer traveled (g/VKT), grams per vehicle mile traveled (g/VMT), and pounds per vehicle mile traveled (lb/VMT). The multiplier k includes unit conversions to produce emission factors in the units shown for the indicated size range from the mixed units required in Equation 1.

<sup>c</sup> The k-factors for PM<sub>2.5</sub> were based on the average PM<sub>2.5</sub>:PM<sub>10</sub> ratio of test runs in Reference 30.

<sup>d</sup> PM-30 is sometimes termed "suspendable particulate" (SP) and is often used as a surrogate for TSP.



# **Appendix C**

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## **Biological Resources Technical Report**





Final

# DELTA SMELT AND NATIVE SPECIES PRESERVATION PROJECT

## Biological Resource Assessment Report

Prepared for  
Metropolitan Water District of  
Southern California

October 2022







Final

# DELTA SMELT AND NATIVE SPECIES PRESERVATION PROJECT

## Biological Resource Assessment Report

Prepared for  
Metropolitan Water District of  
Southern California

October 2022

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Atlanta	Orlando	San Diego
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Mobile	Portland	Tampa
Oakland	Sacramento	



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# DELTA SMELT AND NATIVE SPECIES PRESERVATION PROJECT

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## Biological Resource Assessment

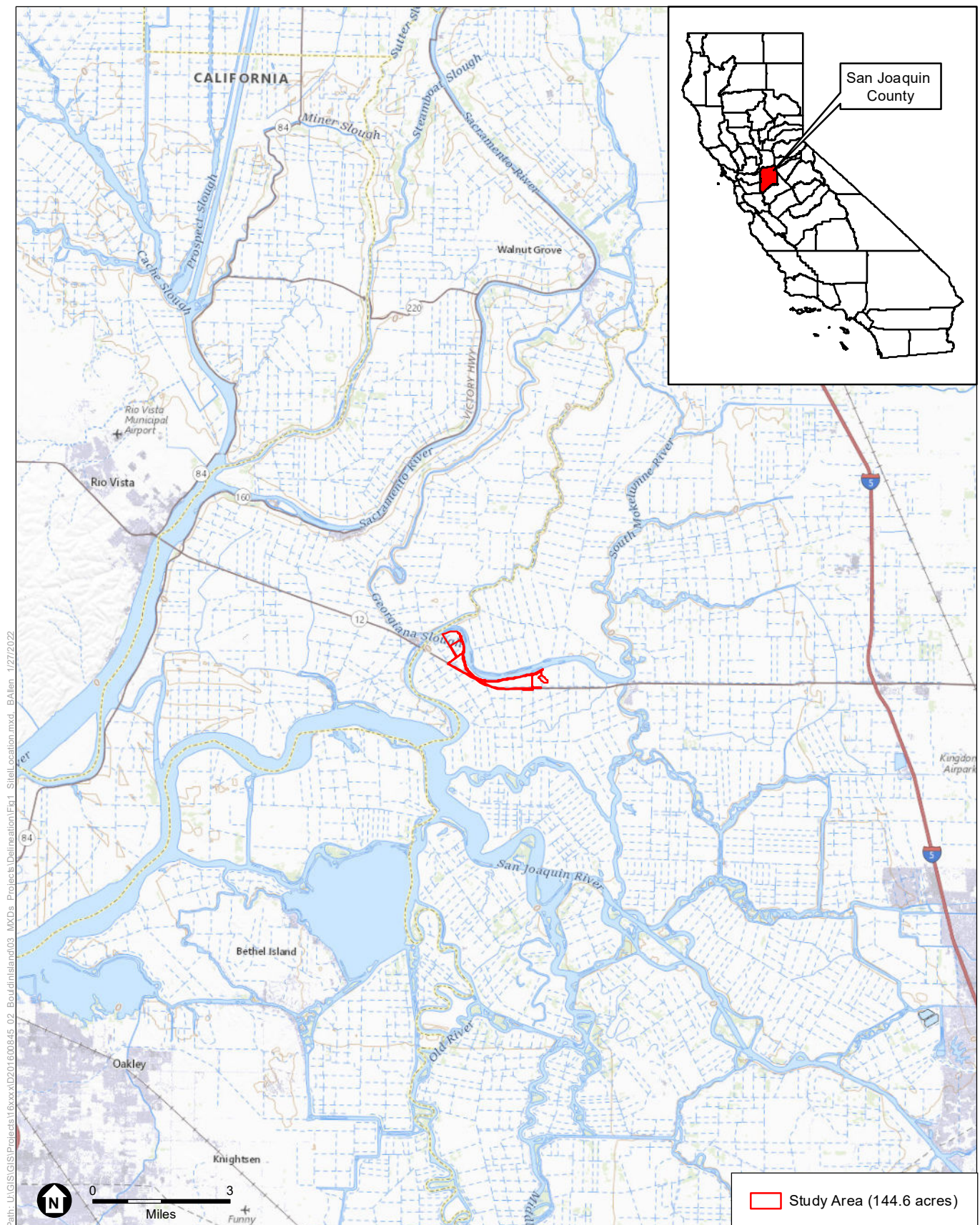
### 1. Introduction

The purpose of this report is to document the results of the reconnaissance level surveys conducted within the Delta Smelt Preservation Project (Project) survey area. The proposed Project will include the establishment of native fish propagation ponds, cooling marshes, and food production marshes (also referred to as a marsh-pond complex) on the northwest side of Bouldin Island and a tule harvest pond on the northeast portion of Bouldin Island. The location of the proposed Project survey area is shown in **Figures 1 and 2**. For this report, the survey area encompasses the Project area and is larger in some portions to allow for flexibility in Project placement and to avoid sensitive areas when feasible. The marsh-pond complex defines the area where the ponds will be constructed and the tule harvest area refers to the area where the tules will be harvested; these areas are connected by existing haul routes.

The proposed Project area is owned by Metropolitan Water District of Southern California (Metropolitan) and located adjacent to the confluence of the North Mokelumne River and the South Mokelumne River. The Mokelumne River borders Bouldin Island on the north and east sides and is separated from the Proposed Project by a man-made levee system. The south and west sides of the marsh-pond complex are bound by agricultural ditches and active farm fields that are typically planted in corn. The portion of the Proposed Project site where the marsh-pond complexes will be constructed is currently a fallow wheat field that has most recently been dryland farmed. The tule harvest area is located approximately 2.5 miles, by levee road, to the east of the marsh-pond complex. It consists of a tule marsh tule, cattails, and willows. Haul routes to both the marsh complexes and tule harvest area are regularly maintained gravel roads that include the levee road around the exterior of the island and internal access roads that are accessible from Highway 12.

Bouldin Island has been farmed continuously for over 140 years. Due to on-going subsidence of peat soils, land surface elevations are now between 5 and 25 feet below sea level. Land surface elevations where the marshes and ponds will be located range from 5 to 16 feet below mean sea level (NGVD 29 datum). A toe-drain is located at the landside base of the levee and is periodically overgrown with blackberry shrubs.<sup>1</sup> The agricultural ditches to the south and west are regularly maintained and have only sparse vegetation. A club is located approximately 0.5 mile from the

<sup>1</sup> The toe-drains are regularly maintained by the local reclamation districts and the agricultural ditches are maintained as part of regular farming operations. The conditions described were based on surveys from December 2021.



SOURCE: USGS, 2022; ESA, 2022

Delta Smelt Preservation Project

**Figure 1**  
Project Site Location





SOURCE: MAXAR, 2021; ESA, 2022

Delta Smelt Preservation Project

**Figure 1-2**  
Project Study Area

center of the proposed marsh-pond complexes on the opposite side of the levee and a single-family residence is situated just a little further than a 0.5 mile from the center. Power and phone lines follow the levee system. Highway 12 lies approximately 0.5 mile south of the proposed marsh-pond complex (Figures 1 and 2).

## **2. Regulatory Setting**

The proposed Project is subject to several federal, state and regional regulations (Table 1). This section discusses those regulations that are applicable to the Proposed Project Area.

### **Federal**

#### **Federal Endangered Species Act**

Pursuant to the Endangered Species Act (ESA), as amended (16 USC 1531 et seq.), USFWS and National Oceanic and Atmospheric Administration (NOAA) Fisheries (previously known as the National Marine Fisheries Service (NMFS)) have regulatory authority over Federally listed species. Under the ESA, a permit to take a listed species is required for any Federal action that may harm an individual of that species. “Take” is defined under ESA Section 9 as “to harass, harm, pursue, hunt, shoot, wound, kill, trap, capture, or collect, or to attempt to engage in any such conduct.” Under Federal regulation, take is further defined to include habitat modification or degradation where it would be expected to result in death or injury to listed wildlife by significantly impairing essential behavioral patterns, including breeding, feeding, or sheltering. ESA Section 7 outlines procedures for Federal interagency cooperation to conserve Federally listed species and designated critical habitat. Section 7(a)(2) requires Federal agencies to consult with USFWS and NMFS to ensure that they are not undertaking, funding, permitting, or authorizing actions likely to jeopardize the continued existence of listed species.

#### **Migratory Bird Treaty Act**

The Migratory Bird Treaty Act (MBTA) of 1936, as amended (16 USC 703 et seq.), implements domestically a series of international treaties that provide for migratory bird protection. The MBTA authorizes the Secretary of the Interior to regulate the taking of migratory birds; the act provides that it is unlawful, except as permitted by regulations, “to pursue, take, or kill any migratory bird, or any part, nest or egg of any such bird ...” (16 USC 703). This prohibition includes both direct and indirect acts, although harassment and habitat modification are not included unless they result in direct loss of birds, nests, or eggs. The current list of species protected by the MBTA includes several hundred species and essentially includes all native birds. Permits for take of nongame migratory birds can be issued only for specific activities, such as scientific collecting, rehabilitation, propagation, education, taxidermy, and protection of human health and safety and personal property.



**TABLE 1**  
**PERMITS AND APPROVALS WHICH MAY BE REQUIRED**

Agency/Department	Permit/Approval	Description
<b>Federal</b>		
USACE	Clean Water Act Section 404 Permit	Section 404 of the CWA regulates "the discharge of dredged or fill material into all waters of the United States, including wetlands.
US Fish and Wildlife Service (USFWS) & National Oceanic and Atmospheric Administration (NOAA) National Marine Fisheries Service	Section 7 of the Federal Endangered Species Act Consultation/Biological Opinions	Federal agencies must consult with the USFWS if any project or action they authorize may affect a listed species or designated critical habitat.
<b>State of California</b>		
State Historic Preservation Office (SHPO)	Section 106 of the National Historic Preservation Act	Section 106 of the NHPA requires that all federal agencies to take into account the effects of their undertakings on historic properties. Federal agencies are required to consult with the SHPO during the identification and evaluations process.
CDFW	Streambed Alteration Agreement	Regulates activities that would 'substantially divert or obstruct the natural flow, substantially change or use any material from the bed, channel, or bank of, any river, stream, or lake, or deposit or dispose of debris, waste, or other material into a river, stream, or lake.
CDFW	California Endangered Species Act	Prohibits the take of any species of wildlife designated as endangered, threatened, or candidate species. CDFW may authorize the take of any such species if certain conditions are met.
Central Valley Regional Water Quality Control Board (CVRWQCB)	401 Water Quality Certification (required for 404 Permit), NPDES General Permit for Stormwater Discharge Associated with Construction, Porter-Cologne Waste Discharge Requirements (WDR)	Project proponents are required to submit a Notice of Intent to the RWQCB for coverage under the General Construction Permit for projects with disturbance over one acre. Section 401 Water Quality Certification is necessary when Section 404 permits are required. WDRs are issued for discharges of dredged or fill material to waters of the State.
Notes: N/A (not applicable), NPDES (National Pollutant Discharge Elimination System).		

The Pacific Coast FMP designates EFH for Pacific salmon, which includes Sacramento River winter-run Chinook salmon, Central Valley spring-run Chinook salmon, and Central Valley fall-/late fall-run Chinook salmon. The Pacific Coast Groundfish FMP designates EFH for species of flatfish, rockfish, roundfish, sharks and rays, which extends from the Pacific Ocean landward into bays and estuaries up to the mean higher high-water level.

## Clean Water Act

The United States Army Corps of Engineers administers Section 404 of the Clean Water Act. Section 404 regulates activities in "waters of the United States." This term is defined in Code of Federal Regulations (CFR) title 33, section 328.3 (33 CFR 328.3). As of early September 2021, USACE and the U.S. Environmental Protection Agency (EPA) are interpreting "waters of the

United States” consistent with the pre-2015 regulatory regime until further notice. Therefore, *waters of the U.S.* shall include:

- (1) All waters which are currently used, or were used in the past, or may be susceptible to use in interstate or foreign commerce, including all waters which are subject to the ebb and flow of the tide;
- (2) All interstate waters including interstate wetlands;
- (3) All other waters such as intrastate lakes, rivers, streams (including intermittent streams), mudflats, sandflats, wetlands, sloughs, prairie potholes, wet meadows, playa lakes, or natural ponds, the use, degradation, or destruction of which could affect interstate or foreign commerce including any such waters:
  - (a) Which are or could be used by interstate or foreign travelers for recreational or other purposes; or
  - (b) From which fish or shellfish are or could be taken and sold in interstate or foreign commerce; or
  - (c) Which are used or could be used for industrial purpose by industries in interstate commerce;
- (4) All impoundments of waters otherwise defined as waters of the United States under the definition;
- (5) Tributaries of the above waters;
- (6) The territorial seas;
- (7) Wetlands adjacent to the above waters (other than waters that are themselves wetlands). Waste treatment systems, including treatment ponds or lagoons designed to meet the requirements of the CWA (other than cooling ponds as defined in 40 CFR 123.11(m) which also meet the criteria of this definition) are not waters of the United States.
- (8) Waters of the United States do not include prior converted cropland. Notwithstanding the determination of an area’s status as prior converted cropland by any other federal agency, for the purposes of the CWA, the final authority regarding CWA jurisdiction remains with EPA.

## State

### California Endangered Species Act

Under the CESA, CDFW has the responsibility for maintaining a list of threatened and endangered species (California Fish and Game Code Section 2070). CDFW also maintains a list of candidate species, which are those formally under review for addition to either the list of endangered species or the list of threatened species. CESA prohibits the take of plant and animal species that the California Fish and Game Commission has designated as either threatened or endangered in California. “Take” in the context of CESA means to hunt, pursue, catch, capture, or kill or attempt to hunt, pursue, catch, capture, or kill a State-listed species (California Fish and Game Code Section 86). The take prohibitions also apply to candidates for listing under CESA. However, Section 2081 of CESA allows CDFW to authorize exceptions to the State’s take prohibition for educational, scientific, or management purposes.

In accordance with the requirements of CESA, an agency reviewing a project within its jurisdiction must determine if any State-listed endangered or threatened species could be present in the project area and if the proposed project would potentially result in “take” of such a species. If the applicant determines that the project may result in the incidental take of a State-listed species, they may apply for, and CDFW may issue, an incidental take permit under Section 2081 of the California Fish and Game Code. For species that are listed under both CESA and FESA, where an applicant has received incidental take authorization under FESA, the Director of CDFW may make a Consistency Determination under Section 2080.1 of the California Fish and Game Code declaring that the federal authorization also applies to compliance with CESA.

## **California Native Plant Protection Act**

State listing of plant species began in 1977 with the passage of the California Native Plant Protection Act (CNPPA) (California Fish and Game Code Sections 1900–1913), which directed CDFW to carry out the legislature’s intent to “preserve, protect, and enhance endangered plants in this state.” The CNPPA gave the California Fish and Game Commission the power to designate native plants as endangered or rare and to require permits for collecting, transporting, or selling such plants. CESA expanded on the original CNPPA and enhanced legal protection for plants. The CESA established threatened and endangered species categories and grandfathered all rare animals—but not rare plants—into the act as threatened species. Thus, three listing categories for plants are employed in California: rare, threatened, and endangered.

## **Special-Status Natural Communities**

CDFW’s Natural Heritage Division identifies special-status natural communities, which are those that are naturally rare and those whose extent has been greatly diminished through changes in land use. The California Natural Diversity Database tracks natural communities in the same way that it tracks occurrences of special-status species: Information is maintained on each site for the natural community’s location, extent, habitat quality, level of disturbance, and current protection measures. CDFW is mandated to seek the long-term perpetuation of the areas in which these communities occur. While there is no statewide law that requires protection of all special-status natural communities, CEQA requires consideration of the potential impacts of a project on biological resources of statewide or regional significance.

## **California Fish and Game Code**

In addition to CESA, the following California Fish and Game Code sections provide protection to biological resources.

### ***Fully Protected Species***

Certain species are considered *fully protected*, meaning that the Code explicitly prohibits all take of individuals of these species except for take permitted for scientific research. Section 5050 lists fully protected amphibians and reptiles, Section 5515 lists fully protected fish, Section 3511 lists fully protected birds, and Section 4700 lists fully protected mammals.

It is possible for a species to be protected under the California Fish and Game Code, but not fully protected. For instance, mountain lion (*Puma concolor*) is protected under Section 4800 et seq. but is not a fully protected species.

### ***Protection of Birds and Their Nests***

Under Section 3503 of the California Fish and Game Code, it is unlawful to take, possess, or needlessly destroy the nest or eggs of any bird, except as otherwise provided by this Code or any regulation made pursuant thereto. Section 3503.5 of the Code prohibits take, possession, or destruction of any birds in the orders Falconiformes (hawks) or Strigiformes (owls), or of their nests and eggs. Migratory non-game birds are protected under Section 3800, while other specified birds are protected under Section 3505.

### ***Stream and Lake Protection***

CDFW has jurisdictional authority over streams and lakes and the wetland resources associated with these aquatic systems under California Fish and Game Code Sections 1600 et seq. through administration of Lake or Streambed Alteration Agreements. The agreements are treated as permits once both parties have signed. California Fish and Game Code Sections 1600–1616 authorize CDFW to regulate work that will “substantially divert or obstruct the natural flow of, or substantially change or use any material from the bed, channel, or bank of, any river, stream, or lake, or deposit or dispose of debris, waste, or other material containing crumbled, flaked, or ground pavement where it may pass into any river lake or stream.” Because CDFW asserts its jurisdiction over streamside habitats that may not qualify as waters or wetlands under the federal Clean Water Act definition (see Section 3.4.2.1), CDFW’s asserted jurisdiction may be broader than USACE’s jurisdiction, and may include the outermost extent of riparian habitat or floodplain.

When CDFW enters into a Streambed Alteration Agreement with the project applicant, CDFW can impose reasonable measures necessary to protect the resource. A project applicant must submit a notification of lake or streambed alteration to CDFW and, if necessary, obtain an agreement before implementing the project. CDFW can also enter into special types of agreements for recurring operation and maintenance activities or large scale long-range planned projects, referred to as Routine Maintenance Agreements or Master Streambed Alteration Agreements.

### **California Species of Special Concern**

CDFW maintains a list of “species of special concern,” which serves as a watch list. While this designation does not afford protection under CESA, species of special concern should be included in the analysis of project impacts according to CEQA Guidelines Section 15380 if the species of special concern meets the sensitivity criteria outlined in Section 15380. The criteria address species not included on an official list but that are at risk of becoming threatened or endangered throughout all or a portion of their range.

### **State Water Resources Control Board and Regional Water Quality Control Board**

The State Water Resources Control Board (SWRCB) and the Regional Water Quality Control Boards (RWQCBs) (together “Boards”) are the principal State agencies with primary

responsibility for the coordination and control of water quality. In the Porter-Cologne Act, the California Legislature declared that the “state must be prepared to exercise its full power and jurisdiction to protect the quality of the waters in the state from degradation...” (California Water Code Section 13000). Porter-Cologne grants the Boards the authority to implement and enforce the water quality laws, regulations, policies, and plans to protect the groundwater and surface waters of the State. Impacts to waters of the State determined to be jurisdictional would require a project proponent to obtain a waste discharge permit (for non-federally jurisdictional waters) and/or a Clean Water Act Section 401 certification (for federally jurisdictional waters, when a USACE Section 404 permit is obtained). The enforcement of the State’s water quality requirements is not solely the purview of the Boards and their staff. Other agencies (e.g., CDFW) can enforce certain water quality provisions in State law.

### 3. Methodology

Environmental Science Associates (ESA) biologists Joe Sanders and Christy Dawson conducted reconnaissance-level surveys of the Project survey area on October 8, 2021. The surveys were conducted to document vegetation communities that could provide habitat for sensitive species and other wildlife observed in and adjacent to the Project area.

### 4. Vegetative Communities

Vegetative communities within the proposed marsh-pond complex include annual grassland, cropland, disturbed/developed area and small patches of riparian habitat associated with the agricultural ditches (**Figure 3**). The tule harvest area was comprised of tule marsh and riparian habitat (**Figure 4**).

#### Annual Grassland

Annual grassland is comprised of non-native grasses and forbs. Common non-native grass species observed in this community include Bermuda grass (*Cynodon dactylon*), oat (*Avena sp.*), bromes (*Bromus spp.*), Johnson grass (*Sorghum halepense*), and Pacific bentgrass (*Agrostis avenacea*). Common forbs observed were milk thistle (*Silybum marianum*), filaree (*Erodium sp.*) and cheeseweed (*Malva sp.*).

Annual grassland provides little cover for most wildlife, yet numerous species forage and several species breed in this habitat type. Grasslands attract bumble bees and other insects that rely on flowering grassland species. They also attract reptiles and amphibians such as western fence lizard (*Sceloporus occidentalis*), common garter snake (*Thamnophis sirtalis*), gopher snake (*Pituophis melanoleucus*), and Pacific chorusfrog (*Pseudacris regilla*); and birds such as California quail (*Callipepla californica*), western bluebird (*Sialia mexicana*), and lesser goldfinch (*Carduelis psaltria*). Common small mammals expected to occur in grasslands include western harvest mouse (*Reithrodontomys megalotis*), deer mouse (*Mus musculus*), California vole (*Microtus californicus*), black-tailed jackrabbit (*Lepus californicus*), black-tailed deer (*Odocoileus hemionus*), coyote (*Canis latrans*), and Botta’s pocket gopher (*Thomomys bottae*). Small rodents, reptiles, and invertebrates attract raptors (birds of prey) including red-tailed hawk (*Buteo jamaicensis*), red-shouldered hawk (*Accipiter striatus*), and American kestrel (*Falco sparverius*), and special-status

birds such as white-tailed kite (*Elanus leucurus*), burrowing owl (*Athene cunicularia*), and Swainson's hawk (*Buteo swainsoni*).

Non-native grasslands are important foraging grounds for aerial and ground-foraging insect eaters such as Myotis (*Myotis* sp.) bat species and pallid bats (*Antrozous pallidus*).

## Disturbed/Developed

The levee system has substantially altered the habitat of the proposed Project area. In addition to the levee system, existing facilities in the survey area include a club house, gravel access roads, and farm fields. Disturbed portions of the survey area include bare ground, non-native vegetation, or farmed areas that are subject to continued disturbance.

## Wetlands and Other Waters

A delineation conducted by the California Department of Water Resources in April of 2020 and verified by the US Army Corps of Engineers (USACE) on June 18, 2020 (SPK-2019-00899) was prepared for a separate project also occurring in part on Bouldin Island. This delineation identified approximately 14.65 acres of potential waters of the United States and State within the survey area. This includes 1.38 acres of agricultural ditch that was comprised mostly of blackberry shrubs, 0.20 acres of forested wetland, which includes riparian scrub and woodland species, 2.58 acres of seasonally flooded scrub shrub, which is comprised primarily of riparian scrub with no overstory, and 10.48 acres of fresh emergent wetland that was comprised of various aquatic plants such as tules. An additional field visit was conducted on October 8, 2021, to confirm that the delineation was still accurate and a supporting memo was prepared (**Appendix A**).

Wetland and other waters habitat for the survey area are described below.

### Riparian Scrub (Scrub-shrub)

Riparian scrub habitat consists of shrub-dominated areas that are subject to hydrologic influence from toe drain and agricultural ditches (agricultural ditches). Scrub habitat consists of areas dominated by non-native Himalayan blackberry (*Rubus armeniacus*) shrubs and vines that have no tree cover. Some of the agricultural ditches had remnant Himalayan blackberry canes and looked to have been recently cleared of vegetation.

Riparian scrub supports large numbers of insects and attracts passerine birds, including several species of flycatchers, warblers, and hummingbirds.

### Riparian Woodland (Forested Wetland)

Riparian woodlands in the survey area are tree-dominated areas that are fed by agricultural water that is either siphoned from the river or pulled from wells. These areas are dominated by Goodding's willow (*Salix gooddingii*) and Fremont cottonwood (*Populus fremontii*) with an understory of dense Himalayan blackberry.





SOURCE: MAXAR, 2021; DWR, 2021; ESA, 2022

**Figure 3**  
Vegetative Communities of the  
Project Marsh-Pond Complex





SOURCE: MAXAR, 2021; DWR, 2021; ESA, 2022

Delta Smelt Preservation Project



**Figure 4**  
Vegetative Communities of the  
Project Marsh-Pond Complex



Many wildlife species depend on riparian woodlands for water, food, and cover. Several raptor species—red-shouldered hawk, Cooper’s hawk, great horned owl, and the State-listed Swainson’s hawk—build their nests in the crowns of cottonwood, valley oak, and other large trees that grow on the landside and waterside of the levees. Natural cavities and woodpecker holes provide nesting sites for cavity-nesting species, including wood duck (*Aix sponsa*), American kestrel, tree swallow (*Tachycineta bicolor*), western bluebird, and western screech owl (*Megascops kennicottii*).

### **Emergent Wetland (Fresh Emergent Wetland)**

Emergent wetland is dominated by aquatic emergent vegetation and occurs in the tule harvest area. Vegetation is dominated by willows (*Salix gooddingii*, *S. lasiolepis*, and *S. exigua*), as well as catails (*Typha* sp.), and tule (*Schoenoplectus* sp.).

Fresh emergent wetland provides food, cover, and water for numerous birds, amphibians, reptiles, and mammals and is one of the most productive wildlife habitats in California. Common bird species that feed in fresh emergent wetlands include various ducks, geese, and wading birds including mallards, Canada geese, herons and egrets, forage in the water and along the shallow edges. Many flycatchers, such as black phoebes (*Sayornis nigricans*), swallows, and other insectivores also utilize fresh emergent wetlands to forage on insects attracted to the water. Several birds, such as the red-winged blackbird (*Agelaius phoeniceus*), make use of the tall aquatic vegetation to hide their nests over the water, which protects them from ground predators. Larger emergent wetlands provide safety for resting waterfowl.

In addition to birds, amphibians, such as the Pacific chorus frog and reptiles like the northwestern pond turtle (*Actinemys marmorata*), a species of special concern, live within and around the margins of wetlands, which provide moist habitat, food, and cover. Deer, coyote, and various smaller mammals access emergent wetlands for a year-round water source.

## **5. Federally Listed and State-Listed Wildlife Species**

Several wildlife species known to occur in or in the vicinity of the survey area are protected under Federal and/or State Endangered Species Acts or have been designated as species of special concern by CDFW. In addition, Section 15380(b) of the State CEQA Guidelines provides a definition of rare, endangered, or threatened species that are not included in any listing. Species recognized under these terms are referred to collectively as “special-status species.”

A list of special-status plant and wildlife species with potential to occur in or in the vicinity of the survey area was compiled from a search of the California Natural Diversity Database (CNDDB) (CDFW 2021), the California Native Plant Society (CNPS) rare plant inventory, a search of the USFWS Information for Planning and Consultation endangered species database (USFWS 2021), and biological literature of the region. The search encompassed the Isleton and Bouldin Island 7.5-minute U.S. Geological Survey topographic quadrangles.

Each species on the list was assessed individually based on its habitat requirements and distribution relative to the location and vegetation communities that occur in and around the survey area.

**Tables 2 and 3** provide a comprehensive list of special-status wildlife species that have potential

to occur within the survey area. Those species with a moderate or high potential to occur in the survey area are described below in greater detail. If habitat was not present or the survey area is outside of the known range of the species, the species with no potential was assumed absent and excluded from the list. A complete list of the downloaded special-status species lists are included in **Appendix B**.

The “Potential to Occur” categories are defined as follows:

- **Low:** The survey area provides only limited and low-quality habitat for a particular species. In addition, the known range for a particular species may be outside of the survey area.
- **Moderate:** The survey area and/or immediate vicinity provides suitable habitat for a particular species.
- **High:** The survey area and/or immediate vicinity provide ideal habitat conditions for a particular species and/or known populations occur in the survey areas or within its immediate vicinity.
- **Present:** The species was observed during the biological surveys within the survey area.

## Northwestern Pond Turtle

The northwestern pond turtle is a California species of special concern. This moderate-sized aquatic turtle is commonly found in ponds, lakes, marshes, rivers, streams, and agricultural ditches with rocky or muddy substrates. Northwestern pond turtle habitat often includes shoreline basking areas that may or may not be bordered by aquatic vegetation. Aquatic sites are often within woodlands, grasslands, and open forests, between sea level and 6,000 feet in elevation. Northwestern pond turtles bask on logs or other objects when water temperatures are lower than air temperatures. Their nests are created in upland areas with friable soils, often up to 0.25 miles from an aquatic site (Jennings and Hayes 1994; Stebbins, 2003; Zeiner et al. 1988).

Northwestern pond turtles are discontinuously distributed throughout California west of the Cascade-Sierran crest (Jennings and Hayes 1994). There is a CNDDDB documented occurrence on Bouldin Island in an agricultural plunge pool in 2001, approximately halfway between the pond and harvest areas near the haul route, just north of Hwy 12.

## Giant Garter Snake

Giant garter snake is State and Federally listed as threatened by CDFW and the USFWS respectively. Giant garter snakes inhabit agricultural wetlands including agricultural ditches, sloughs, ponds, small lakes, low gradient streams, and adjacent uplands in the Central Valley. Giant garter snakes are often found within these aquatic features especially when emergent vegetation including cattails and bulrushes are present. Because most of its natural habitat has been lost, the giant garter snake also lives in rice fields (USFWS 2017). Rice fields provide surface water during the summer when the snakes are active and marsh-like conditions provide the cover, habitat, and prey required for giant garter snake to survive (Halstead et al. 2010). The active season extends from April 1 to October 1. Giant garter snakes inhabit small mammal burrows and other soil crevices above flood elevations during this inactive period (USFWS 2017).

**TABLE 2**  
**SPECIAL-STATUS PLANT SPECIES WITH THE POTENTIAL TO OCCUR**  
**WITHIN THE PROPOSED PROJECT AREA**

<b>Common Name Scientific Name</b>	<b>Status (Federal/ State/CNPS)</b>	<b>Habitat Requirements</b>	<b>Identification/ Survey Period</b>	<b>Potential to Occur</b>
<b>Plants</b>				
Woolly rose-mallow <i>Hibiscus lasiocarpus</i>	--/--/1B	Margins of freshwater marshes, wet riverbanks, and on low, peat islands in sloughs of the Delta; 0 to 400 feet elevation;	Blooming period: June–September	Moderate potential to occur in agricultural ditches that are not inundated with blackberries. Known to occur along edge of waterways adjacent to Bouldin Island (CNDDDB 2021).
Sanford's arrowhead <i>Sagittaria sanfordii</i>	--/--/1B	Wetland. Marshes and swamps. In standing or slow-moving freshwater ponds, marshes, and ditches. 0 to 2133 feet in elevation.	Blooming period: May–October	Moderate potential to occur in agricultural ditches that are not inundated with blackberries. A population was recorded in CNDDDB in 1994 approximately 2.5 miles to the north (CNDDDB 2021).
Marsh skullcap <i>Scutellaria galericulata</i>	--/--/2	Freshwater marshes and swamps, meadows and seeps; 0 to 7,000 feet elevation.	Blooming period: June–September	Moderate potential to occur in agricultural ditches that are not inundated with blackberries. Known occurrence from 1994 on small island between Bouldin and Staten Islands, just east of the marsh-pond complex and west of the harvest area (CNDDDB 2021).
Side-flowering skullcap <i>Scutellaria lateriflora</i>	--/--/2	Freshwater marshes and swamps, meadows and seeps; 0 to 7,000 feet elevation.	Blooming period: June–September	Moderate potential to occur in agricultural ditches that are not overgrown by blackberries. Historic occurrence from 1892 documented on Bouldin Island. More recent documented occurrence approximately 7 miles to the north (CNDDDB 2021)

**TABLE 3**  
**SPECIAL-STATUS WILDLIFE SPECIES WITH THE POTENTIAL TO OCCUR**  
**WITHIN THE PROPOSED PROJECT AREA**

Common Name Scientific Name	Status (Federal/ State)	Habitat Requirements	Potential to Occur
<b>Invertebrates</b>			
Valley elderberry longhorn beetle <i>Desmocerus californicus dimorphus</i>	FT/--	Mature elderberry shrubs.	None. Elderberry plants are not present in the survey area.
<b>Reptiles</b>			
Northwestern pond turtle <i>Actinemys marmorata</i>	--/CSC	Agricultural wetlands and other wetlands such as agricultural and drainage canals, low gradient streams, marshes, ponds, sloughs, small lakes, and their associated uplands.	Moderate potential to occur. Marginal aquatic habitat is present in the agricultural canals and in the harvest area when inundated. The survey area also contains a limited amount of potentially suitable upland egg-laying habitat within grasslands. There is a documented occurrence on Bouldin Island in an agricultural plunge pool in 2001 approximately 1 mile from the pond and harvest areas, just north of Hwy 12 (CNDDB 2021).
Giant garter snake <i>Thamnophis gigas</i>	FT/CT	Marsh and swamp, riparian scrub, wetland. Prefers freshwater marsh and low gradient streams. Has adapted to drainage canals and agricultural ditches. This is the most aquatic of the garter snakes in California.	Moderate potential to occur. Suitable aquatic habitat is present in the agricultural ditches. The toe drain is not currently suitable habitat due to inundation by blackberry. The closest CNDDB occurrence records of giant garter snake occur approximately 4.5 miles to the south in 2010.
<b>Birds</b>			
Burrowing owl <i>Athene cunicularia</i> (burrow sites)	--/CSC	Coastal prairie, coastal scrub, Great Basin grassland, Great Basin scrub, Mojavean desert scrub, Sonoran Desert scrub, and valley and foothill grassland. Open, dry annual or perennial grasslands, deserts and scrublands characterized by low-growing vegetation. Subterranean nester, dependent upon burrowing mammals, most notably, the California ground squirrel.	Moderate potential to occur in the Delta, but suitable grassland habitat is present. The closest CNDDB occurrence is approximately 6 miles to the west (CNDDB 2021).
Swainson's hawk <i>Buteo swainsoni</i>	--/CT	Great Basin grassland, riparian forest, riparian woodland, valley and foothill grassland. Breeds in grasslands with scattered trees, juniper-sage flats, riparian areas, savannahs, and agricultural or ranch lands with groves or lines of trees. Requires adjacent suitable foraging areas such as grasslands, or alfalfa or grain fields supporting rodent populations.	High potential to occur. Known to occur within a five-mile radius of the survey area. Suitable nest trees are present in the riparian area adjacent to the pond and the harvest area and there is suitable foraging habitat within grasslands and irrigated pasture in and adjacent to the survey area.

**TABLE 3**  
**SPECIAL-STATUS WILDLIFE SPECIES WITH THE POTENTIAL TO OCCUR**  
**WITHIN THE PROPOSED PROJECT AREA**

<b>Common Name Scientific Name</b>	<b>Status (Federal/ State)</b>	<b>Habitat Requirements</b>	<b>Potential to Occur</b>
Northern harrier <i>Circus cyaneus</i> (nesting)	--/CSC	Coastal scrub, Great Basin grassland, marsh and swamp, riparian scrub, valley and foothill grassland, and wetlands. Coastal salt and fresh-water marsh. Nest and forage in grasslands, from salt grass in desert sink to mountain cienagas. Nests on ground in shrubby vegetation, usually at marsh edge; nest built of a large mound of sticks in wet areas.	High potential to occur. Potentially suitable grassland nesting and foraging habitat for this species is present. While there are no known nesting occurrences of northern harrier within the quad search area, northern harrier has been documented within other portions of Bouldin Island by ESA biologists. This species is underreported in the CNDDB.
White-tailed kite <i>Elanus leucurus</i> (nesting)	--/CFP	Cismontane woodland, marsh and swamp, riparian woodland, valley and foothill grassland, and wetlands. Rolling foothills and valley margins with scattered oaks and river bottomlands or marshes next to deciduous woodland. Open grasslands, meadows, or marshes for foraging close to isolated, dense-topped trees for nesting and perching.	High potential to occur. Suitable nest trees are present and there is suitable foraging habitat within grasslands, croplands, and marsh habitat in and adjacent to the pond and harvest areas. While there are no known nesting occurrences of white-tailed kites within the quad search area, there is a potential for them to occur. This species is underreported in the CNDDB.
Short-eared owl <i>Asio flammeus</i> (wintering)	--/CSC	Utilizes densely vegetated grasslands and emergent wetlands with abundant prey (e.g., voles, other small mammals, birds, reptiles, amphibians, and arthropods) in the Delta as wintering grounds. It has been known to occasionally nest in Northern California.	Present. Observed in the harvest area during surveys, which provides suitable wintering habitat and the surrounding crop lands provides ideal foraging habitat.
Lesser sandhill crane <i>Grus canadensis</i> (wintering)	--/CSC	Annual and perennial grassland habitats, pastures, moist croplands with rice or corn stubble, and open, emergent wetlands.	High potential to occur. Sandhill cranes vocalizations heard on the adjacent Staten Island to the north. They were not identified to subspecies. Suitable winter foraging habitat could be present on Bouldin Island. This species is known to winter, but does not breed in the Delta, wintering only.
Greater sandhill crane <i>Grus canadensis tabida</i> (wintering)	--/CT,CFP	Annual and perennial grassland habitats, pastures, moist croplands with rice or corn stubble, and open, emergent wetlands. Typically nests in mounds of wetland plants or hummocks in remote portions of extensive wetlands. Sometimes nests in grass-lined depressions on dry sites.	High potential to occur. Sandhill cranes vocalizations heard on the adjacent Staten Island to the north. They were not identified to subspecies. Suitable winter foraging habitat could be present on Bouldin Island. This species is known to winter, but does not breed in the Delta, wintering only.
California black rail <i>Laterallus jamaicensis coturniculus</i> (year round)	--/CT,CFP	Brackish marsh, freshwater marsh, marsh and swamp, salt marsh, wetland. Inhabits freshwater marshes, wet meadows and shallow margins of saltwater marshes bordering larger bays. Needs water depths of about 1 inch that do not fluctuate during the year and dense vegetation for nesting habitat.	Low potential to occur. Submarginal habitat is present in the harvest area, which does not maintain consistent water. The nearest known occurrence of this species is approximately 5 miles to the southeast (CNDDB 2021).

**TABLE 3**  
**SPECIAL-STATUS WILDLIFE SPECIES WITH THE POTENTIAL TO OCCUR**  
**WITHIN THE PROPOSED PROJECT AREA**

Common Name Scientific Name	Status (Federal/ State)	Habitat Requirements	Potential to Occur
Loggerhead shrike <i>Lanius ludovicianus</i> (nesting)	--/CSC	Forages and nests in grasslands, shrublands, and open woodlands. Nests in trees and shrubs.	Moderate potential to occur. Suitable nesting habitat is present and there is suitable foraging habitat within grasslands, croplands, and marsh habitat in and adjacent to the pond and harvest areas. While there is only one known nesting occurrence within the quad search area. This species is underreported in the CNDDDB.
Song sparrow – “Modesto” population <i>Melospiza melodia</i> (year-round)	--/CSC	Nests and forages primarily in emergent marsh, riparian scrub, and early successional riparian forest habitats in the north-central portion of the Central Valley; infrequently in mature riparian forest and sparsely vegetated ditches and levees. Forages primarily on exposed ground or in leaf litter.	Moderate potential to occur. Suitable habitat is present in marsh and riparian habitat in and adjacent to the pond and harvest areas. There are multiple occurrences on the east side of Bouldin Island along the various sloughs (CNDDDB 2021).
Mammals			
Western red bat <i>Lasiurus blossevillei</i>	--/CSC	Cismontane woodland, lower montane coniferous forest, riparian forest, riparian woodland. Roosts primarily in trees, 2-40 feet above ground, from sea level up through mixed conifer forests. Prefers habitat edges and mosaics with trees that are protected from above and open below with open areas for foraging.	Moderate potential to occur. Suitable roost habitat is present in riparian trees and western red bat may forage within the survey area. There is an older occurrence from 1999 approximately 4 miles to the west.

STATUS CODES:

Federally Listed Species  
FE = federal endangered  
FT = federal threatened  
FC = candidate  
PT = proposed threatened  
FPD = proposed for delisting  
FD = delisted

California State Ranked Species  
CE = California state endangered  
CT = California state threatened  
CR = California state rare  
CSC = California species of special Concern  
CCT = California state threatened candidate  
CFP = California fully protected

CNPS Rank Categories  
1A = plants presumed extinct in California  
1B = plants rare, threatened, or endangered in California and elsewhere  
2 = plants rare, threatened, or endangered in California, but common elsewhere  
3 = plants about which we need more information  
4 = plants of limited distribution

There are two giant garter snake CNDDDB occurrences documented within 5 miles of the survey area. One occurrence is from 2016 and is approximately five miles west of the survey area. This occurrence states that the record was mapped on the south side of Twitchell Island on the San Joaquin River. The other occurrence is from 2010 and is approximately 4.5 miles south of the survey area just northeast of Venice Island. This occurrence states that three individuals were found dead on the road and one live snake was basking on the shoulder of the road and then retreated into the riprap.

The agricultural ditch could provide suitable habitat for giant garter snake if they contain water during the active season. However, based on the lack of remnant aquatic vegetation, the agricultural ditches are either regularly maintained or don't pond water for a significant period of time to support aquatic vegetation. The toe drains were completely covered by dense blackberry

shrubs and are not considered giant garter snake habitat. The small mammal burrows present on the sides of the agricultural ditches within the survey area and on the graded levee provide suitable upland habitat.

## Western Burrowing Owl

The western burrowing owl is listed by CDFW as a California species of special concern. They inhabit grassland, desert, and open shrub habitats throughout the state from sea level to approximately 5,300 feet (CDFW 1999). Unlike many sensitive species, burrowing owls persist and even thrive in some landscapes that are highly altered by human activity. The characteristics of suitable habitat are burrows for roosting and nesting, and relatively short vegetation with only sparse shrubs and taller vegetation. Individuals in agricultural environments nest along roadsides and water conveyance structures. Breeding occurs February through August (CDFW 2012).

Although burrowing owls are not common in the Delta, there is habitat available and potential for burrowing owl to be present in the survey area. Suitable habitat is present along the levees and in agricultural fields. Ground squirrel burrows were observed adjacent to the survey area, but no burrowing owls or signs were observed.

## Swainson's Hawk

Swainson's hawk is State listed as threatened. It once occupied large grassland and shrub steppe habitats, as well as canyons, foothills, and smaller interior valleys in otherwise mountainous regions. Currently, the species is most common in the Central Valley and Great Basin. Nesting habitat for Swainson's hawk includes mature trees with relatively dense canopies such as oaks or cottonwoods in or near riparian habitat, agricultural fields, or suburban neighborhoods near suitable foraging habitat. They forage in grasslands, irrigated pastures, and grain fields. In California, Swainson's hawks begin nesting in late March, and the young usually leave the nest (fledge) by August.

There are numerous documented CNDDB occurrences within five miles of the survey area. The large trees within the riparian corridor and adjacent areas could provide nesting sites and the agricultural fields provide suitable foraging habitat.

## Northern Harrier

Northern harrier is listed by CDFW as a California species of special concern. This raptor breeds widely but locally in North America from northern Alaska and Canada south to midlatitudes and lower latitudes of the United States and northern Baja, California; it is found year-round in much of its breeding range in the contiguous United States and locally in southwestern and southeastern Canada. Northern harriers breed and forage in a variety of open habitats that provide adequate vegetative cover, an abundance of suitable prey, and scattered hunting perches, such as shrubs or fence posts. In California, such habitats include freshwater marshes, brackish and saltwater marshes, wet meadows, weedy borders of lakes, rivers and streams, annual and perennial grasslands (including those with vernal pools), ungrazed or lightly grazed pastures, some croplands, sagebrush flats, and desert sinks. The species occurs more broadly and in much greater numbers during

migration and winter than during the breeding season. Northern harriers nest on the ground from March through August mostly in patches of dense, often tall shrubby/scrubby vegetation in undisturbed areas (Davis and Niemela 2008). Northern harriers require approximately 4 to 6 weeks to fledge young (Smith et al. 2011), and undisturbed nesting habitat must be available to avoid nest depredation and destruction (Cripe 2000).

The potential for northern harriers to occur in the survey area is high. Open habitats on levees and in the survey area provide foraging habitat and potentially suitable nesting habitat for this species occurs in the harvest area as well as in adjacent agricultural lands.

## White-Tailed Kite

The white-tailed kite is a fully protected species under the California Fish and Game Code. This species nests primarily in riparian and lowland habitats often associated with agricultural areas throughout cismontane California. White-tailed kites typically nest in dense vegetation at the tops of oaks, willows, or other native trees. They prey primarily on voles and other diurnal mammals (CDFW 2005). Their numbers and range have increased in the past few decades (CDFW 2005).

There are no documented occurrences in the vicinity of the survey area, and they were not observed during the survey; however, white-tailed kites are underreported in CNDDDB and they could use the survey area for foraging.

## Short-eared Owl

Short-eared owl is listed by CDFW as a California species of special concern. While small resident populations of short-eared owls remain in the Great Basin region and locally in the Sacramento–San Joaquin River Delta, most recent breeding from coastal central California and the San Joaquin Valley has been episodic. The breeding range retracts dramatically in drought conditions and during prey reductions.

Nesting short-eared owls require open grassland that supports concentrations of microtine rodents and herbaceous cover sufficient to conceal their ground nests from predators (Holt and Leasure 1993). Suitable habitats may include salt- and freshwater marshes, irrigated alfalfa or grain fields, and ungrazed grasslands and old pastures. Tule marsh or tall grasslands with cover 30–50 cm in height can support nesting pairs (Holt and Leasure 1993). Productive habitat for resident owls is now almost entirely limited to wildlife refuges and management areas (Roberson 2008). Management of refuges and restoration areas for herbaceous cover has been successful in maintaining resident owls, even when prey dwindle.

A short-eared owl was flushed during surveys of the harvest area. The owl is likely a winter migrant, which is common in the Central Valley.

## Lesser and Greater Sandhill Crane

Lesser and greater sandhill cranes are winter residents and migrants in the Delta, arriving during early September and reaching maximum densities during December and January and



departing during early March. Sandhill cranes vocalizations were heard on the adjacent Staten Island, which occurs approximately 1500 feet to the north of the survey area.

Lesser sandhill crane is a California species of special concern. Lesser sandhill crane is a large gray, heavy-bodied bird with a long neck, long legs, and red plumage on top of the head. The subspecies range includes much of North America; the population that occurs in the proposed Project area breeds in southwestern and south-central Alaska and migrates to the Central Valley of California to overwinter (Shuford and Gardali 2008).

Greater sandhill crane is State listed as threatened is and Fully Protected under California Fish and Game Code. Greater sandhill crane is the largest sandhill crane subspecies, with gray plumage, heavy body, long neck and legs, and red plumage on top of the head. The subspecies range includes much of North America; the population that occurs in the proposed Project area breeds in small numbers in northeastern California, with larger populations coming from Washington, Oregon, and western Canada, and migrates to the Central Valley of California to overwinter (CDFW 1994).

Foraging habitat between the two subspecies is similar (although there are some individual crop preferences) and consists mainly of harvested corn fields, winter wheat, irrigated pastures, alfalfa fields, and fallow fields. Mid-day loafing typically occurs in wetlands and flooded fields and they occasionally forage and will opportunistically consume small rodents, birds, and invertebrates along agricultural field borders, levees, rice checks, and ditches, and in alfalfa fields or pastures. Night roosting is in shallowly flooded open fields and open wetlands interspersed with uplands and tends to congregate in small to large flocks. Greater and lesser sandhill cranes use similar roost sites and are both sensitive to human disturbance (Littlefield and Ivey 2000).

Staten Island, just to the north of Bouldin Island, is a known sandhill crane refuge, where a significant portion of the Delta populations reside in the winter. They have also been documented on Bouldin Island (Littlefield and Ivey 2000). Vocalizations from Staten Island were heard during the field visit.

## Loggerhead Shrike

The loggerhead shrike is listed by CDFW as a California species of special concern, and is a year-round resident, distributed throughout much of California, except in higher-elevation and heavily forested mountainous regions (Humple 2008). Shrikes nest earlier than most other passerines. The breeding season for the species may begin as early as late February and lasts through July (Yosef 1996). Loggerhead shrikes establish breeding territories in open habitats with relatively short vegetation that allows for visibility of prey such as arthropods, small reptiles, amphibians, rodents, and birds. They can be found in grasslands, scrub habitats, riparian areas, other open woodlands, ruderal habitats, and developed areas, including golf courses and agricultural fields (Yosef 1996). Loggerhead shrikes require the presence of structures for impaling their prey. These structures most often take the form of thorny or sharp-stemmed shrubs or barbed wire (Humple 2008). Ideal breeding habitat for loggerhead shrikes is short grass habitat with many perches, shrubs, or trees for nesting and sharp branches or barbed wire fences for impaling prey.

Loggerhead shrikes are known to occur throughout the Central Valley, and suitable habitat, such as the riparian areas, blackberry shrubs, and areas with adjacent foraging sites, such as fallow fields and agricultural crops, are present in the survey area; therefore, there is a moderate potential for the loggerhead shrike to be present in the survey area.

## Song Sparrow (“Modesto” population)

The song sparrow (*Melospiza melodia*) has the greatest number of genetically distinct populations of any bird in North America, including seven subspecies that breed in California, six of which are endemic to the State. The “Modesto” population was once considered to be a distinct subspecies (*M. m. mailliardi*), but it has recently been classified as a race and merged with the *heermanni* subspecies (Patten and Pruett 2009). Because it is debatable that the Modesto population is genetically distinct, it is considered a California species of special concern (Gardali 2008) until further genetic studies are conclusive.

Song sparrows are year-round residents that breed from mid-March through early August in the Sacramento Valley, Delta, and northern San Joaquin Valley, with centers of abundance in the Delta and Butte Sink areas (Gardali 2008). They generally breed in freshwater and saline emergent wetlands and riparian willow thickets. However, breeding has been documented in sparsely vegetated agricultural ditches, and levees, especially in areas adjacent to the Butte Sink, in the northernmost limit of Little Butte Creek, and in roadside agricultural ditches east of the Sacramento River above the Tisdale Bypass (Gardali 2008).

The Modesto song sparrow is known to occur in the sloughs around Bouldin Island. Because suitable habitat is present adjacent to the survey area and marginal habitat occurs in the survey area the Modesto song sparrow has a moderate to high potential to be present in the survey area.

## Other Breeding and Migratory Birds

The Federal Migratory Bird Treaty Act and Section 3513 of the California Fish and Game Code protect raptors, most native migratory birds, and breeding birds that could be present in the survey area. The survey area provides high-quality foraging and nesting opportunities for a variety of resident and migratory birds. Common raptor species that may nest in the mature trees in the survey area could include red-tailed hawk, red-shouldered hawk, and great horned owl (observed near survey area). Wading birds such as the great egret and the great blue heron are known to nest on the nearby Venice and Decker Islands and could use the agricultural ditches for foraging.

## Western Red Bat

The western red bat is listed by CDFW as a California species of special concern. This is a riparian obligate species (i.e., dependent on riparian habitat) that is ubiquitous throughout California except the northern Great Basin region. Western red bats roost individually in dense clumps of tree foliage in riparian areas, orchards, and suburban areas. They are primarily moth specialists but will forage for a variety of other insects. Individuals have been observed foraging around streetlamps and floodlights in suburban areas (WBWG 2005).

Based on its tendency to roost within tree foliage, this species may be intermittently present in the riparian areas; the closest and most recent CNDDDB occurrence within 5 miles was from 1999 and was located 4 miles to the west.

## Critical Habitat for Listed Wildlife Species

USFWS defines the term “critical habitat” in the Federal Endangered Species Act as a specific geographic area(s) that contains features essential for the conservation of a threatened or endangered species and that may require special management and protection. The survey area is not within designated critical habitat for any listed terrestrial wildlife species. While delta smelt critical habitat does overlap Bouldin Island and Central Valley steelhead critical habitat is designated in the waters around Bouldin Island, there is currently no habitat to support delta smelt or Central Valley steelhead in the Project area.

## Essential Fish Habitat

No EFH occurs in the proposed Project area. Pacific Coast Salmon EFH for Chinook salmon is designated in the waters around Bouldin Island. Pacific Coast Groundfish EFH extends to the mean higher high-water level (MHHW) or the upriver extent of saltwater intrusion (upstream area and landward where waters have salinities less than 0.5 ppt); however, Pacific Groundfish species occur primarily in higher salinity areas, principally further west in San Pablo Bay, Suisun Bay and Central San Francisco Bay.

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# Appendix A

## **Aquatic Resources Delineation Memorandum**



180 Grand Avenue  
Suite 1050  
Oakland, CA 94612  
510.839.5066 [phone](tel:510.839.5066)  
510.839.5825 [fax](tel:510.839.5825)

[esassoc.com](http://esassoc.com)

# memorandum

date December 21, 2021

to Dee Bradshaw, Metropolitan Water District of Southern California

cc Christy Dawson, Environmental Science Associates (ESA)

from Joe Sanders, Environmental Science Associates (ESA)

subject Bouldin Island Delta Smelt Preservation Project – Aquatic Resources Delineation Memorandum

## Introduction

Environmental Science Associates (ESA) conducted a delineation of aquatic resources on behalf of the Metropolitan Water District of Southern California. The study area, which encompasses an area approximately 144.61 acres, is located adjacent to the confluence of the North Mokelumne River and the South Mokelumne River in northwestern San Joaquin County, CA (**Attachment 1**). The Mokelumne River borders the Proposed Project on north and east sides and is separated from the Proposed Project by a levee system. The south and west sides of the project are bound by irrigation ditches and adjacent farm fields.

The purpose of this memo is to identify aquatic resources, if present, within the study area. It is important to note that this work builds upon a previous Preliminary Jurisdictional Determination (PJD) of aquatic resources by the California Department of Water Resources (DWR) which encompasses this study area (SPK-2019-00899) and is provided in **Attachment 3**. This assessment is based on the best professional judgment of ESA investigators. All conclusions presented should be considered preliminary and subject to change pending agency review.

## Setting

The study area is located adjacent to the confluence of the North Mokelumne River and the South Mokelumne River. The Mokelumne River borders the study area on north and east sides and is separated from the study area by a levee system. The south and west sides of the project are bound by irrigation ditches and adjacent farm fields, that were recently planted in corn. The study area currently consists of a fallow wheat field that has most recently been dryland farmed, a depressional area that is used as levee sourcing material, and farm roads. Bouldin Island was reclaimed around 1922, farmed continuously, and due to on-going land subsidence, is now between 5 and 25 feet below sea level and the adjacent river water surface elevations. A toe-drain is located at the base of the levee and is overgrown with blackberries.

## Survey Methods

ESA Wetland Ecologist Joe Sanders verified previously mapped aquatic resources in the field based on their spatial extents on November 8, 2021. The study area was walked such that visual coverage was 100 percent. All features, including the aquatic resources mapping performed by DWR in 2020 and study area boundaries, were analyzed in the field with a GPS unit (EOS Arrow 100) with real-time differential correction and an instrument-rated mapping accuracy of less than one meter.

## Survey Results

The boundaries of previously mapped aquatic resources within the study area by DWR in 2020 were determined to encompass all aquatic resources present within the study area (**Attachment 2**). Aquatic features present within the study area include Agricultural Ditches, Forested Wetlands, Freshwater Emergent Wetlands, and Scrub Shrub Wetlands. The aquatic features that occur within the study area are outlined below in **Table 1**.

**TABLE 1**  
**AQUATIC RESOURCES SUMMARY**

Feature Type	Cowardin Classification	Area	
		Acres	Square Feet
Wetlands			
Agricultural Ditch	Palustrine - Emergent - farmed	1.38	60,262
Forested Wetland	Palustrine - Forested	0.20	8,523
Freshwater Emergent Wetland	Palustrine - Emergent Persistent	10.48	456,593
Scrub Shrub Wetland	Palustrine - Scrub-Shrub	2.58	112,597
Total Area of Aquatic Features:		14.65	637,975

All mapped features likely have a significant nexus with the Mokelumne River, a Traditional Navigable Water (TNW), and are therefore likely jurisdictional under Sections 401 and 404 of the Clean Water Act (CWA). These results received a Preliminary Jurisdictional Determination by the USACE in 2020 (SPK-2019-00899) and are subject to further change pending agency review.

## Attachments

Attachment 1 – Regional Location Map

Attachment 2 – Aquatic Resources Delineation Map

Attachment 3 – Delta Conveyance Project – Aquatic Resources Delineation Report



# Appendix B

## **Special-Status Species Lists**

**IPaC** Information for Planning and Consultation **U.S. Fish & Wildlife Service**

## IPaC resource list

This report is an automatically generated list of species and other resources such as critical habitat (collectively referred to as *trust resources*) under the U.S. Fish and Wildlife Service's (USFWS) jurisdiction that are known or expected to be on or near the project area referenced below. The list may also include trust resources that occur outside of the project area, but that could potentially be directly or indirectly affected by activities in the project area. However, determining the likelihood and extent of effects a project may have on trust resources typically requires gathering additional site-specific (e.g., vegetation/species surveys) and project-specific (e.g., magnitude and timing of proposed activities) information.

Below is a summary of the project information you provided and contact information for the USFWS office(s) with jurisdiction in the defined project area. Please read the introduction to each section that follows (Endangered Species, Migratory Birds, USFWS Facilities, and NWI Wetlands) for additional information applicable to the trust resources addressed in that section.

### Location


San Joaquin County, California



### Local office

San Francisco Bay-Delta Fish And Wildlife

☎ (916) 930-5603

 (916) 930-5654

650 Capitol Mall  
Suite 8-300  
Sacramento, CA 95814

[http://kim\\_squires@fws.gov](mailto:kim_squires@fws.gov)

NOT FOR CONSULTATION

# Endangered species

This resource list is for informational purposes only and does not constitute an analysis of project level impacts.

The primary information used to generate this list is the known or expected range of each species. Additional areas of influence (AOI) for species are also considered. An AOI includes areas outside of the species range if the species could be indirectly affected by activities in that area (e.g., placing a dam upstream of a fish population even if that fish does not occur at the dam site, may indirectly impact the species by reducing or eliminating water flow downstream). Because species can move, and site conditions can change, the species on this list are not guaranteed to be found on or near the project area. To fully determine any potential effects to species, additional site-specific and project-specific information is often required.

Section 7 of the Endangered Species Act **requires** Federal agencies to "request of the Secretary information whether any species which is listed or proposed to be listed may be present in the area of such proposed action" for any project that is conducted, permitted, funded, or licensed by any Federal agency. A letter from the local office and a species list which fulfills this requirement can **only** be obtained by requesting an official species list from either the Regulatory Review section in IPaC (see directions below) or from the local field office directly.

For project evaluations that require USFWS concurrence/review, please return to the IPaC website and request an official species list by doing the following:

1. Draw the project location and click CONTINUE.
2. Click DEFINE PROJECT.
3. Log in (if directed to do so).
4. Provide a name and description for your project.
5. Click REQUEST SPECIES LIST.

Listed species<sup>1</sup> and their critical habitats are managed by the [Ecological Services Program](#) of the U.S. Fish and Wildlife Service (USFWS) and the fisheries division of the National Oceanic and Atmospheric Administration (NOAA Fisheries<sup>2</sup>).

Species and critical habitats under the sole responsibility of NOAA Fisheries are **not** shown on this list. Please contact [NOAA Fisheries](#) for [species under their jurisdiction](#).

- 
1. Species listed under the [Endangered Species Act](#) are threatened or endangered; IPaC also shows species that are candidates, or proposed, for listing. See the [listing status page](#) for more information. IPaC only shows species that are regulated by USFWS (see FAQ).
  2. [NOAA Fisheries](#), also known as the National Marine Fisheries Service (NMFS), is an office of the National Oceanic and Atmospheric Administration within the Department of Commerce.

The following species are potentially affected by activities in this location:

## Birds

NAME	STATUS
<b>California Clapper Rail</b> <i>Rallus longirostris obsoletus</i> Wherever found No critical habitat has been designated for this species. <a href="http://ecos.fws.gov/ecp/species/4240">http://ecos.fws.gov/ecp/species/4240</a>	Endangered

## Reptiles

NAME	STATUS
<b>Giant Garter Snake</b> <i>Thamnophis gigas</i> Wherever found No critical habitat has been designated for this species. <a href="http://ecos.fws.gov/ecp/species/4482">http://ecos.fws.gov/ecp/species/4482</a>	Threatened

## Amphibians

NAME	STATUS
<b>California Red-legged Frog</b> <i>Rana draytonii</i> Wherever found There is <b>final</b> critical habitat for this species. The location of the critical habitat is not available. <a href="http://ecos.fws.gov/ecp/species/2891">http://ecos.fws.gov/ecp/species/2891</a>	Threatened
<b>California Tiger Salamander</b> <i>Ambystoma californiense</i> There is <b>final</b> critical habitat for this species. The location of the critical habitat is not available. <a href="http://ecos.fws.gov/ecp/species/2076">http://ecos.fws.gov/ecp/species/2076</a>	Threatened

## Fishes

NAME	STATUS
------	--------

**Delta Smelt** *Hypomesus transpacificus*

Threatened

Wherever found

There is **final** critical habitat for this species. Your location overlaps the critical habitat.<http://ecos.fws.gov/ecp/species/321>

## Insects

NAME

STATUS

**Delta Green Ground Beetle** *Elaphrus viridis*

Threatened

Wherever found

There is **final** critical habitat for this species. The location of the critical habitat is not available.<http://ecos.fws.gov/ecp/species/2319>**Monarch Butterfly** *Danaus plexippus*

Candidate

Wherever found

No critical habitat has been designated for this species.

<http://ecos.fws.gov/ecp/species/9743>**Valley Elderberry Longhorn Beetle** *Desmocerus californicus dimorphus*

Threatened

Wherever found

There is **final** critical habitat for this species. The location of the critical habitat is not available.<http://ecos.fws.gov/ecp/species/7850>

## Crustaceans

NAME

STATUS

**Conservancy Fairy Shrimp** *Branchinecta conservatio*

Endangered

Wherever found

There is **final** critical habitat for this species. The location of the critical habitat is not available.<http://ecos.fws.gov/ecp/species/8246>

**Vernal Pool Fairy Shrimp** *Branchinecta lynchi*

Threatened

Wherever found

There is **final** critical habitat for this species. The location of the critical habitat is not available.

<http://ecos.fws.gov/ecp/species/498>

**Vernal Pool Tadpole Shrimp** *Lepidurus packardii*

Endangered

Wherever found

There is **final** critical habitat for this species. The location of the critical habitat is not available.

<http://ecos.fws.gov/ecp/species/2246>

## Flowering Plants

NAME

STATUS

**Large-flowered Fiddleneck** *Amsinckia grandiflora*

Endangered

Wherever found

There is **final** critical habitat for this species. The location of the critical habitat is not available.

<http://ecos.fws.gov/ecp/species/5558>

## Critical habitats

Potential effects to critical habitat(s) in this location must be analyzed along with the endangered species themselves.

This location overlaps the critical habitat for the following species:

NAME

TYPE

**Delta Smelt** *Hypomesus transpacificus*

Final

<http://ecos.fws.gov/ecp/species/321#crithab>

## Migratory birds

Certain birds are protected under the Migratory Bird Treaty Act<sup>1</sup> and the Bald and Golden Eagle Protection Act<sup>2</sup>.

Any person or organization who plans or conducts activities that may result in impacts to migratory birds, eagles, and their habitats should follow appropriate regulations and consider implementing appropriate conservation measures, as described below.

1. The Migratory Birds Treaty Act of 1918.
2. The Bald and Golden Eagle Protection Act of 1940.

Additional information can be found using the following links:

- Birds of Conservation Concern <http://www.fws.gov/birds/management/managed-species/birds-of-conservation-concern.php>
- Measures for avoiding and minimizing impacts to birds <http://www.fws.gov/birds/management/project-assessment-tools-and-guidance/conservation-measures.php>
- Nationwide conservation measures for birds <http://www.fws.gov/migratorybirds/pdf/management/nationwidestandardconservationmeasures.pdf>

The birds listed below are birds of particular concern either because they occur on the USFWS Birds of Conservation Concern (BCC) list or warrant special attention in your project location. To learn more about the levels of concern for birds on your list and how this list is generated, see the FAQ below. This is not a list of every bird you may find in this location, nor a guarantee that every bird on this list will be found in your project area. To see exact locations of where birders and the general public have sighted birds in and around your project area, visit the E-bird data mapping tool (Tip: enter your location, desired date range and a species on your list). For projects that occur off the Atlantic Coast, additional maps and models detailing the relative occurrence and abundance of bird species on your list are available. Links to additional information about Atlantic Coast birds, and other important information about your migratory bird list, including how to properly interpret and use your migratory bird report, can be found below.

For guidance on when to schedule activities or implement avoidance and minimization measures to reduce impacts to migratory birds on your list, click on the PROBABILITY OF PRESENCE SUMMARY at the top of your list to see when these birds are most likely to be present and breeding in your project area.

NAME

BREEDING SEASON (IF A BREEDING SEASON IS INDICATED FOR A BIRD ON YOUR LIST, THE BIRD MAY BREED IN YOUR PROJECT AREA SOMETIME WITHIN THE TIMEFRAME SPECIFIED, WHICH IS A VERY LIBERAL ESTIMATE OF THE DATES INSIDE WHICH THE BIRD BREEDS ACROSS ITS ENTIRE RANGE. "BREEDS ELSEWHERE" INDICATES THAT THE BIRD DOES NOT LIKELY BREED IN YOUR PROJECT AREA.)



**Bald Eagle** *Haliaeetus leucocephalus*

This is not a Bird of Conservation Concern (BCC) in this area, but warrants attention because of the Eagle Act or for potential susceptibilities in offshore areas from certain types of development or activities.

<http://ecos.fws.gov/ecp/species/1626>

Breeds Jan 1 to Aug 31

**Clark's Grebe** *Aechmophorus clarkii*

This is a Bird of Conservation Concern (BCC) throughout its range in the continental USA and Alaska.

Breeds Jun 1 to Aug 31

**Common Yellowthroat** *Geothlypis trichas sinuosa*

This is a Bird of Conservation Concern (BCC) only in particular Bird Conservation Regions (BCRs) in the continental USA

<http://ecos.fws.gov/ecp/species/2084>

Breeds May 20 to Jul 31

**Nuttall's Woodpecker** *Picoides nuttallii*

This is a Bird of Conservation Concern (BCC) only in particular Bird Conservation Regions (BCRs) in the continental USA

<http://ecos.fws.gov/ecp/species/9410>

Breeds Apr 1 to Jul 20

**Oak Titmouse** *Baeolophus inornatus*

This is a Bird of Conservation Concern (BCC) throughout its range in the continental USA and Alaska.

<http://ecos.fws.gov/ecp/species/9656>

Breeds Mar 15 to Jul 15

**Tricolored Blackbird** *Agelaius tricolor*

This is a Bird of Conservation Concern (BCC) throughout its range in the continental USA and Alaska.

<http://ecos.fws.gov/ecp/species/3910>

Breeds Mar 15 to Aug 10

**Wrentit** *Chamaea fasciata*

This is a Bird of Conservation Concern (BCC) throughout its range in the continental USA and Alaska.

Breeds Mar 15 to Aug 10

**Yellow-billed Magpie** *Pica nuttalli*

Breeds Apr 1 to Jul 31

This is a Bird of Conservation Concern (BCC) throughout its range in the continental USA and Alaska.

<http://ecos.fws.gov/ecp/species/9726>

## Probability of Presence Summary

The graphs below provide our best understanding of when birds of concern are most likely to be present in your project area. This information can be used to tailor and schedule your project activities to avoid or minimize impacts to birds. Please make sure you read and understand the FAQ "Proper Interpretation and Use of Your Migratory Bird Report" before using or attempting to interpret this report.

### Probability of Presence (■)

Each green bar represents the bird's relative probability of presence in the 10km grid cell(s) your project overlaps during a particular week of the year. (A year is represented as 12 4-week months.) A taller bar indicates a higher probability of species presence. The survey effort (see below) can be used to establish a level of confidence in the presence score. One can have higher confidence in the presence score if the corresponding survey effort is also high.

How is the probability of presence score calculated? The calculation is done in three steps:

1. The probability of presence for each week is calculated as the number of survey events in the week where the species was detected divided by the total number of survey events for that week. For example, if in week 12 there were 20 survey events and the Spotted Towhee was found in 5 of them, the probability of presence of the Spotted Towhee in week 12 is 0.25.
2. To properly present the pattern of presence across the year, the relative probability of presence is calculated. This is the probability of presence divided by the maximum probability of presence across all weeks. For example, imagine the probability of presence in week 20 for the Spotted Towhee is 0.05, and that the probability of presence at week 12 (0.25) is the maximum of any week of the year. The relative probability of presence on week 12 is  $0.25/0.25 = 1$ ; at week 20 it is  $0.05/0.25 = 0.2$ .
3. The relative probability of presence calculated in the previous step undergoes a statistical conversion so that all possible values fall between 0 and 10, inclusive. This is the probability of presence score.

To see a bar's probability of presence score, simply hover your mouse cursor over the bar.

### Breeding Season (■)

Yellow bars denote a very liberal estimate of the time-frame inside which the bird breeds across its entire range. If there are no yellow bars shown for a bird, it does not breed in your project area.

### Survey Effort (|)

Vertical black lines superimposed on probability of presence bars indicate the number of surveys performed for that species in the 10km grid cell(s) your project area overlaps. The number of surveys is expressed as a range, for example, 33 to 64 surveys.

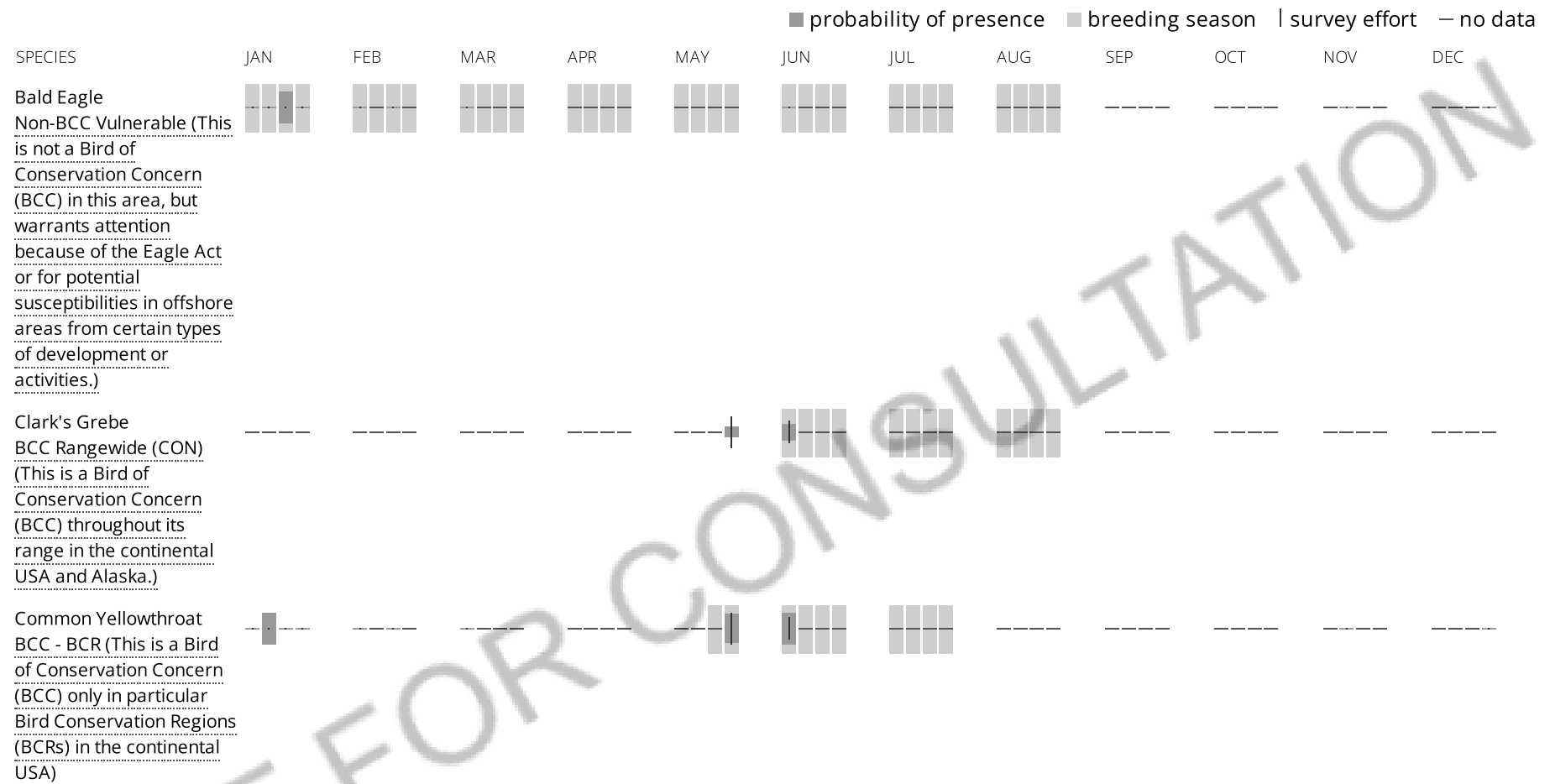
To see a bar's survey effort range, simply hover your mouse cursor over the bar.

### No Data (—)

A week is marked as having no data if there were no survey events for that week.

### Survey Timeframe

Surveys from only the last 10 years are used in order to ensure delivery of currently relevant information. The exception to this is areas off the Atlantic coast, where bird returns are based on all years of available data, since data in these areas is currently much more sparse.



Nuttall's Woodpecker BCC - BCR (This is a Bird of Conservation Concern (BCC) only in particular Bird Conservation Regions (BCRs) in the continental USA)	-----	-----	-----					-----	-----	-----	-----	-----
Oak Titmouse BCC Rangewide (CON) (This is a Bird of Conservation Concern (BCC) throughout its range in the continental USA and Alaska.)	-----	-----						-----	-----	-----	-----	-----
Tricolored Blackbird BCC Rangewide (CON) (This is a Bird of Conservation Concern (BCC) throughout its range in the continental USA and Alaska.)	-----	-----							-----	-----	-----	-----
Wrentit BCC Rangewide (CON) (This is a Bird of Conservation Concern (BCC) throughout its range in the continental USA and Alaska.)	-----	-----							-----	-----	-----	-----
Yellow-billed Magpie BCC Rangewide (CON) (This is a Bird of Conservation Concern (BCC) throughout its range in the continental USA and Alaska.)	-----	-----	-----					-----	-----	-----	-----	-----

**Tell me more about conservation measures I can implement to avoid or minimize impacts to migratory birds.**

Nationwide Conservation Measures describes measures that can help avoid and minimize impacts to all birds at any location year round.

Implementation of these measures is particularly important when birds are most likely to occur in the project area. When birds may be breeding in the area, identifying the locations of any active nests and avoiding their destruction is a very helpful impact minimization measure. To see when birds are most likely to occur and be breeding in your project area, view the Probability of Presence Summary. Additional measures or permits may be advisable depending on the type of activity you are conducting and the type of infrastructure or bird species present on your project site.

**What does IPaC use to generate the migratory birds potentially occurring in my specified location?**

The Migratory Bird Resource List is comprised of USFWS [Birds of Conservation Concern \(BCC\)](#) and other species that may warrant special attention in your project location.

The migratory bird list generated for your project is derived from data provided by the [Avian Knowledge Network \(AKN\)](#). The AKN data is based on a growing collection of [survey, banding, and citizen science datasets](#) and is queried and filtered to return a list of those birds reported as occurring in the 10km grid cell(s) which your project intersects, and that have been identified as warranting special attention because they are a BCC species in that area, an eagle ([Eagle Act](#) requirements may apply), or a species that has a particular vulnerability to offshore activities or development.

Again, the Migratory Bird Resource list includes only a subset of birds that may occur in your project area. It is not representative of all birds that may occur in your project area. To get a list of all birds potentially present in your project area, please visit the [AKN Phenology Tool](#).

**What does IPaC use to generate the probability of presence graphs for the migratory birds potentially occurring in my specified location?**

The probability of presence graphs associated with your migratory bird list are based on data provided by the [Avian Knowledge Network \(AKN\)](#). This data is derived from a growing collection of [survey, banding, and citizen science datasets](#).

Probability of presence data is continuously being updated as new and better information becomes available. To learn more about how the probability of presence graphs are produced and how to interpret them, go the Probability of Presence Summary and then click on the "Tell me about these graphs" link.

**How do I know if a bird is breeding, wintering, migrating or present year-round in my project area?**

To see what part of a particular bird's range your project area falls within (i.e. breeding, wintering, migrating or year-round), you may refer to the following resources: [The Cornell Lab of Ornithology All About Birds Bird Guide](#), or (if you are unsuccessful in locating the bird of interest there), the [Cornell Lab of Ornithology Neotropical Birds guide](#). If a bird on your migratory bird species list has a breeding season associated with it, if that bird does occur in your project area, there may be nests present at some point within the timeframe specified. If "Breeds elsewhere" is indicated, then the bird likely does not breed in your project area.

**What are the levels of concern for migratory birds?**

Migratory birds delivered through IPaC fall into the following distinct categories of concern:

1. "BCC Rangewide" birds are [Birds of Conservation Concern \(BCC\)](#) that are of concern throughout their range anywhere within the USA (including Hawaii, the Pacific Islands, Puerto Rico, and the Virgin Islands);
2. "BCC - BCR" birds are BCCs that are of concern only in particular Bird Conservation Regions (BCRs) in the continental USA; and
3. "Non-BCC - Vulnerable" birds are not BCC species in your project area, but appear on your list either because of the [Eagle Act](#) requirements (for eagles) or (for non-eagles) potential susceptibilities in offshore areas from certain types of development or activities (e.g. offshore energy development or longline fishing).

Although it is important to try to avoid and minimize impacts to all birds, efforts should be made, in particular, to avoid and minimize impacts to the birds on this list, especially eagles and BCC species of rangewide concern. For more information on conservation measures you can implement to help avoid and minimize migratory bird impacts and requirements for eagles, please see the FAQs for these topics.

### Details about birds that are potentially affected by offshore projects

For additional details about the relative occurrence and abundance of both individual bird species and groups of bird species within your project area off the Atlantic Coast, please visit the [Northeast Ocean Data Portal](#). The Portal also offers data and information about other taxa besides birds that may be helpful to you in your project review. Alternately, you may download the bird model results files underlying the portal maps through the [NOAA NCCOS Integrative Statistical Modeling and Predictive Mapping of Marine Bird Distributions and Abundance on the Atlantic Outer Continental Shelf](#) project webpage.

Bird tracking data can also provide additional details about occurrence and habitat use throughout the year, including migration. Models relying on survey data may not include this information. For additional information on marine bird tracking data, see the [Diving Bird Study](#) and the [nanotag studies](#) or contact [Caleb Spiegel](#) or [Pam Loring](#).

### What if I have eagles on my list?

If your project has the potential to disturb or kill eagles, you may need to [obtain a permit](#) to avoid violating the Eagle Act should such impacts occur.

### Proper Interpretation and Use of Your Migratory Bird Report

The migratory bird list generated is not a list of all birds in your project area, only a subset of birds of priority concern. To learn more about how your list is generated, and see options for identifying what other birds may be in your project area, please see the FAQ "What does IPaC use to generate the migratory birds potentially occurring in my specified location". Please be aware this report provides the "probability of presence" of birds within the 10 km grid cell(s) that overlap your project; not your exact project footprint. On the graphs provided, please also look carefully at the survey effort (indicated by the black vertical bar) and for the existence of the "no data" indicator (a red horizontal bar). A high survey effort is the key component. If the survey effort is high, then the probability of presence score can be viewed as more dependable. In contrast, a low survey effort bar or no data bar means a lack of data and, therefore, a lack of certainty about presence of the species. This list is not perfect; it is simply a starting point for identifying what birds of concern have the potential to be in your project area, when they might be there, and if they might be breeding (which means nests might be present). The list helps you know what to look for to confirm presence, and helps guide you in knowing when to implement conservation measures to avoid or minimize potential impacts from your project activities, should presence be confirmed. To learn more about conservation measures, visit the FAQ "Tell me about conservation measures I can implement to avoid or minimize impacts to migratory birds" at the bottom of your migratory bird trust resources page.

## Facilities

### Wildlife refuges and fish hatcheries

REFUGE AND FISH HATCHERY INFORMATION IS NOT AVAILABLE AT THIS TIME

# Wetlands in the National Wetlands Inventory

Impacts to [NWI wetlands](#) and other aquatic habitats may be subject to regulation under Section 404 of the Clean Water Act, or other State/Federal statutes.

For more information please contact the Regulatory Program of the local [U.S. Army Corps of Engineers District](#).

Please note that the NWI data being shown may be out of date. We are currently working to update our NWI data set. We recommend you verify these results with a site visit to determine the actual extent of wetlands on site.

This location overlaps the following wetlands:

OTHER

[Pf](#)

RIVERINE

[R1UBV](#)

[R2ABHx](#)

A full description for each wetland code can be found at the [National Wetlands Inventory website](#)

## Data limitations

The Service's objective of mapping wetlands and deepwater habitats is to produce reconnaissance level information on the location, type and size of these resources. The maps are prepared from the analysis of high altitude imagery. Wetlands are identified based on vegetation, visible hydrology and geography. A margin of error is inherent in the use of imagery; thus, detailed on-the-ground inspection of any particular site may result in revision of the wetland boundaries or classification established through image analysis.

The accuracy of image interpretation depends on the quality of the imagery, the experience of the image analysts, the amount and quality of the collateral data and the amount of ground truth verification work conducted. Metadata should be consulted to determine the date of the source imagery used and any mapping problems.

Wetlands or other mapped features may have changed since the date of the imagery or field work. There may be occasional differences in polygon boundaries or classifications between the information depicted on the map and the actual conditions on site.

## Data exclusions

Certain wetland habitats are excluded from the National mapping program because of the limitations of aerial imagery as the primary data source used to detect wetlands. These habitats include seagrasses or submerged aquatic vegetation that are found in the intertidal and subtidal zones of estuaries and nearshore coastal waters. Some deepwater reef communities (coral or tubercid worm reefs) have also been excluded from the inventory. These habitats, because of their depth, go undetected by aerial imagery.

**Data precautions**

Federal, state, and local regulatory agencies with jurisdiction over wetlands may define and describe wetlands in a different manner than that used in this inventory. There is no attempt, in either the design or products of this inventory, to define the limits of proprietary jurisdiction of any Federal, state, or local government or to establish the geographical scope of the regulatory programs of government agencies. Persons intending to engage in activities involving modifications within or adjacent to wetland areas should seek the advice of appropriate federal, state, or local agencies concerning specified agency regulatory programs and proprietary jurisdictions that may affect such activities.

NOT FOR CONSULTATION





## Selected Elements by Common Name

## California Department of Fish and Wildlife

## California Natural Diversity Database



**Query Criteria:** Quad< IS </span>(Rio Vista (3812126)<span style="color:Red"> OR </span>Isleton (3812125)<span style="color:Red"> OR </span>Thornton (3812124)<span style="color:Red"> OR </span>Jersey Island (3812116)<span style="color:Red"> OR </span>Bouldin Island (3812115)<span style="color:Red"> OR </span>Terminous (3812114)<span style="color:Red"> OR </span>Woodward Island (3712185)<span style="color:Red"> OR </span>Holt (3712184)<span style="color:Red"> OR </span>Brentwood (3712186))

Species	Element Code	Federal Status	State Status	Global Rank	State Rank	Rare Plant Rank/CDFW SSC or FP
<b>Alkali Meadow</b> <i>Alkali Meadow</i>	CTT45310CA	None	None	G3	S2.1	
<b>alkali milk-vetch</b> <i>Astragalus tener</i> var. <i>tener</i>	PDFAB0F8R1	None	None	G2T1	S1	1B.2
<b>Alkali Seep</b> <i>Alkali Seep</i>	CTT45320CA	None	None	G3	S2.1	
<b>American peregrine falcon</b> <i>Falco peregrinus anatum</i>	ABNKD06071	Delisted	Delisted	G4T4	S3S4	FP
<b>Antioch andrenid bee</b> <i>Perdita scitula antiochensis</i>	IIHYM01031	None	None	G1T1	S1	
<b>Antioch Dunes anthicid beetle</b> <i>Anthicus antiochensis</i>	IICOL49020	None	None	G1	S1	
<b>Antioch Dunes evening-primrose</b> <i>Oenothera deltooides</i> ssp. <i>howellii</i>	PDONA0C0B4	Endangered	Endangered	G5T1	S1	1B.1
<b>bank swallow</b> <i>Riparia riparia</i>	ABPAU08010	None	Threatened	G5	S2	
<b>big tarplant</b> <i>Blepharizonia plumosa</i>	PDAST1C011	None	None	G1G2	S1S2	1B.1
<b>Bolander's water-hemlock</b> <i>Cicuta maculata</i> var. <i>bolanderi</i>	PDAP10M051	None	None	G5T4T5	S2?	2B.1
<b>Brewer's western flax</b> <i>Hesperolinon breweri</i>	PDLIN01030	None	None	G2	S2	1B.2
<b>bristly sedge</b> <i>Carex comosa</i>	PMCYP032Y0	None	None	G5	S2	2B.1
<b>burrowing owl</b> <i>Athene cunicularia</i>	ABNSB10010	None	None	G4	S3	SSC
<b>California black rail</b> <i>Laterallus jamaicensis coturniculus</i>	ABNME03041	None	Threatened	G3G4T1	S1	FP
<b>California linderiella</b> <i>Linderiella occidentalis</i>	ICBRA06010	None	None	G2G3	S2S3	
<b>California tiger salamander - central California DPS</b> <i>Ambystoma californiense</i> pop. 1	AAAAA01181	Threatened	Threatened	G2G3	S3	WL
<b>caper-fruited tropidocarpum</b> <i>Tropidocarpum capparideum</i>	PDBRA2R010	None	None	G1	S1	1B.1
<b>Cismontane Alkali Marsh</b> <i>Cismontane Alkali Marsh</i>	CTT52310CA	None	None	G1	S1.1	



## Selected Elements by Common Name

## California Department of Fish and Wildlife

## California Natural Diversity Database



Species	Element Code	Federal Status	State Status	Global Rank	State Rank	Rare Plant Rank/CDFW SSC or FP
<b>Coastal and Valley Freshwater Marsh</b> <i>Coastal and Valley Freshwater Marsh</i>	CTT52410CA	None	None	G3	S2.1	
<b>Congdon's tarplant</b> <i>Centromadia parryi ssp. congdonii</i>	PDAST4R0P1	None	None	G3T1T2	S1S2	1B.1
<b>curved-foot hygrotus diving beetle</b> <i>Hygrotus curvipes</i>	IICOL38030	None	None	G1	S1	
<b>Delta button-celery</b> <i>Eryngium racemosum</i>	PDAP10Z0S0	None	Endangered	G1	S1	1B.1
<b>Delta mudwort</b> <i>Limosella australis</i>	PDSCR10030	None	None	G4G5	S2	2B.1
<b>Delta smelt</b> <i>Hypomesus transpacificus</i>	AFCHB01040	Threatened	Endangered	G1	S1	
<b>Delta tule pea</b> <i>Lathyrus jepsonii var. jepsonii</i>	PDFAB250D2	None	None	G5T2	S2	1B.2
<b>eel-grass pondweed</b> <i>Potamogeton zosteriformis</i>	PMPOT03160	None	None	G5	S3	2B.2
<b>giant gartersnake</b> <i>Thamnophis gigas</i>	ARADB36150	Threatened	Threatened	G2	S2	
<b>great blue heron</b> <i>Ardea herodias</i>	ABNGA04010	None	None	G5	S4	
<b>Great Valley Valley Oak Riparian Forest</b> <i>Great Valley Valley Oak Riparian Forest</i>	CTT61430CA	None	None	G1	S1.1	
<b>hoary bat</b> <i>Lasiurus cinereus</i>	AMACC05030	None	None	G3G4	S4	
<b>loggerhead shrike</b> <i>Lanius ludovicianus</i>	ABPBR01030	None	None	G4	S4	SSC
<b>longfin smelt</b> <i>Spirinchus thaleichthys</i>	AFCHB03010	Candidate	Threatened	G5	S1	
<b>marsh skullcap</b> <i>Scutellaria galericulata</i>	PDLAM1U0J0	None	None	G5	S2	2B.2
<b>Mason's lilaeopsis</b> <i>Lilaeopsis masonii</i>	PDAP119030	None	Rare	G2	S2	1B.1
<b>midvalley fairy shrimp</b> <i>Branchinecta mesoavallensis</i>	ICBRA03150	None	None	G2	S2S3	
<b>molestan blister beetle</b> <i>Lytta molesta</i>	IICOL4C030	None	None	G2	S2	
<b>Northern California legless lizard</b> <i>Anniella pulchra</i>	ARACC01020	None	None	G3	S3	SSC
<b>redheaded sphecid wasp</b> <i>Eucerceris ruficeps</i>	IIHYM18010	None	None	G1G3	S1S2	
<b>riparian brush rabbit</b> <i>Sylvilagus bachmani riparius</i>	AMAEB01021	Endangered	Endangered	G5T1	S1	



## Selected Elements by Common Name

California Department of Fish and Wildlife  
California Natural Diversity Database

Species	Element Code	Federal Status	State Status	Global Rank	State Rank	Rare Plant Rank/CDFW SSC or FP
<b>Sacramento anthicid beetle</b> <i>Anthicus sacramento</i>	IICOL49010	None	None	G1	S1	
<b>San Joaquin kit fox</b> <i>Vulpes macrotis mutica</i>	AMAJA03041	Endangered	Threatened	G4T2	S2	
<b>San Joaquin pocket mouse</b> <i>Perognathus inornatus</i>	AMAFD01060	None	None	G2G3	S2S3	
<b>San Joaquin spearscale</b> <i>Extriplex joaquinana</i>	PDCHE041F3	None	None	G2	S2	1B.2
<b>Sanford's arrowhead</b> <i>Sagittaria sanfordii</i>	PMALI040Q0	None	None	G3	S3	1B.2
<b>side-flowering skullcap</b> <i>Scutellaria lateriflora</i>	PDLAM1U0Q0	None	None	G5	S2	2B.2
<b>soft salty bird's-beak</b> <i>Chloropyron molle ssp. molle</i>	PDSCR0J0D2	Endangered	Rare	G2T1	S1	1B.2
<b>song sparrow ("Modesto" population)</b> <i>Melospiza melodia</i>	ABPBXA3010	None	None	G5	S3?	SSC
<b>steelhead - Central Valley DPS</b> <i>Oncorhynchus mykiss irideus pop. 11</i>	AFCHA0209K	Threatened	None	G5T2Q	S2	
<b>stinkbells</b> <i>Fritillaria agrestis</i>	PMLIL0V010	None	None	G3	S3	4.2
<b>Suisun Marsh aster</b> <i>Symphyotrichum lentum</i>	PDASTE8470	None	None	G2	S2	1B.2
<b>Swainson's hawk</b> <i>Buteo swainsoni</i>	ABNKC19070	None	Threatened	G5	S3	
<b>tricolored blackbird</b> <i>Agelaius tricolor</i>	ABPBXB0020	None	Threatened	G1G2	S1S2	SSC
<b>valley elderberry longhorn beetle</b> <i>Desmocerus californicus dimorphus</i>	IICOL48011	Threatened	None	G3T2	S3	
<b>vernal pool fairy shrimp</b> <i>Branchinecta lynchi</i>	ICBRA03030	Threatened	None	G3	S3	
<b>watershield</b> <i>Brasenia schreberi</i>	PDCAB01010	None	None	G5	S3	2B.3
<b>western bumble bee</b> <i>Bombus occidentalis</i>	IIHYM24250	None	None	G2G3	S1	
<b>western pond turtle</b> <i>Emys marmorata</i>	ARAAD02030	None	None	G3G4	S3	SSC
<b>western red bat</b> <i>Lasiurus blossevillii</i>	AMACC05060	None	None	G4	S3	SSC
<b>western ridged mussel</b> <i>Gonidea angulata</i>	IMBIV19010	None	None	G3	S1S2	
<b>western spadefoot</b> <i>Spea hammondi</i>	AAABF02020	None	None	G2G3	S3	SSC

**Selected Elements by Common Name**

California Department of Fish and Wildlife

California Natural Diversity Database



Species	Element Code	Federal Status	State Status	Global Rank	State Rank	Rare Plant Rank/CDFW SSC or FP
<b>white-tailed kite</b> <i>Elanus leucurus</i>	ABNKC06010	None	None	G5	S3S4	FP
<b>woolly rose-mallow</b> <i>Hibiscus lasiocarpus</i> var. <i>occidentalis</i>	PDMAL0H0R3	None	None	G5T3	S3	1B.2

Record Count: 62







## Inventory of Rare and Endangered Plants of California

CALIFORNIA  
NATIVE PLANT SOCIETY

## Search Results

12 matches found. Click on scientific name for details

Search Criteria: Quad is one of [3812125:3812115]

▲ SCIENTIFIC NAME	COMMON NAME	FAMILY	LIFEFORM	BLOOMING PERIOD	FED LIST	STATE LIST	GLOBAL RANK	STATE RANK	CA RARE PLANT RANK	PHOTO
<a href="#"><u>Brasenia schreberi</u></a>	watershield	Cabombaceae	perennial rhizomatous herb (aquatic)	Jun-Sep	None	None	G5	S3	2B.3	 ©2014 Kirsten Bovee
<a href="#"><u>Carex comosa</u></a>	bristly sedge	Cyperaceae	perennial rhizomatous herb	May-Sep	None	None	G5	S2	2B.1	 Dean Wm. Taylor 1997
<a href="#"><u>Cicuta maculata</u></a> <a href="#"><u>var. bolanderi</u></a>	Bolander's water-hemlock	Apiaceae	perennial herb	Jul-Sep	None	None	G5T4T5	S2?	2B.1	No Photo Available
<a href="#"><u>Hibiscus lasiocarpus</u></a> <a href="#"><u>var. occidentalis</u></a>	woolly rose-mallow	Malvaceae	perennial rhizomatous herb (emergent)	Jun-Sep	None	None	G5T3	S3	1B.2	 © 2020 Steven Perry
<a href="#"><u>Lathyrus jepsonii</u></a> <a href="#"><u>var. jepsonii</u></a>	Delta tule pea	Fabaceae	perennial herb	May-Jul(Aug-Sep)	None	None	G5T2	S2	1B.2	 © 2003 Mark Fogiel
<a href="#"><u>Lilaeopsis masonii</u></a>	Mason's lilaeopsis	Apiaceae	perennial rhizomatous herb	Apr-Nov	None	CR	G2	S2	1B.1	No Photo Available
<a href="#"><u>Limosella australis</u></a>	Delta mudwort	Scrophulariaceae	perennial stoloniferous herb	May-Aug	None	None	G4G5	S2	2B.1	 © 2020 Richard Sage
<a href="#"><u>Potamogeton zosteriformis</u></a>	eel-grass pondweed	Potamogetonaceae	annual herb (aquatic)	Jun-Jul	None	None	G5	S3	2B.2	No Photo Available
<a href="#"><u>Sagittaria sanfordii</u></a>	Sanford's arrowhead	Alismataceae	perennial rhizomatous herb (emergent)	May-Oct(Nov)	None	None	G3	S3	1B.2	No Photo Available
<a href="#"><u>Scutellaria galericulata</u></a>	marsh skullcap	Lamiaceae	perennial rhizomatous herb	Jun-Sep	None	None	G5	S2	2B.2	 © 2021

<u><i>Scutellaria</i></u> <u><i>lateriflora</i></u>	side- flowering skullcap	Lamiaceae	perennial rhizomatous herb	Jul-Sep	None	None	G5	S2	2B.2	No Photo Available
<u><i>Symphyotrichum</i></u> <u><i>lentum</i></u>	Suisun Marsh aster	Asteraceae	perennial rhizomatous herb	(Apr)May- Nov	None	None	G2	S2	1B.2	No Photo Available

Showing 1 to 12 of 12 entries

#### Suggested Citation:

California Native Plant Society, Rare Plant Program. 2022. Inventory of Rare and Endangered Plants of California (online edition, v9-01 1.0). Website <https://www.rareplants.cnps.org> [accessed 22 January 2022].

#### CONTACT US

Send questions and comments to [rareplants@cnps.org](mailto:rareplants@cnps.org).

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# **Appendix D**

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## **Aquatic Resources Delineation Memo**







180 Grand Avenue  
Suite 1050  
Oakland, CA 94612  
510.839.5066 phone  
510.839.5825 fax

esassoc.com

# memorandum

date December 21, 2021

to Dee Bradshaw, Metropolitan Water District of Southern California

cc Christy Dawson, Environmental Science Associates (ESA)

from Joe Sanders, Environmental Science Associates (ESA)

subject Bouldin Island Delta Smelt Preservation Project – Aquatic Resources Delineation Memorandum

## Introduction

Environmental Science Associates (ESA) conducted a delineation of aquatic resources on behalf of the Metropolitan Water District of Southern California. The study area, which encompasses an area approximately 144.61 acres, is located adjacent to the confluence of the North Mokelumne River and the South Mokelumne River in northwestern San Joaquin County, CA (**Attachment 1**). The Mokelumne River borders the Proposed Project on north and east sides and is separated from the Proposed Project by a levee system. The south and west sides of the project are bound by irrigation ditches and adjacent farm fields.

The purpose of this memo is to identify aquatic resources, if present, within the study area. It is important to note that this work builds upon a previous Preliminary Jurisdictional Determination (PJD) of aquatic resources by the California Department of Water Resources (DWR) which encompasses this study area (SPK-2019-00899) and is provided in **Attachment 2**. This assessment is based on the best professional judgment of ESA investigators. All conclusions presented should be considered preliminary and subject to change pending agency review.

## Setting

The study area is located adjacent to the confluence of the North Mokelumne River and the South Mokelumne River. The Mokelumne River borders the study area on north and east sides and is separated from the study area by a levee system. The south and west sides of the project are bound by irrigation ditches and adjacent farm fields, that were recently planted in corn. The study area currently consists of a fallow wheat field that has most recently been dryland farmed, a depressional area that is used as levee sourcing material, and farm roads. Bouldin Island was reclaimed around 1922, farmed continuously, and due to on-going land subsidence, is now between 5 and 25 feet below sea level and the adjacent river water surface elevations. A toe-drain is located at the base of the levee and is overgrown with blackberries.

## Survey Methods

ESA Wetland Ecologist Joe Sanders verified previously mapped aquatic resources in the field based on their spatial extents on November 8, 2021. The study area was walked such that visual coverage was 100 percent. All features, including the aquatic resources mapping performed by DWR in 2020 and study area boundaries, were analyzed in the field with a GPS unit (EOS Arrow 100) with real-time differential correction and an instrument-rated mapping accuracy of less than one meter.

## Survey Results

The boundaries of previously mapped aquatic resources within the study area by DWR in 2020 were determined to encompass all aquatic resources present within the study area (**Attachment 3**). Aquatic features present within the study area include Agricultural Ditches, Forested Wetlands, Freshwater Emergent Wetlands, and Scrub Shrub Wetlands. The aquatic features that occur within the study area are outlined below in **Table 1**.

**TABLE 1**  
**AQUATIC RESOURCES SUMMARY**

Feature Type	Cowardin Classification	Area	
		Acres	Square Feet
Wetlands			
Agricultural Ditch	Palustrine - Emergent - farmed	1.38	60,262
Forested Wetland	Palustrine - Forested	0.20	8,523
Freshwater Emergent Wetland	Palustrine - Emergent Persistent	10.48	456,593
Scrub Shrub Wetland	Palustrine - Scrub-Shrub	2.58	112,597
Total Area of Aquatic Features:		14.65	637,975

All mapped features likely have a significant nexus with the Mokelumne River, a Traditional Navigable Water (TNW), and are therefore likely jurisdictional under Sections 401 and 404 of the Clean Water Act (CWA). These results received a Preliminary Jurisdictional Determination by the USACE in 2020 (SPK-2019-00899) and are subject to further change pending agency review.

## Attachments

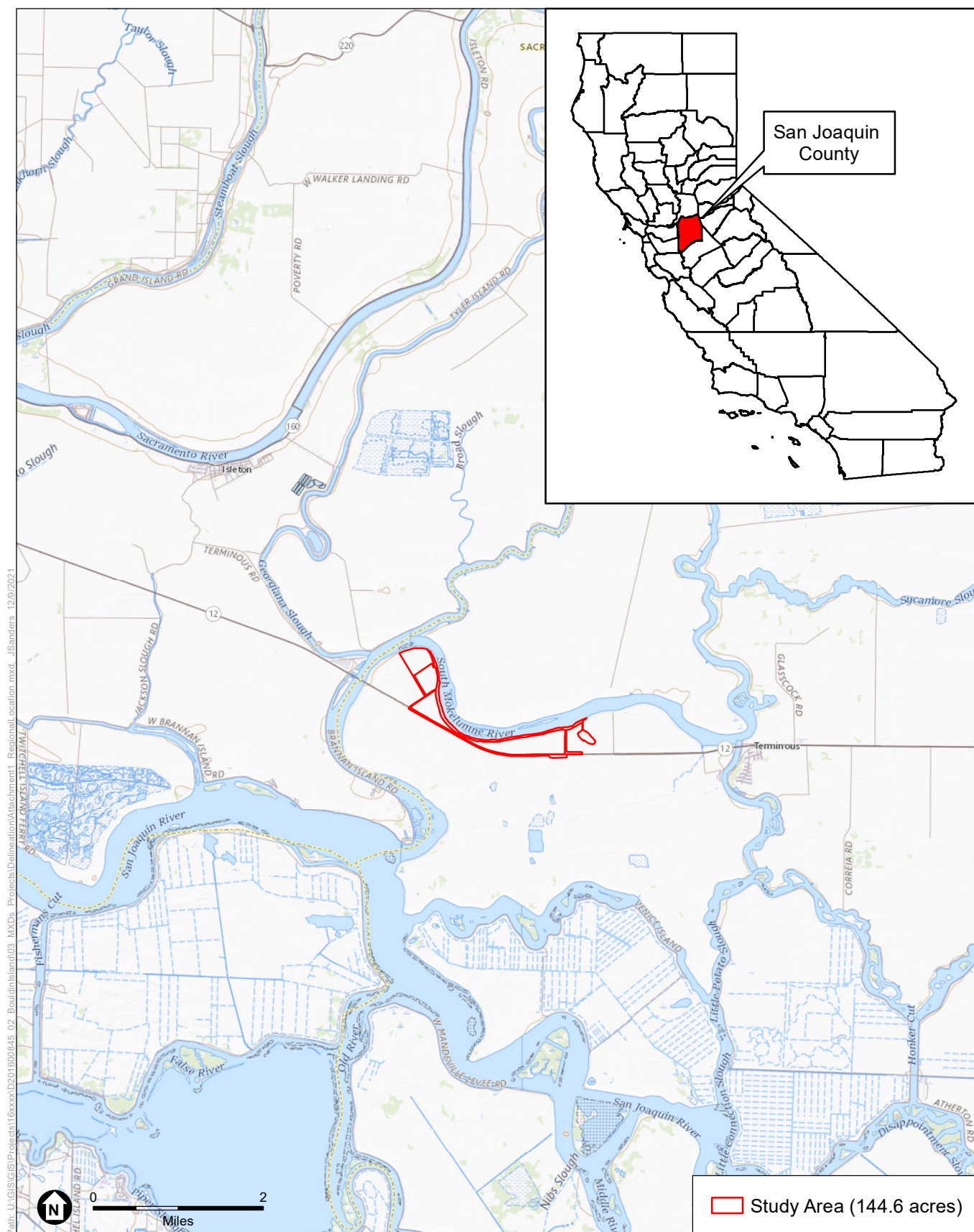
Attachment 1 – Regional Location Map

Attachment 2 – Delta Conveyance Project – Aquatic Resources Delineation Report

Attachment 3 – Aquatic Resources Delineation Map

# Attachment 1

## **Regional Location Map**



SOURCE: USGS, 2022<sup>1</sup>; ESA, 2021

Delta Smelt Preservation Project

## Attachment 1

### Regional Location

## Attachment 2

### **Delta Conveyance Project - Aquatic Resources Delineation Report**



# Aquatic Resources Delineation Report

---

## **Delta Conveyance Project**

**April 27, 2020**

### **Submitted to:**

US Army Corps of Engineers, Sacramento District  
1325 J Street – Room 1513  
Sacramento, CA 95814

### **Prepared by:**

California Department of Water Resources  
Division of Environmental Services  
3500 Industrial Boulevard  
West Sacramento, CA 95691

and

GEI Consultants, Inc.  
2868 Prospect Park Drive, Suite 400  
Rancho Cordova, CA 95670

## EXECUTIVE SUMMARY

The California Department of Water Resources is proposing to construct a water conveyance facility in the Sacramento–San Joaquin Delta, known as the Delta Conveyance Project. The following report presents the results of a delineation of potential waters of the United States, including wetlands, within the 135,639-acre study area. Two alignments (Central and East) are being considered for further development at this time, and a preferred alignment and project footprint will be identified in the pending Department of the Army permit application at a later date. The study area encompasses both alignments that are currently being considered.

The following report and mapping have been prepared for the Sacramento District of the U. S. Army Corps of Engineers (USACE) to request a verification of aquatic resources utilizing the Preliminary Jurisdictional Determination process. Aquatic features that are identified as potential waters of the United States may be subject to USACE regulation under Section 404 of the Clean Water Act up to the ordinary high-water mark for non-tidal channels and to the mean higher high water elevation (e.g., high tide line) in water bodies subject to tidal influence. Navigable waters, including waters subject to tidal influence, up to the mean high water level, are also subject to USACE regulation under Section 10 of the Rivers and Harbors Act of 1899.

Within the 135,639-acre study area for this project, 16,680.85 acres of wetlands and other waters were delineated.

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**ACRONYMS AND ABBREVIATIONS**

CVP	Central Valley Project
CWA	Clean Water Act
Delta	Sacramento–San Joaquin Delta
DEM	Digital Elevation Model
DWR	California Department of Water Resources
CDFW	California Department of Fish and Wildlife
FAC	Facultative
FACU	Facultative Upland
FACW	Facultative Wetland
GIS	Geographic Information System
HUC	Hydrologic Unit Code
LiDAR	Light Detection and Ranging
MHW	Mean High Water
MHHW	Mean Higher High Water
MLRA	Major Land Resource Area
NAIP	National Agriculture Imagery Program
NAVD 88	North American Vertical Datum of 1988
NRCS	Natural Resources Conservation Service
OBL	Obligate
OHWM	Ordinary High-Water Mark
PJD	Preliminary Jurisdictional Determination
SWP	State Water Project
RGL	Regulatory Guidance Letter
RPW	Relatively Permanent Water
TNW	Traditional Navigable Water
USACE	U.S. Army Corps of Engineers
USEPA	U.S. Environmental Protection Agency
USGS	United States Geological Survey

## 1.0 INTRODUCTION

The California Department of Water Resources (DWR) is proposing to construct a water conveyance facility (Delta Conveyance Project; proposed project) in the Sacramento–San Joaquin Delta (Delta).

The existing State Water Project (SWP) water conveyance facilities, which include Clifton Court Forebay and the Banks Pumping Plant in the south Delta, currently enable DWR to divert water and lift it into the California Aqueduct. The proposed project would construct and operate new conveyance facilities in the Delta that would add to the existing SWP infrastructure. New intake facilities are proposed as part of the Delta Conveyance Project as points of diversion that would be located in the north Delta along the Sacramento River between Freeport and the confluence with Sutter Slough. The new conveyance facilities would include a tunnel to convey water from the new intakes to the existing Banks Pumping Plant and potentially the federal Jones Pumping Plant in the south Delta. The new facilities would provide an alternate location for diversion of water from the Delta and would be operated in coordination with the existing south Delta pumping facilities, resulting in a system also known as "dual conveyance" because there would be two complementary methods to divert and convey water. New facilities proposed for the Delta Conveyance Project include, but are not limited to, the following:

- Two intake facilities on the Sacramento River
- Tunnel reaches and tunnel shafts
- Forebays
- Pumping plant
- South Delta Conveyance Facilities

Other ancillary facilities may be constructed to support construction of the conveyance facilities including, but not limited to, access roads, barge unloading facilities, concrete batch plants, fuel stations, mitigation areas, and power transmission and/or distribution lines. Under the proposed project, the new north Delta facilities would be sized to convey up to 6,000 cubic feet per second (cfs) of water from the Sacramento River to the SWP facilities in the south Delta.

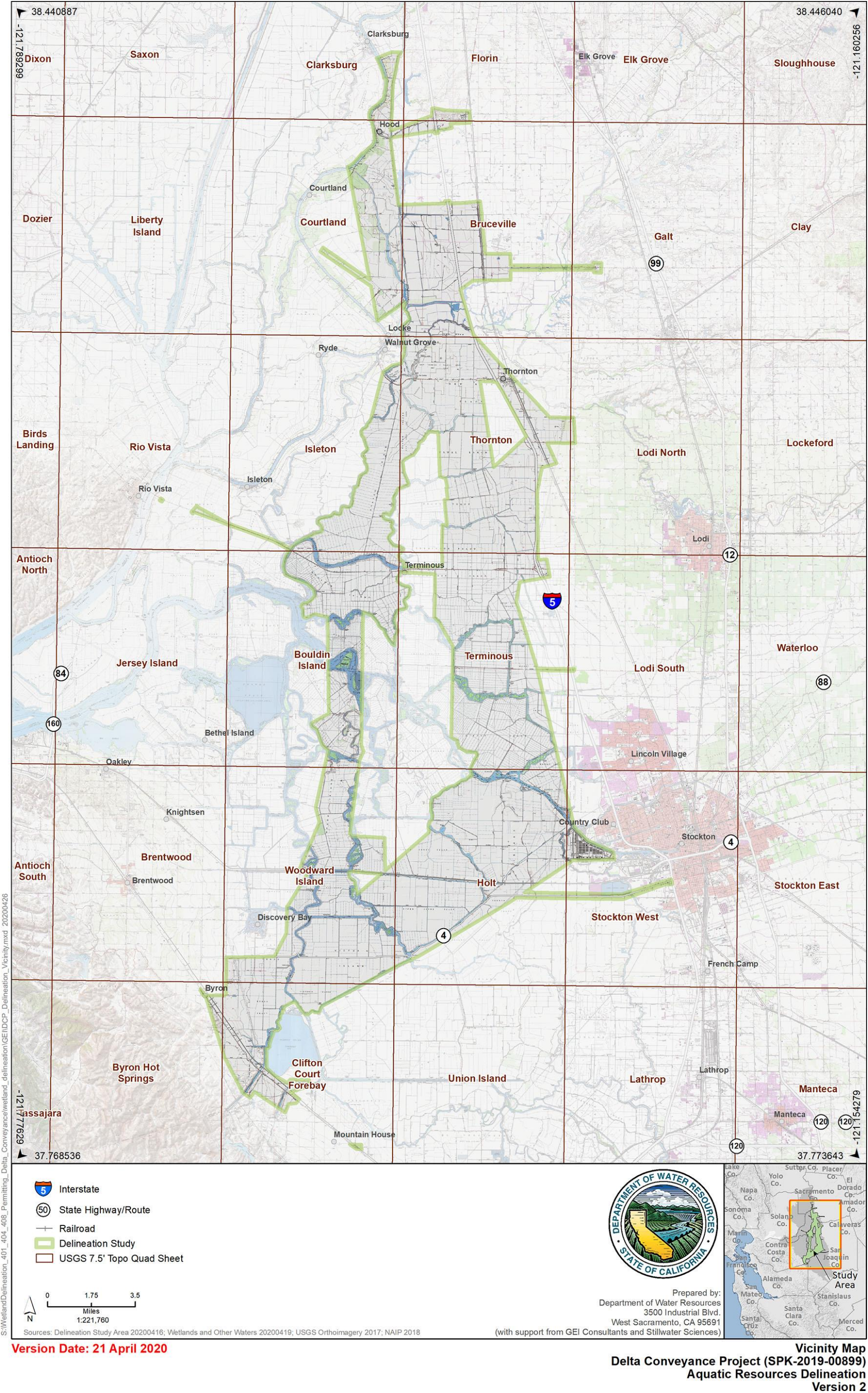
The 135,639-acre study area for this project is located within the legal Delta (Figure 1. *Study Area for the Delta Conveyance Project*; DWR 2020). The study area includes two alignments (Central and East) that are currently being considered for further development, and a preferred alignment and project footprint will be identified at a later date. Because of the large size of the study area and the lack of access to private land<sup>1</sup>, aquatic resources were mapped via interpretation of aerial imagery, topographical maps,

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<sup>1</sup> Through environmental review of previous Delta conveyance projects, the Bay Delta Conservation Plan and the California WaterFix, private landowners throughout the Delta have objected to DWR's requests to access land in private ownership to perform soil studies leading to a series of court cases culminating in the California State Supreme Court decision, *Property Reserve, Inc. v. Superior Court* (2016) 1 Cal.5th 151.

LiDAR imagery, and vegetation maps in a Geographical Information System (GIS). No pedestrian field surveys were completed as part of the current mapping effort discussed in this report.









This report presents the results of a delineation of potential waters of the U.S., including wetlands, in the study area. Waters of the U.S. are subject to U.S. Army Corps of Engineers (USACE) regulation under Section 404 of the Clean Water Act (CWA) to the Ordinary High Water Mark (OHWM) for non-tidal channels and to the Mean Higher High Water (MHHW) elevation (e.g., high tide line) in water bodies subject to tidal influence. Navigable waters, including waters subject to tidal influence to the Mean High Water (MHW) level, are also subject to USACE regulation under Section 10 of the Rivers and Harbors Act of 1899.

DWR hereby requests verification of this delineation, utilizing the Preliminary Jurisdictional Determination (PJD) process from the Sacramento District of the USACE.

## **2.0 METHODS**

The Delta Conveyance Project study area encompasses approximately 135,639 acres. At the time of this delineation, only a limited portion of the study area was accessible to conduct field delineation due to lack of access to properties under private ownership; therefore, the decision was made to conduct the entire delineation via aerial imagery interpretation in order to maintain consistency across the study area. During project kick-off efforts, DWR met with USACE and State Water Resources Control Board staff to obtain agreement on a methodology that relied exclusively upon aerial photo interpretation and digitizing aquatic resources using GIS. Similar methods have been employed and accepted for other large-scale projects in the region in the recent past.

The Core Wetland Mapping Team was composed of wetland delineators, GIS analysts, and wetland ecologists from DWR's Division of Environmental Services, GEI Consultants, Inc., and Stillwater Sciences, working under the direction of DWR's Delta Conveyance Office. The Core Wetland Mapping Team used aerial imagery interpretation in GIS to identify and delineate aquatic features in the study area by identifying signatures typically associated with, and indicative of wetlands, including areas of inundation or saturation on wet season imagery, hydrophytic vegetation signatures that persisted over multiple years, and soil map unit properties as obtained from the Natural Resource Conservation Service (NRCS) Soil Survey. Other imagery signatures that were evaluated included variation in soil color and areas of active agriculture where cropped lands showed reduced growth and/or vigor. LiDAR imagery was routinely used to identify minor variations in topography to correlate potential wetland signatures on aerial imagery to topographic depressions and to delineate wetland polygons.

To ensure a systematic approach for evaluating the entirety of the study area, a grid of 509 tiles was overlaid on the study area. Each tile covered approximately 371 acres, with a perimeter of approximately 3.1 miles. Blocks of tiles were assigned to each of the five GIS analysts on the Core Wetland Mapping Team, and each tile was recorded as it was completed. A quality assurance review of the consultant-produced portions of the data was conducted by DWR prior to submission of the mapping to USACE.

## 2.1 Data Sources

The Core Wetland Mapping Team primarily used the following as data sources to identify aquatic features within the study area:

- 1-foot resolution true-color digital orthorectified aerial imagery flown on December 14-20, 2017 (USGS 2017)
- 2017 Sacramento-San Joaquin Delta LiDAR, Digital Elevation Model (DEM) data from flights conducted on December 9, 2017 through January 21, 2018 (USGS 2017)
- 1-meter pixel resolution true-color digital aerial imagery from the National Agriculture Imagery Program captured in 2018 (NAIP 2018)
- Soil data from the NRCS Web Soil Survey database (NRCS 2019)

Additional sources of information included historical aerial imagery available on Google Earth, United States Geological Survey (USGS) topographic maps, earlier NAIP imagery, the United States Fish and Wildlife Service's (USFWS) National Wetland Inventory (USFWS 2020), and the 2011 Delta Vegetation and Land Use Data (CDFW 2020). Wetland mapping products that were developed by DWR for the Bay Delta Conservation Plan and California Water Fix were also consulted. Information on wetland vegetation, soils, and hydrology which was used to identify aquatic features is described below.

## 2.2 Delineation of Aquatic Resources

Over the majority of the study area, aquatic resources were initially identified using the 2017 USGS orthoimagery, which was the most recent high-resolution imagery collected during the wet season that was available during the mapping process. If a presumed aquatic resource was identified based on the 2017 USGS orthoimagery, the 2017 DEM and aerial imagery from other years were also viewed to confirm the presence of the feature. This was done to reduce aerial photo interpretation error, and to ensure that only persistent aquatic resources were mapped and not anomalies that were present in only one year (e.g. temporary agricultural ditches). Some of the easternmost portions of the study area were not included in the 2017 imagery collection, and in those cases, the 2018 NAIP was used as the primary source. Aquatic resources were digitized at a 1:1000 or greater (e.g. 1:500) map scale. All aquatic features that were identified at this scale were mapped. Ditches and other narrow, linear features were digitized as lines that were buffered based on their observed width.

Wetland features within the study area were identified based on the *Corps of Engineers Wetlands Delineation Manual* (USACE 1987) and *Regional Supplement to the Corps of Engineers Wetland Delineation Manual: Arid West Region* (USACE 2008) technical guidance documents that describe and define the characteristics of wetlands. In these guidance documents, wetlands are defined as "areas that are inundated or saturated by surface or ground water at a frequency and duration sufficient to support, and that under normal circumstances do support, a prevalence of vegetation typically adapted for life in saturated soil conditions." Although wetland polygons were delineated based exclusively on aerial interpretation, consideration of USACE's three-parameter approach, which relies on presence of



hydrophytic vegetation assemblage, hydric soils, and wetland hydrology, was applied to identify and delineate boundaries of aquatic features.

Aquatic features were categorized as perennial or seasonal, based on persistence of hydrology as evidenced by sustained inundation or saturation visible on aerial imagery. Perennial wetlands were further classified into emergent wetlands, scrub-shrub wetlands, or forested wetlands based primarily on vegetative life form (i.e., herbaceous, shrub dominated, or tree dominated). Seasonal wetlands were further classified as alkaline wetland or vernal pool as these habitats have unique soil and distinctive vegetation assemblages. The seasonal wetland category also includes a third class generalized as “seasonal wetland” to capture the diversity of non-specialized vegetation assemblages that are associated with a range of soil types and are subject to temporal inundation of a duration that supports a hydrophytic vegetation assemblage.

Linear features and open water habitats that may qualify as other waters of the U.S. were categorized based on tidal influence as non-tidal or tidal. Non-tidal waters include natural channels, lakes, depressions, and agricultural ditches. Tidal classifications include tidal channel, which includes major waterways, and conveyance channel which was used for conveyance features associated with the SWP and Central Valley Project (CVP). Specific characteristics of each aquatic type are discussed below in Section 3.2 Aquatic Resources.

The aerial interpretation mapping methods utilized for this effort are robust, repeatable, and incorporate a number of data sources; however, conducting a wetland delineation in GIS may affect the accuracy of the results based on the following: 1) aerial imagery is necessarily distorted in order to construct a two-dimensional representation of a three-dimensional surface. For instance, NAIP aerial imagery is acquired with a minimum horizontal accuracy of 6 meters from photo-identifiable ground points (USDA 2020) and 2017 USGS imagery was produced with a minimum accuracy target of 1.52 meters (USGS 2017); and, 2) delineation based on aerial imagery is limited to evaluation of surface features such as transitions in vegetation types and inundation or saturation signatures that do not necessarily exhibit abrupt boundaries. In these cases, the delineator must use best professional judgement in delineating a wetland boundary. Because of these factors, an exact margin of precision for this delineation is difficult to quantify.

## 2.3 Vegetation Interpretation

Identification and quantification of many individual plant species is not possible using the methods outlined in this mapping effort; however, the vegetation assemblages that are generally associated with the wetland classes that were used are dominated by hydrophytic vegetation. The National Wetland Plant List (Lichvar et al. 2016) was referenced to obtain the wetland indicator status for each species likely to be dominant within each wetland class within the study area. A species is considered dominant when that species accounts for 20 percent or more of the total absolute cover in a vegetation stratum (USACE 1987, 2008). Based on the GIS approach employed, dominant plant species that typify a wetland class assisted in the determination of class. Botanical nomenclature follows *The Jepson Manual: Vascular Plants of California, Second Edition* (Baldwin et al. 2012).

Ratings of obligate (OBL), facultative wetland (FACW), or facultative (FAC) correspond to hydrophytic species, and the plant's frequency of occurrence in wetlands. These plant indicator categories are defined as:

- OBL—greater than 99 percent occurrence in wetlands
- FACW—between 67 percent and 99 percent occurrence in wetlands
- FAC—between 34 percent and 66 percent occurrence in wetlands

Plants ranked as facultative upland (FACU) and upland (UPL) may also occur in wetlands but are not part of the dominant plant community. Dominant plant species that are likely to be encountered in each class of wetland are described in Section 3.2 Aquatic Resources.

## 2.4 Soil Survey

The Core Wetland Mapping Team consulted NRCS soil maps of Alameda, Contra Costa, Sacramento, and San Joaquin counties (NRCS 2019). Although most soil map units within the study area were identified as hydric, hydric soil map units may also include portions that are non-hydric, and therefore, should not be taken as a sole indicator of wetland conditions. The hydric soil criteria are as follows (NRCS 2012):

1. All Histels except Folistels and Histosols except Folists; or
2. Map unit components in Aquic suborders, great groups, or subgroups, Albolls suborder, Historthels great group, Histoturbels great group, or Andic, Cumulic, Pachic, or Vitrandic subgroups that:
  - a. Based on the range of characteristics for the soil series, will at least in part meet one or more Field Indicators of Hydric Soils in the United States, or
  - b. Show evidence that the soil meets the definition of a hydric soil;
3. Map unit components that are frequently ponded for long duration or very long duration during the growing season that:
  - a. Based on the range of characteristics for the soil series, will at least in part meet one or more Field Indicators of Hydric Soils in the United States, or
  - b. Show evidence that the soil meets the definition of a hydric soil; or
4. Map unit components that are frequently flooded for long duration or very long duration during the growing season that:
  - a. Based on the range of characteristics for the soil series, will at least in part meet one or more Field Indicators of Hydric Soils in the United States, or
  - b. Show evidence that the soils meet the definition of a hydric soil.

## 2.5 Hydrology

The Core Wetland Mapping Team evaluated wetland hydrology by analyzing inundation or saturation signatures on aerial images and landscape form and position in the LiDAR DEM. Features such as depressions and toe slopes, combined with the photographic signatures indicative of seasonal or persistent inundation or saturation were used to infer wetland hydrology. The primary aerial image sources relied upon for this mapping effort were the 2017 USGS Orthoimagery and the 2018 NAIP imagery.

Prior to the initiation of this mapping effort, the USACE was consulted to determine whether conditions observed in the 2017 USGS Orthoimagery would be accepted as representative of normal rainfall conditions for the area. The USACE conducted an analysis of antecedent rainfall conditions using the dates of the imagery flight and found scores over the study area ranging from 7 to 11, indicating that wet season conditions at the time were normal to drier than normal. In some cases, the 2017 USGS imagery captured areas that were flood irrigated or artificially managed for waterfowl. In those cases, analysts could not exclusively rely on inundation as a reliable wetland hydrology indicator. This issue was addressed by utilizing LiDAR to identify topographic depressions and multiple aerial images to identify persistent farmed wetlands.

The 2017 LiDAR DEM and USGS 7.5-Minute 1:24,000 scale Topographic Quadrangles were used to identify topographic depressions, major water bodies, drainage channels, and ditches. Additionally, photographic signatures of hydrology were assessed under different precipitation conditions by comparing aerial photographs from multiple years. NAIP aerial imagery from 2010, 2012, and 2016, as well as aerial images in Google Earth were routinely referenced in areas subject to high degrees of anthropogenic disturbance, such as agricultural fields on Delta islands, to distinguish persistent aquatic features from more temporary features.

### **3.0 RESULTS**

#### **3.1 Environmental Setting**

The Sacramento-San Joaquin Delta is formed at the western edge of California's Central Valley by the confluence of the Sacramento and San Joaquin Rivers. The study area is located within portions of Sacramento, San Joaquin, Contra Costa, and Alameda Counties. The study area encompasses portions of 18 USGS topographic 7.5-minute quadrangles (quads) stretching from Township 7 North on the Clarksburg quad to Township 1 South on the Clifton Court Forebay quad and spans from Range 6 East at the western study area boundary to Range 3 East along the eastern boundary. The study area overlaps with the following USGS quads: Clarksburg, Florin, Courtland, Bruceville, Galt, Rio Vista, Isleton, Thornton, Lodi North, Bouldin Island, Terminous, Lodi South, Brentwood, Woodward Island, Holt, Stockton West, Byron Hot Springs, and Clifton Court Forebay (Figure 1). The topography of the study area is generally flat and ranges in elevation from about 36 feet above sea level (NAVD 88) at the northern study area boundary to sea level near Clifton Court Forebay at the south end of the study area. The lowest elevations within the study area are located on Delta islands, with 16.44 feet below sea level (NAVD 88) documented as the lowest elevation point (USGS 2017). The highest elevation within the study area is 129.3 feet above mean sea level (NAVD 88). The Delta islands within the study area are surrounded by levees, and on-island pumps and ditches maintain water levels within the island interiors.

Cultivated land constitutes the majority of the land cover in the study area. Major crops include corn, alfalfa, tomatoes, wheat, and wine grapes. A large number of other crops are also grown in the study area, including orchard crops like almonds and pears, and many annual crops like pumpkins and safflower. Other agricultural land uses include pasture, hay, and turf grasses.

Tidal channels include open water river channels and sloughs that are subject to the ebb and flow of the tides, including portions of the Sacramento and San Joaquin Rivers, several tributaries, and associated sloughs. Tidal freshwater emergent wetland occurs as a transition between the tidal channels and adjacent riparian or upland plant communities. The lower elevation emergent wetland areas are more frequently inundated and are dominated by tules (*Schoenoplectus* spp.) and cattails (*Typha* spp.).

Non-tidal perennial aquatic communities include small ponds, lakes, and river channels without tidal influence. This community is characterized by open water; however, floating and/or submerged vegetation may be present. Common plant species include water primrose (*Ludwigia* spp.), water hyacinth (*Eichhornea crassipes*), and Brazilian waterweed (*Egeria densa*). Tules and cattails may also grow at the water margins.

The valley/foothill riparian natural community is often the transition between aquatic and upland habitats. In the Delta, this community is most often confined to long linear patches along waterways. Larger areas can be found on instream islands and restoration areas. Riparian forest supports broadleaved riparian trees with canopy cover ranging from open to dense. Riparian forest often has an understory layer of riparian scrub species. The tree species that dominate the Delta's riparian forests include willows (*Salix* spp.), Fremont's cottonwood (*Populus fremontii*), boxelder (*Acer negundo*), Oregon ash (*Fraxinus latifolia*), and California sycamore (*Platanus racemosa*).

Alkaline seasonal wetland and vernal pool complex also occur in areas where shallow depressions are underlain by hardpan or dense clay layers. The vegetation of these communities is characterized by a high percentage of native and special status species such as different species of goldfields (*Lasthenia* spp). These habitat types are found primarily at the northern and southern ends of the study area, near North Stone Lake and Clifton Court Forebay, respectively.

Seasonal wetlands occur in areas that are seasonally ponded or saturated either through water management or natural water table levels. Plant species composition within these generalized wetlands depends on the hydrologic regime. Common species range from cattails and tules to annual species that are tolerant of disturbance. In some farm fields on subsided islands, there are areas that remain too wet for crops to grow or thrive. These areas often form seasonal wetlands with weedy vegetation.

Undeveloped upland areas are generally dominated by a grassland community that consists of introduced or native annual and perennial grasses and forbs. In the study area, this community can be found on levee banks, in undeveloped fields, or interspersed with vernal pool and alkaline seasonal wetland communities. Common species include wild oats (*Avena* spp.), bromes (*Bromus* spp.), barley (*Hordeum* spp.), wild radish (*Raphanus raphanistrum*), and mustards (*Brassica* spp.).

### **3.1.1 Landscape and Local Hydrology**

The study area crosses four watersheds, including the Lower Sacramento watershed (Hydrologic Unit Code [HUC] 18020163), the San Joaquin Delta watershed (HUC 18040003), the Upper Cosumnes watershed (HUC 18040012), and the Upper Mokelumne watershed (HUC 18040012).

The study area is located primarily within Major Land Resource Area (MLRA) 16 (California Delta) in Land Resource Region C (California Subtropical Fruit, Truck, and Specialty Crop) (NRCS 2006). This MLRA, located at the confluence of the Sacramento and San Joaquin Rivers, was floodplain prior to European settlement and anthropogenic modification. The historic Delta formed as a result of fluvial sedimentation due to reduced flow rates and low gradient stream deposition. As the Delta formed, so did the many streams that divided the then-nearly topographically level Delta into “islands.” Levee building commenced in the late 1800’s to facilitate large-scale agricultural development in the Delta, disconnecting the interior of Delta islands from seasonal flooding. Presently, groundwater management in the form of pumping and ditching which provide drainage to prevent islands from internal flooding is required as a result of land subsidence.

Delta channels and sloughs are influenced by ocean tides and water levels vary during each tidal cycle; the range of tidal fluctuation is from less than one foot in the east Delta to more than 5 feet near Carquinez Strait (DWR 2013). Flows in the Delta are also influenced by human activities such as the CVP and SWP operations, other water exports, channel widening, channel connections, barriers, and agricultural diversions.

The C.W. Bill Jones and Harvey O. Banks pumping plants, elements of the Federal CVP and California SWP respectively, are located in the south Delta near Tracy. These pumping plants lift water from the Delta into the Delta-Mendota Canal and California Aqueduct to deliver water to farms located in the southern Central Valley and Tulare Lake Basins, and cities in southern California. During periods of low flow, operation of the pumping plants can create a flow reversal, allowing brackish waters from San Pablo Bay to move into the Delta (NRCS 2006).

### **3.1.2 Soils**

The NRCS soil map units that occur within the study area are shown in Figure 2 *Soil Map Units in the Study Area*. Many of the soil map units in the study area are listed as hydric, or contain minor components that meet the definition of hydric soil. Within the Delta, much of the soil genesis occurred under anaerobic conditions as a result of regular and prolonged saturation, flooding, and ponding under historic conditions. Therefore, the preponderance of hydric map units within the study area is primarily a relic of Delta conditions prior to land reclamation in the late 1800’s. In many instances, hydric soil indicators remain despite the presence of levees and measures to control groundwater levels.

The soil orders that are prevalent in this MLRA are Entisols, Histosols, and Mollisols (NRCS 2006). The soils have a thermic temperature regime, aquatic soil moisture regime, and mixed minerology as a result of sediment transport from fluvic processes. The soils are generally very deep, poorly drained or very poorly drained, and have a high clay content.

According to NRCS (2006), soil great groups common to the study area generally formed as follows. Fluvaquents (Valdez series) formed in alluvium on floodplains and deltas. Haplosaprists formed in organic material in freshwater marshes (Kingile and Rindge series). Endoaquolls (Egbert, Gazwell, Peltier, and Ryde series) formed in alluvium in basins, marshes, sloughs, and on deltas.

Table 1. Soil Units Within the Study Area

Soil Unit Symbol	Soil Unit Name	Contains Hydric Components?
101	Acampo sandy loam, 0 to 2 percent slopes	No
Bb	Brentwood clay loam	No
Bc	Brentwood clay loam, wet	No
111	Bruella sandy loam, 0 to 2 percent slopes	No
CaA	Capay clay, 0 to 2 percent slopes	No
CbA	Capay clay, wet, 0 to 2 percent slopes	No
115	Clear Lake clay, hardpan substratum, drained, 0 to 1 percent slopes	Yes
114	Clear Lake clay, partially drained, 0 to 2 percent slopes, frequently flooded	Yes
130	Columbia fine sandy loam, drained, 0 to 2 percent slopes	Yes
121	Columbia sandy loam, clayey substratum, drained, 0 to 2 percent slopes, occasionally flooded	Yes
119	Columbia sandy loam, clayey substratum, partially drained, 0 to 2 percent slopes	Yes
116	Columbia sandy loam, partially drained, 0 to 2 percent slopes	Yes
123	Columbia silt loam, drained, 2 to 5 percent slopes	Yes
128	Cosumnes silt loam, drained, 0 to 2 percent slopes	Yes
129	Cosumnes silt loam, drained, 0 to 2 percent slopes, occasionally flooded	Yes
127	Cosumnes silt loam, partially drained, 0 to 2 percent slopes	Yes
138	Cosumnes silty clay loam, drained, 0 to 2 percent slopes	Yes
148	Dello clay loam, drained, 0 to 2 percent slopes, overwashed	Yes
145	Dello loamy sand, drained, 0 to 2 percent slopes	Yes
146	Dello loamy sand, partially drained, 0 to 2 percent slopes	Yes
149	Devries sandy loam, drained, 0 to 2 percent slopes, MLRA 16	Yes
135	Dierssen clay loam, deep, drained, 0 to 2 percent slopes	Yes
134	Dierssen sandy clay loam, drained, 0 to 2 percent slopes	Yes
133	Dierssen sandy loam, drained, 0 to 2 percent slopes	Yes
150	Dumps	No
137	Durixeralfs, 0 to 1 percent slopes	No
155	Egbert-Urban land complex, partially drained, 0 to 2 percent slopes	Yes
141	Egbert clay, partially drained, 0 to 2 percent slopes	Yes
Ea	Egbert mucky clay loam	Yes
152	Egbert mucky clay loam, partially drained, 0 to 2 percent slopes	Yes

Table 1. Soil Units Within the Study Area

Soil Unit Symbol	Soil Unit Name	Contains Hydric Components?
153	Egbert silty clay loam, partially drained, 0 to 2 percent slopes	Yes
154	Egbert silty clay loam, sandy substratum, partially drained, 0 to 2 percent slopes	Yes
155	Egbert-Urban land complex, partially drained, 0 to 2 percent slopes	Yes
Fc	Fluvaquents	Yes
150	Fluvaquents, 0 to 2 percent slopes, frequently flooded	Yes
159	Fluvaquents, 0 to 2 percent slopes, frequently flooded	Yes
152	Galt clay, 0 to 1 percent slopes, MLRA 17	Yes
153	Galt clay, 0 to 4 percent slopes, MLRA 17	Yes
151	Galt clay, leveled, 0 to 1 percent slopes	Yes
155	Gazwell mucky clay, partially drained, 0 to 2 percent slopes	Yes
166	Grangeville fine sandy loam, partially drained, 0 to 2 percent slopes	No
168	Guard clay loam, 0 to 2 percent slopes	Yes
169	Guard clay loam, drained, 0 to 2 percent slopes	Yes
173	Hollenbeck silty clay, 0 to 2 percent slopes	No
179	Itano silty clay loam, partially drained, 0 to 2 percent slopes	Yes
181	Jacktone-Urban land complex, 0 to 2 percent slopes	Yes
189	Kingdon fine sandy loam, 0 to 2 percent slopes	No
191	Kingile-Ryde complex, partially drained, 0 to 2 percent slopes	Yes
Kb	Kingile muck	Yes
190	Kingile muck, partially drained, 0 to 2 percent slopes	Yes
167	Lang fine sandy loam, drained, 0 to 2 percent slopes	Yes
Lb	Lang sandy loam, deep	No
169	Laugenour loam, partially drained, 0 to 2 percent slopes	Yes
LaC	Linne clay loam, 3 to 15 percent slopes	No
LbD	Linne clay loam, 5 to 15 percent slopes	No
Mb	Marcuse clay	Yes
Mbcc	Marcuse clay	Yes
Mb	Marcuse clay	Yes
Mc	Marcuse clay, strongly alkali	Yes
Md	Merritt loam	Yes
197	Merritt silty clay loam, partially drained, 0 to 2 percent slopes	Yes
205	Peltier mucky clay loam, organic substratum, partially drained, 0 to 2 percent slopes	Yes

Table 1. Soil Units Within the Study Area

Soil Unit Symbol	Soil Unit Name	Contains Hydric Components?
204	Peltier mucky clay loam, partially drained, 0 to 2 percent slopes, MLRA 16	Yes
213	Piper sandy loam, partially drained, 0 to 2 percent slopes	Yes
190	Pits	No
222	Reiff fine sandy loam, 0 to 2 percent slopes, occasionally flooded	No
RbA	Rincon clay loam, 0 to 2 percent slopes, MLRA 14	No
RdA	Rincon clay loam, 0 to 3 percent slopes	No
Rd	Rindge muck, 0 to 2 percent slopes, partially drained, MLRA 16	Yes
225	Rindge muck, 0 to 2 percent slopes, partially drained, MLRA 16	Yes
201	Rindge mucky silt loam, partially drained, 0 to 2 percent slopes, MLRA 16	Yes
224	Rindge mucky silt loam, partially drained, 0 to 2 percent slopes, overwashed	Yes
226	Rioblancho clay loam, drained, 0 to 2 percent slopes	Yes
230	Ryde clay loam, partially drained, 0 to 2 percent slopes, MLRA 16	Yes
232	Ryde clay loam, sandy substratum, partially drained, 0 to 2 percent slopes	Yes
231	Ryde silty clay loam, organic substratum, partially drained, 0 to 2 percent slopes	Yes
233	Ryde-Peltier complex, partially drained, 0 to 2 percent slopes, MLRA 16	Yes
Sa	Sacramento clay, 0 to 2 percent slopes, MLRA 16	Yes
Sb	Sacramento clay, alkali	Yes
234	Sailboat silt loam, drained, 0 to 2 percent slopes	Yes
206	Sailboat silt loam, partially drained, 0 to 2 percent slopes	Yes
214	San Joaquin silt loam, 0 to 3 percent slopes	No
213	San Joaquin silt loam, leveled, 0 to 1 percent slopes	No
216	San Joaquin-Durixeralfs complex, 0 to 1 percent slopes	No
218	San Joaquin-Galt complex, 0 to 3 percent slopes	No
217	San Joaquin-Galt complex, leveled, 0 to 1 percent slopes	No
219	San Joaquin-Urban land complex, 0 to 2 percent slopes	No
Sc	San Ysidro loam, 0 to 5 percent slopes, dry, MLRA 17	No
Sccc	San Ysidro loam, 0 to 5 percent slopes, dry, MLRA 17	No
222	Scribner clay loam, partially drained, 0 to 2 percent slopes	Yes
243	Scribner clay loam, partially drained, 0 to 2 percent slopes	Yes



Table 1. Soil Units Within the Study Area

Soil Unit Symbol	Soil Unit Name	Contains Hydric Components?
244	Scribner clay loam, sandy substratum, partially drained, 0 to 2 percent slopes	Yes
246	Shima muck, partially drained, 0 to 2 percent slopes	Yes
247	Shinkee muck, partially drained, 0 to 2 percent slopes	Yes
Sh	Solano loam	Yes
Sk	Solano loam, strongly alkali	Yes
252	Stomar clay loam, 0 to 2 percent slopes	No
So	Sycamore silt loam	Yes
Ss	Sycamore silty clay loam	Yes
225	Tinnin loamy sand, 0 to 2 percent slopes	No
256	Tokay fine sandy loam, 0 to 2 percent slopes	No
259	Tujunga loamy sand, 0 to 2 percent slopes	No
Ub	Urban land	No
260	Urban land	No
261	Valdez silt loam, organic substratum, partially drained, 0 to 2 percent slopes, MLRA 16	Yes
230	Valpac loam, partially drained, 0 to 2 percent slopes	Yes
232	Valpac variant sandy loam, partially drained, 0 to 2 percent slopes	Yes
264	Venice muck, partially drained, 0 to 2 percent slopes	Yes
263	Venice mucky silt loam, partially drained, 0 to 2 percent slopes, overwashed	Yes
265	Veritas sandy loam, partially drained, 0 to 2 percent slopes	No
Wa	Webile muck	Yes
273	Webile muck, partially drained, 0 to 2 percent slopes	Yes
238	Xerarents-San Joaquin complex, 0 to 1 percent slopes	No
280	Yellowlark gravelly loam, 2 to 5 percent slopes	No

Source: NRCS 2019





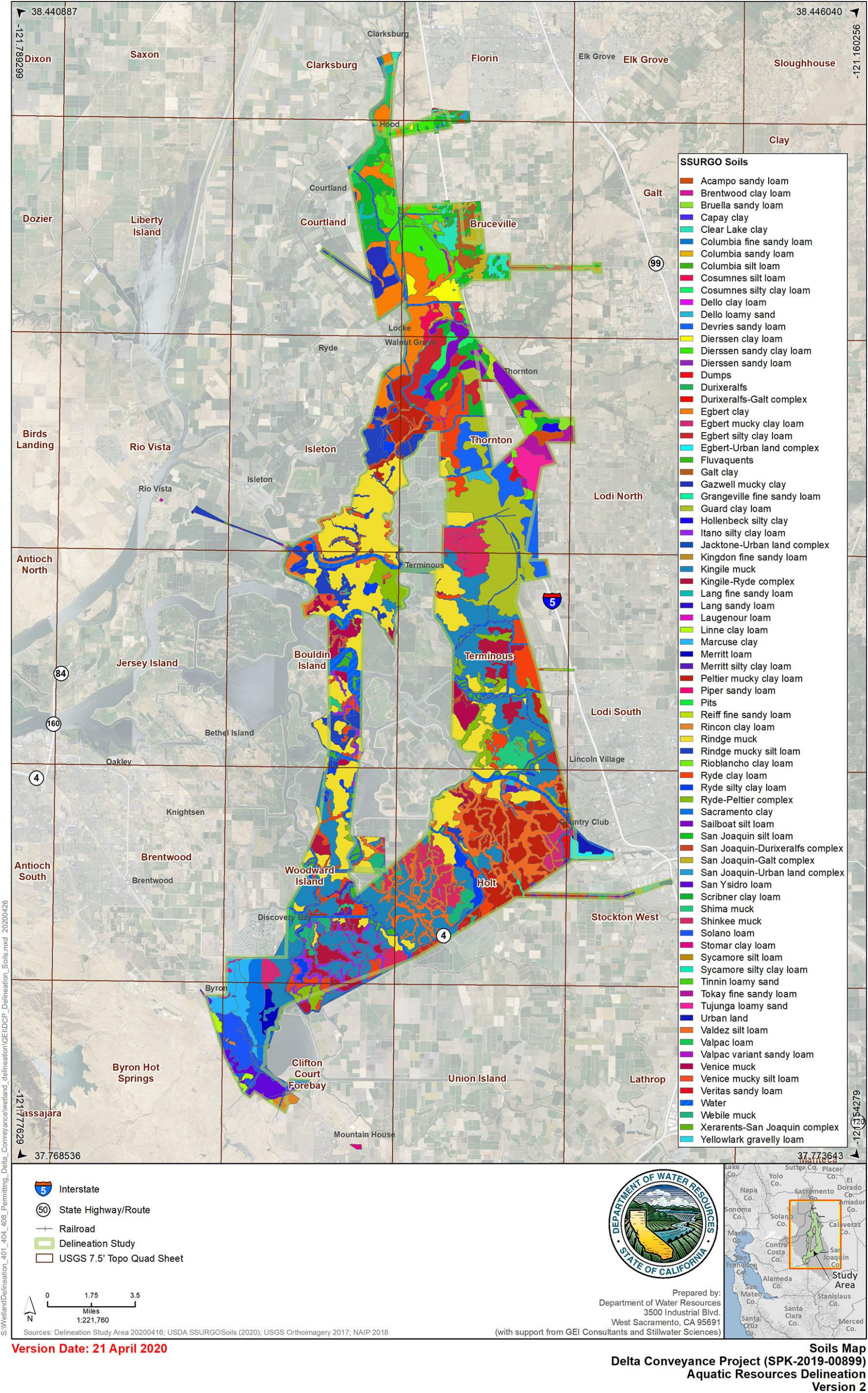


Figure 2. Soil Map Units in the Study Area





### 3.1.3 Climate

The Mediterranean climate of the study area is defined by hot, dry summers and cool, wet winters. The temperatures of the Sacramento–San Joaquin Delta tend to be lower than the surrounding areas during the summer because of periodic and diurnal cooling that is a result of its proximity to the Pacific Ocean and the San Francisco Bay.

Precipitation in the study area occurs mostly between November and April in the form of rain. Rainfall totals are variable based on local weather patterns, but typically 12 to 21 inches are received in the study area (NRCS 2006).

### 3.1.4 Normal Circumstances

The extensive marshes, channels, and natural levees that existed in the Delta prior to European settlement have been altered by human use. Dams on the Sacramento and San Joaquin Rivers manipulate flows and reduce sediment loads. Channels have been leveed, deepened, and straightened. Cities, industry, and agriculture extract and discharge water into the waterways of the Delta. Today the vegetation, soils, and hydrology of most of the Delta islands are highly altered and manipulated to facilitate intensive agriculture. Because of the historic modifications within the Delta, the permanence of the modifications, and their effect on Delta hydrology, the current conditions are considered the normal circumstance of the Delta.

USACE Regulatory Guidance Letter 86-09<sup>1</sup> (USACE 1986) states that “normal circumstances” are determined on the basis of an area’s characteristics and use, at present and in the recent past. The Courts<sup>2</sup> have upheld the view that such historically manipulated areas are the baseline for “normal

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<sup>1</sup> Regulatory Guidance Letter (RGL) 86-09: “it is our intent under Section 404 to regulate discharges of dredged or fill material into the aquatic system as it exists and not as it may have existed over a record period of time...We do not intend to assert jurisdiction over those areas that once were wetlands and part of an aquatic system, but which, in the past, have been transformed into dry land for various purposes.” ... “Many areas of wetlands converted in the past to other uses would, if left unattended for a sufficient period of time, revert to wetlands solely through the devices of nature. However, such natural circumstances are not what is meant by “normal” circumstances...” “Normal circumstances” are determined on the basis of an area’s characteristics and use, at present and in the recent past. Thus, if a former wetland has been converted to another use...and that use alters its wetland characteristics to such an extent that it is no longer a “water of the United States”, that area will no longer come under the Corps regulatory jurisdiction for purposes of Section 404. However, if the area is abandoned and over time regains wetland characteristics such that it meets the definition of “wetlands”, then the Corps 404 jurisdiction has been restored.”

<sup>2</sup> See e.g., *New Hope Power Co. v. U.S. Army Corps of Engineers*, 746 Fed. Supp. 2d 1272 (S.D. Fla. 2010)(historic ground water pumping is the “normal circumstance” for the purposed of making wetland determinations); *Golden Gate Audubon Society, Inc. v. United States Army Corps of Engineers*, 717 F.Supp. 1417, 1421–1422 (N.D. Cal. 1988) (“*Audubon I*”) (if wetlands site was transformed into dry land by 1975, Corps could find the dry land was its normal circumstance because regulatory definition does not retroactively extend jurisdiction over areas that have been transformed into dry land); *Leslie Salt Co. v. United States*, 896 F.2d 354, 358 (9th Cir. 1990) (whether wetlands are artificially or naturally created is irrelevant to determine whether, “under normal circumstances,” an area supports wetland vegetation); *Golden Gate Audubon Society, Inc. v. United States Army Corps of Engineers*, 796 F.Supp. 1306, 1313 (N.D. Cal. 1992) (“*Audubon II*”) (“if a site has been legally converted to dry land, so that it no longer meets the regulatory definition of ‘wetlands,’ that site will not come under Corps jurisdiction”; conversely, “it is impossible to state that the ‘normal circumstances’ of an area which contains wetlands is anything other than “wetlands”);

*Harris v. United States*, 820 F.Supp. 1026, (N.D. Miss. 1993) (agency’s failure to consider what characteristics the land would possess without the presence of water control structures is not grounds for concluding delineation was arbitrary).

circumstances” for wetland determinations. Thus, it is appropriate to map and identify wetlands based on current conditions, which include anthropogenic modification of vegetation and natural hydrology conditions, as they have existed since prior to the establishment of the Clean Water Act.

### 3.2 Aquatic Resources

A total of 135,650 acres were evaluated in GIS for the presence of aquatic features that may be subject to USACE jurisdiction under CWA Section 404 and Section 10 of Rivers and Harbors Act. Potentially jurisdictional aquatic features are depicted on the Aquatic Resources Delineation Mapbook provided in **Appendix A**. A detailed table of aquatic features is provided in **Appendix B**. A summary of the types of aquatic resources that were identified in the study area and the corresponding Cowardin classification types (Cowardin et al. 1979) are provided in **Table 2**. Potentially jurisdictional aquatic features are described below.

<b>Table 2. Summary of Aquatic Features Within the Study Area</b>			
	<b>Feature ID</b>	<b>Cowardin Code</b>	<b>Acres</b>
<b>Wetlands</b>			<b>6,627.16</b>
<i>Perennial</i>			<i>3,059.54</i>
	EM (Emergent Wetland)	PEM Palustrine-emergent	1,468.60
	SS (Scrub-Shrub Wetland)	PSS Palustrine-scrub shrub	906.80
	FO (Forested Wetland)	PFO Palustrine-forested	684.14
<i>Seasonal</i>			<i>3,567.62</i>
	SW (Seasonal Wetland)	PEM Palustrine-emergent nonpersistent	3,115.30
	AW (Alkaline Wetland)	PSS Palustrine-scrub shrub	319.00
	VP (Vernal Pool)	PEM1 Palustrine-emergent nonpersistent	133.32
<b>Other Waters of the U.S.</b>			<b>9,186.27</b>
<i>Non-Tidal</i>			<i>2,864.62</i>
	AD (Agricultural Ditch)	R4 Riverine-intermittent	2,341.37
	CH (Natural Channel)	R4 Riverine-intermittent	21.66
	DE (Depression)	PUB Palustrine-unconsolidated bottom	304.76
	LA (Lake)	L1UB Lacustrine-unconsolidated bottom	196.83
<i>Tidal</i>			<i>7,189.07</i>
	TC (Tidal Channel)	R1UB Riverine-Tidal-unconsolidated bottom	7,096.16
	CO (Conveyance Channel)	N/A, Rock-lined Conveyance Channel	92.91
<b>Total Acreage of Aquatic Features</b>			<b>16,680.84</b>
version April 21, 2020 Source: DWR 2020			

#### 3.2.1 Wetlands

While ground truthing was not feasible as a result of restricted land access at the time of mapping and report preparation, areas depicted as wetlands in **Appendix A** are assumed to meet USACE’s three wetland parameters as these locations have evidence of inundation or saturation on aerial imagery from multiple years, are dominated by hydrophytic vegetation as interpreted from aerial imagery, and have

hydric soils based on NRCS soil maps and hydric soil ratings, or soils are assumed to be hydric based on the presence of wetland hydrology and hydrophytic plant assemblages. Delineated wetlands were categorized as perennial or seasonal based on evidence of persistent or temporary saturation or inundation respectively. The following section describes likely conditions within each of the aquatic feature types.

### **Perennial Wetlands**

Perennial wetlands are dominated by persistent wetland hydrology and perennial hydrophytic vegetation. Three types of perennial wetlands were mapped in the study area and were differentiated based on the growth form of the vegetation.

#### ***Emergent Wetland***

Emergent wetlands within the study area are dominated by herbaceous emergent plants such as California tule (*Schoenoplectus californicus*; OBL), hard-stem tule (*S. acutus*; OBL), narrow-leaf cattail (*Typha angustifolia*; OBL), broad-leaf cattail (*T. latifolia*; OBL), and floating water primrose (*Ludwigia peploides*; OBL). The vegetation assemblages typically associated with this wetland type are almost exclusively dominated by species rated as obligate on the National Wetland Plant List (Lichvar et al. 2016). These areas have a persistent vegetative aerial signature and evidence of inundation or saturation is present on most aerial images evaluated.

This wetland class typically occurs at the edges of ponds or lakes, along the margins of tidal channels, on in-channel islands of major tidal channels within the Delta, and where seepage occurs on the landside of levees. Average water depth in this type of feature is estimated to be around 3 feet.

#### ***Scrub-Shrub Wetland***

Scrub-shrub wetlands within the study area are dominated by woody vegetation less than 20 feet tall and include shrubs typically associated with riparian areas such as sandbar willow (*Salix exigua*; FACW), Himalayan blackberry (*Rubus armeniacus*; FAC), red twig dogwood (*Cornus sericea* [syn. *C. alba*]; FACW) buttonwillow (*Cephalanthus occidentalis*; OBL), and California wild rose (*Rosa californica*; FAC). Fremont's cottonwood (*Populus fremontii* [syn. *P. deltoides*]; FAC) seedlings or saplings may also be present. The vegetation assemblages typically associated with this wetland type include species rated as obligate, facultative wetland, and facultative on the National Wetland Plant List (Lichvar et al. 2016). Herbaceous species are generally lacking or are a minor component of the vegetation assemblage as the canopy cover in scrub-shrub wetlands is high and low-growing herbaceous species do not receive sufficient light for survival. Evidence of saturation or inundation is more variable as compared to the emergent wetland class; however, the vegetation community is persistent due to the dominance of perennial shrubs.

The scrub-shrub wetland class typically occurs at the periphery of depressions, ponds, and lakes; along the margins of tidal and non-tidal channels; and on in-channel islands in the Delta. Average water depth in this type of feature is estimated to be around 2 feet.

### **Forested Wetland**

Forested wetlands are defined by woody vegetation that is 20 feet tall or taller with a tree canopy cover equal to or greater than 25 percent. Riparian trees common in the study area include Goodding's black willow (*Salix gooddingii*; FACW), red willow (*S. laevigata*; FACW), box elder (*Acer negundo*; FACW), Oregon ash (*Fraxinus latifolia*; FACW), Fremont's cottonwood, white alder (*Alnus rhombifolia*; FACW), black walnut (*Juglans hindsii*; FAC), and valley oak (*Quercus lobata*; FACU). Forested wetlands generally have a shrub component, typically in canopy openings and along the forested edge. The presence of an herbaceous layer is variable. The vegetation assemblages typically associated with forested wetlands include species rated as facultative wetland and facultative on the National Wetland Plant List (Lichvar et al. 2016). Species with obligate or facultative upland ratings are occasional in forested wetlands, and generally not the dominant species represented in the habitat.

Forested wetlands within the study area are located along the edges of tidal and non-tidal channels, and on in-channel islands located within tidally influenced waterways. Evidence of saturation or inundation is variable on aerial images as compared to the emergent wetland class; however, the vegetation community is persistent due to the dominance of perennial tree species. Average water depth in this type of feature is estimated to be around 2 feet.

### **Seasonal Wetlands**

Three classes of seasonal wetlands were mapped in the study area. Seasonal wetlands experience temporary inundation or saturation, typically in the winter or spring months of water years that receive at or above normal precipitation. Inundation and saturation are most evident on aerial images captured during wet months. Due to the seasonality of saturated or inundated conditions, hydrophytic vegetation is transitory and these areas are prone to colonization by annual upland grasses and forbs late in the growing season as the soils dry. Aerial image evaluation beyond the primary image source years of 2017 and 2018 was often necessary to aid in the determination of seasonal wetlands.

### **Vernal Pool**

Vernal pool wetlands are topographic depressions that are usually found within annual grassland habitats. There is a water-restricting soil horizon, often high in clay content and indurated, located near the soil surface that prevents water from infiltrating deep into the soil horizons and away from the root zone. These depressions fill with rainwater and may remain inundated through spring or early summer. Vernal pools often occur in complexes of many small pools that are hydrologically interconnected via overland surface flow through swales when pools are full. Water may also move below the soil surface as water infiltrates and travels above the hardpan or claypan layer into adjacent pools. Vernal pools support distinct herbaceous



vegetation assemblages and many of the plant species that occur in this wetland type are endemic to California. Vernal pool wetlands can support a variety of floristic diversity, ranging from common to rare. Commonly encountered species typical of vernal pool habitats within the study area include popcorn flower (*Plagiobothrys* spp.; OBL to FACW), Fremont's tidy tips (*Layia fremontii*; OBL), goldfields (*Lasthenia* spp.; OBL to FACU), coyote thistle (*Eryngium* spp.; OBL to FACW), calicoflower (*Downingia* spp.; OBL), and pale spike rush (*Eleocharis macrostachya*; OBL). The wet phase of vernal pools is dominated by plants rated as obligate or facultative wetland on the National Wetland Plant List (Lichvar et al. 2016). As the vernal pools draw down as a result of evaporation and increased evapotranspiration in late spring and early summer, annual upland grasses sometimes colonize and become dominant in these seasonal wetland habitats.

Vernal pool wetlands within the study area are located primarily in areas that are relatively undeveloped without substantial land alteration. This wetland type occurs on lands with hummocky surfaces, primarily at the northernmost portion of the study area south of North Stone Lake, and along the western side of the San Joaquin Valley near Clifton Court Forebay. Average water depth in this type of feature is estimated to be around 1 foot.

### **Alkaline Wetland**

Alkaline wetland is a type of seasonal wetland influenced by strongly alkaline or saline soils. Alkaline wetlands often support alkaline or saline tolerant shrubs such as iodine bush (*Allenrolfea occidentalis*; FACW), alkali heath (*Frankenia salina*; FACW), bush seepweed (*Suaeda nigra*; OBL), and saltbush (*Atriplex* spp.; FACW to FAC). The shrub layer may be co-dominate with salt-tolerant grasses including salt grass (*Distichlis spicata*; FAC) and alkali sacaton (*Sporobolus airoides*; FAC). This wetland type may have large unvegetated areas as a result of salt accumulations at or near the soil surface. Alkaline wetland habitats are dominated by an assemblage of plants with facultative wetland or facultative ratings on the National Wetland Plant List (Lichvar et al. 2016).

Evidence of seasonal saturation or inundation may be present on wet season aerial imagery, and salt crust presents bright white signatures during dry season imagery. Alkaline wetlands are primarily located in the southern portion of the study area on lands without substantial land alteration, or in small patches at the periphery of agricultural fields or along canals. Average water depth in this type of feature is estimated to be around 1 foot.

### **Seasonal Wetland**

Seasonal wetlands are the most broad and diverse of the wetland types identified in this report. These wetlands are primarily colonized by herbaceous species that are common throughout the Central Valley and Delta. The vegetation assemblages typically associated with seasonal wetlands primarily include species rated as facultative wetland and facultative on the National Wetland Plant List (Lichvar et al. 2016), and often include ruderal species such as tall flatsedge (*Cyperus eragrostis*; FACW), Santa Barbara sedge (*Carex barbarae*; FAC), soft rush (*Juncus*

*effusus*; FACW), fiddle dock (*Rumex pulcher*; FAC), curly dock (*R. crispus*; FAC), and perennial rye grass (*Festuca perennis* [syn. *Lolium perenne*]; FAC). Species with obligate or facultative upland ratings typically comprise a lesser percentage of the plant community. The vegetation composition is influenced primarily by landscape position, influence of ground water, soil texture, and runoff and drainage properties, as well as anthropogenic and natural disturbances.

Seasonal wetlands are the most prevalent and widespread of all wetland classes mapped within the study area. Evidence of saturation or inundation is variable on aerial images, especially in areas with a high degree of anthropogenic modification and which may be subject to regular disturbance such as agriculture or winter flooding for migratory bird and waterfowl management. Numerous seasonal wetlands were mapped in active agricultural fields in the Delta. While the size and shape of seasonal wetlands in farmed fields is subject to a degree of annual variation which may result from on-going farming practices, some evidence of wet season inundation or saturation is visible in a typical year. Although ground water levels are controlled on Delta islands using a system of pumps and drainage ditches to maintain water levels on the subsided islands, a high water table persists in some areas. Upland crops planted in these areas may be subject to failure or may be impossible to harvest; therefore, aerial signatures indicating reduced growth and/or vigor in crops such as corn or areas within cropped fields that were seldom planted were interpreted as indications of wetland conditions and these areas were categorized as seasonal wetland. Average water depth in this type of feature is estimated to be around 1 foot.

### **3.2.2 Other Waters**

Areas identified on aerial images as other waters were categorized into non-tidal and tidal features. On some tidal features, man-made structures such as gates or culverts may restrict tidal influence to varying degrees, but the waterways are still subject to twice-daily tidal fluctuations.

#### **Non-Tidal Waters**

Five types of non-tidal waters were mapped in the study area. Non-tidal features include naturally occurring features and anthropogenic features on the landscape that are the result of ditching or excavation. Non-tidal waters are subject to Section 404 of the CWA up to the OHWM.

##### ***Agricultural Ditch***

Agricultural land cover is common throughout the study area, most notably on Delta islands. Agricultural ditches are used for irrigation and drainage purposes. Agricultural ditches range in size from 1 to 75 feet in width. These features are generally unvegetated with unconsolidated mud bottoms as a result of regular maintenance activities conducted to maintain capacity for drainage and water delivery. Tule and cattail species may colonize ditch side-slopes if there is a lapse in the vegetation maintenance cycle. Water in agricultural ditches may be pumped off of agricultural lands and/or Delta islands and have a connection to Traditional Navigable Waters

(TNW) or Relatively Permanent Waters (RPW). Average water depth in this type of feature is estimated to be around 3 feet.

### ***Natural Channel***

Non-tidal natural channels are present primarily along the northeast and southwest portions of the study area. Natural channels include large perennial rivers that qualify as TNW, intermittent streams that qualify as RPW, and ephemeral channels that qualify as non-RPW. All features mapped to this class are assumed to have an OHWM as indicated by a change in vegetative character or break in bank slope, as evidenced on aerial imagery or DEM. The substrate in natural channels may be mud, sand, gravel, and/or cobble depending on geographic location. Natural channels within the study area include waterways such as drainages to Stone Lake and tributaries to the Cosumnes River and Italian Slough. Average water depth in this type of feature is estimated to be around 3 feet.

### ***Depression***

Depressions are open-water ponds that are permanently or seasonally inundated, with little to no rooted vegetation on an unconsolidated or mud bottom. These features may be artificially filled as a result of agricultural or stormwater detention, or may result from a high water table. Depressions are less than 20 acres in size and generally have a water depth of less than 6 feet. These water bodies are often created by excavation, and are diked or otherwise artificially impounded.

Depressions may be colonized by floating plant species such as common duckweed (*Lemna minor*; OBL), mosquito fern (*Azolla* spp.; OBL), or water hyacinth (*Eichhornia crassipes*; OBL), but generally lack rooted vegetation except on depression margins. Average water depth in this type of feature is estimated to be around 6 feet.

### ***Lake***

Lakes are open-water features that are permanently inundated with little to no rooted vegetation on an unconsolidated or mud bottom and are greater than 20 acres in size. Lakes may have a wave-formed shoreline.

Lakes may also exhibit floating vegetation such as common duckweed, mosquito fern, or water hyacinth. Average water depth in this type of feature is estimated to be around 6 feet.

## **Tidal Waters**

Tidal waters are the open water portions of linear aquatic features that are influenced by the rise and fall of the tides. Man-made structures such as gates or culverts may restrict tidal influence to varying degrees. Tidal waters are subject to regulation under Section 404 of the CWA up to the MHHW elevation (e.g., high tide line), and are subject to Section 10 of the Rivers and Harbors Act of 1899 up to the MHW level.

***Tidal Channel***

Tidal channels are natural perennial riverine waterways, though most within the study area have been modified with leveed banks that are reinforced with rock revetment. In-channel water velocity and depth fluctuate under tidal influence, and the channel bottom is generally composed of mud or unconsolidated sediments with varying amounts of sand, silt, and clay.

Emergent wetlands that occur along the margins of tidal channels and in-channel islands that are also commonly encountered in the study area, notably along Old River and Middle River, were mapped separately from the tidal channel aquatic type.

***Conveyance Channel***

Conveyance channels include rock or cement-lined linear channels. These are constructed water features which are associated with the SWP or CVP. These features are generally straight as a result of excavation and are diked or have reinforced banks. Vegetation is generally absent due to water depth or a lack of rooting substrate. Control structures are present that periodically affect tidal influence, but conveyance channels experience tidal fluctuation when water is brought into the system, generally on a flood tide.

**4.0 CLEAN WATER ACT GUIDANCE ON POTENTIAL JURISDICTIONAL FEATURES**

This aquatic resource delineation has been prepared in order to provide the USACE with necessary information for the issuance of a PJD. A significant nexus evaluation is not necessary to obtain a PJD; however, the following information summarizes the Clean Water Act jurisdictional guidance in effect as of the submission of this report.

On October 22, 2019 the U.S. Environmental Protection Agency (USEPA) and USACE returned to the definition of “waters of the United States” promulgated in 1986/1988, repealing the 2015 Clean Water Rule.

Under this ruling, the following types of water bodies are subject to CWA jurisdiction, as codified in 33 Code of Federal Regulations 328.3 (1986):

1. All waters which are currently used, were used in the past, or may be susceptible to use in interstate or foreign commerce, including all waters which are subject to the ebb and flow of tide
2. All interstate waters, including interstate wetlands
3. The territorial seas
4. All impoundments of waters otherwise identified as waters of the United States
5. All tributaries of waters 1–3 above

6. All waters adjacent to a water identified in 1–5, including wetlands, ponds, oxbows, impoundments, and similar waters
7. On a case-specific basis, other waters, including wetlands, provided that those waters alone, or in combination with other similarly situated waters, including wetlands, located in the same region, have a significant nexus to a traditional navigable water, interstate water, or the territorial seas.

The results of this report and the identification of potentially jurisdictional features is consistent with the guidance documents presently in effect. The Aquatic Resources Delineation Mapbook (**Appendix A**) was prepared in accordance with the Updated Map and Drawing Standards for the South Pacific Division Regulatory Program (USACE 2016).

## 5.0 CONCLUSION

The 135,639-acre study area contains 16,680.84 acres of wetlands and other waters that may be jurisdictional under Section 404 of the CWA and/or Section 10 of the Rivers and Harbors Act of 1899. The locations of potentially jurisdictional features are depicted in **Appendix A**.

This delineation is draft until a preliminary jurisdictional determination is issued by the Sacramento District of USACE.

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## **LIST OF APPENDICES**

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Appendix A – Aquatic Resources Delineation Mapbook

Appendix B – ORM Upload Sheet

Appendix C – Aquatic Resources Delineation GIS Data

*NOTE - these appendices are not available in this Attachment 3 of the "Bouldin Island Delta Smelt Preservation Project - Aquatic Resources Delineation Memorandum" (December 21, 2021)*



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**APPENDIX A**

Aquatic Resources Delineation Mapbook (provided as three separate pdf files)

*NOTE - these appendices are not available in this Attachment 3 of the "Bouldin Island Delta Smelt Preservation Project - Aquatic Resources Delineation Memorandum" (December 21, 2021)*

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**APPENDIX B**

ORM Upload Sheet (provided as a separate Excel file)

*NOTE - these appendices are not available in this Attachment 3 of the "Bouldin Island Delta Smelt Preservation Project - Aquatic Resources Delineation Memorandum" (December 21, 2021)*

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**APPENDIX C**

Aquatic Resources Delineation GIS Data (provided as a separate geodatabase file)

*NOTE - these appendices are not available in this Attachment 3 of the "Bouldin Island Delta Smelt Preservation Project - Aquatic Resources Delineation Memorandum" (December 21, 2021)*

# Attachment 3

## **Aquatic Resources Delineation Map**





SOURCE: NAIP Imagery; DWR, 2019; ESA, 2021

Delta Smelt Preservation

Study Area (144.6 acres) **Aquatic Resources Within Study Area**

- Agricultural Ditch
- Forested Wetland
- Scrub Shrub Wetland

**Attachment 2a**  
Delineation of Aquatic Resources

(1 of 3)  
Delineated by: DWR



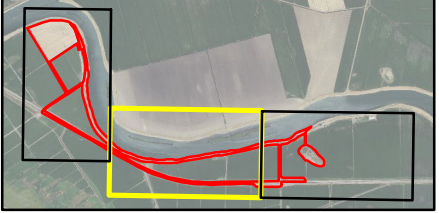




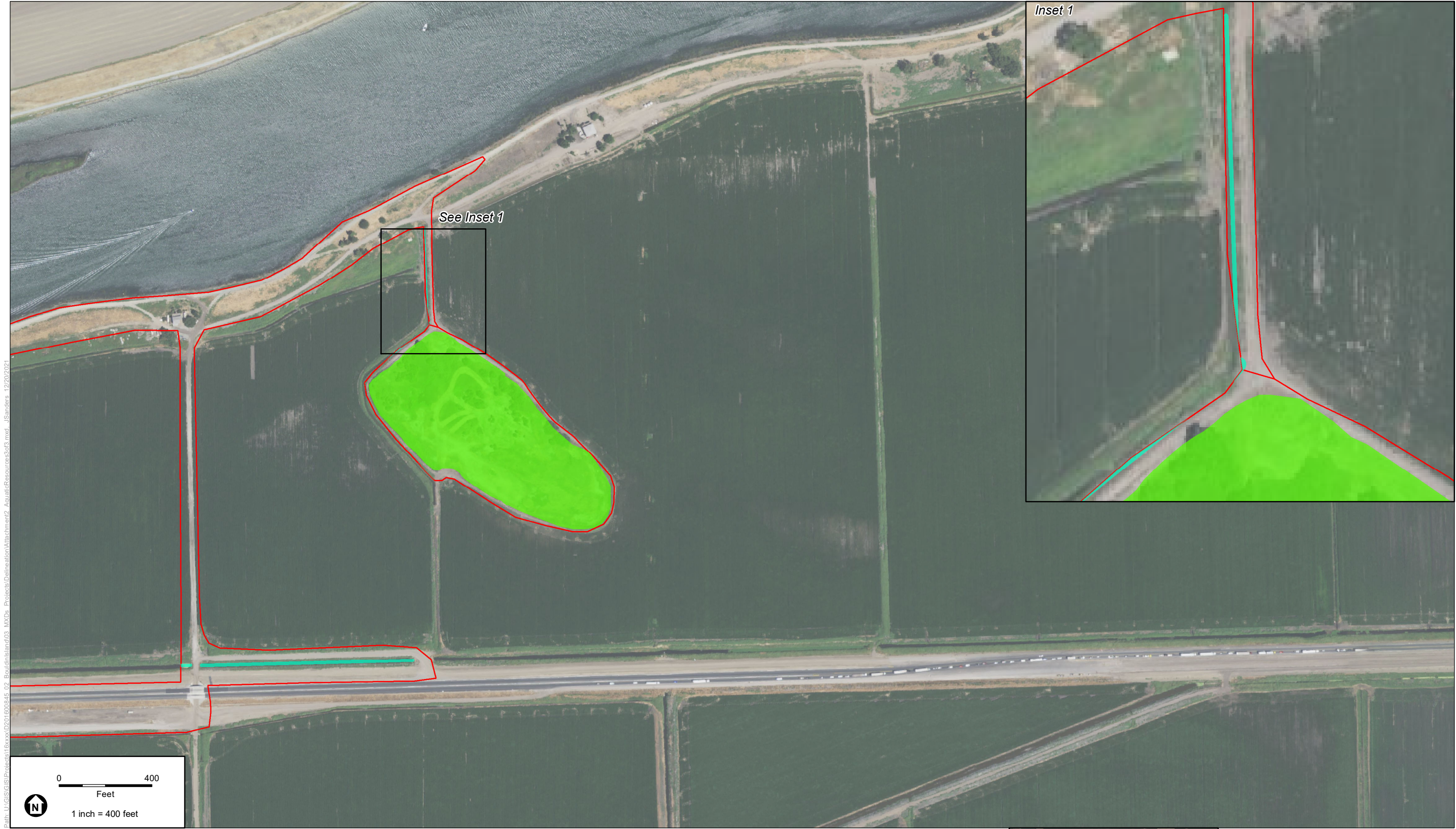
Path: U:\GIS\GIS\Project\16\xxxx\1201600245\_02\_BouldinIsland\03\_MXD\Project\Delination\Attachment2\_AquaticResources2of3.mxd J.Sanders 12/20/2021

SOURCE: NAIP Imagery; DWR, 2019; ESA, 2021

Study Area (144.6 acres)

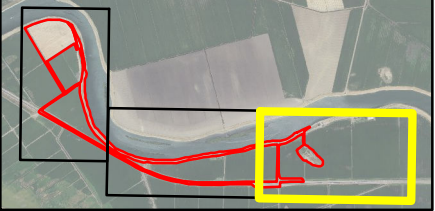






SOURCE: NAIP Imagery; DWR, 2019; ESA, 2021

Study Area (144.6 acres) **Aquatic Resources Within Study Area**  
 Agricultural Ditch  
 Freshwater Emergent Wetland









# **Delta Smelt and Native Species Preservation Project**

## **Responses to Comments Received**

**The Metropolitan Water District of Southern California**

700 North Alameda Street

Los Angeles, CA 90012



Report No. 1659

*June 2023*

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# CHAPTER 1

## COMMENT LETTERS RECEIVED

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This section includes comments received during public circulation of the Draft Initial Study/Mitigated Negative Declaration (IS/MND) prepared for the proposed Delta Smelt Native Species Preservation Project. This document includes a copy of the four comment letters submitted during the 32-day public review period for the Draft IS/MND, which were submitted by the East Bay Municipal Utility District (EBMUD), the Delta Protection Commission (Commission), the Delta Stewardship Council (Council), and the Central Valley Regional Water Quality Control Board (Central Valley Water Board), along with The Metropolitan Water District of Southern California's (Metropolitan) responses. Although not required by the California Environmental Quality Act (CEQA) or the CEQA Guidelines, Metropolitan is providing written responses to comments received on the Draft IS/MND as part of the administrative record and for the Metropolitan Board of Directors (Board) to review when considering adoption of the MND. In accordance with the requirements of CEQA Guidelines Section 15073(e), Metropolitan will provide notification in writing to the commenters 10 days in advance of the Board meeting to adopt the MND for the Proposed Project.

All written comments received have been coded to facilitate identification and tracking. The four comment letters received during the public review period were reviewed and divided into individual comments, with each comment containing a single theme, issue, or concern. Individual comments were bracketed and numbered, and the responses were assigned corresponding numbers (Response 1, for example, indicates that the response is for the first issue raised in the comment letter). To aid readers comments have been reproduced in this chapter together with the corresponding responses.

As a general introduction, the Draft IS/MND's conclusions on the character and significance level of the Project's potential to cause environmental impacts are supported by substantial evidence, which is presented in the Draft IS/MND, Mitigation Monitoring and Reporting Plan (MMRP), and Appendices, and further clarified in this document. The commenter may disagree with the analyses and conclusions in the Draft IS/MND. Consistent with the intent of CEQA and the CEQA Guidelines for its implementation, this Final IS/MND also includes the differing opinions and statements presented by the commenter. This document provides information for the record explaining why the comments do not affect the Lead Agency's conclusion that there are no potential significant environmental effects.

## Letter 1



715 P Street, 15-300  
Sacramento, CA 95814

916.445.5511  
DELTACOUNCIL.CA.GOV

**CHAIR**  
Virginia Madueño

**MEMBERS**  
Frank C. Damrell, Jr.  
Christy Smith  
Diane Burgis  
Daniel Zingale  
Julie Lee

**EXECUTIVE OFFICER**  
Jessica R. Pearson

March 13, 2023

Sean Carlson  
Environmental Planning Section  
Metropolitan Water District of Southern California  
P.O. Box 54153  
Los Angeles, CA 90054-0153

Delivered via email: EP@mwdh2o.com

### RE: Delta Smelt and Native Species Preservation Project

Dear Sean Carlson,

Thank you for the opportunity to review and comment on the Notice of Intent (NOI) to Adopt a Mitigated Negative Declaration (MND) for the Metropolitan Water District of Southern California (Metropolitan) Delta Smelt and Native Species Preservation Project (project). The Delta Stewardship Council (Council) recognizes the objective(s) of the project, as described in the NOI, to consist of the construction of two marsh-pond complexes that would house native fish for a pilot experimental study.

The Council is an independent state agency established by the Sacramento-San Joaquin Delta Reform Act of 2009, codified in Division 35 of the California Water Code, sections 85000-85350 (Delta Reform Act). The Delta Reform Act charges the Council with furthering California's coequal goals of providing a more reliable water supply and protecting, restoring, and enhancing the Sacramento-San Joaquin River Delta (Delta) ecosystem. (Wat. Code § 85054.) The Delta Reform Act further states that the coequal goals are to be achieved in a manner that protects and enhances the unique cultural, recreational, natural resource, and agricultural values of the

1-1

1

Delta Smelt and Native Species Preservation Project  
Sean Carlson  
March 13, 2023

Delta as an evolving place. (Ibid.) The Council is charged with furthering California's coequal goals for the Delta through the adoption and implementation of the Delta Plan. (Wat. Code § 85300(a).)

Pursuant to the Delta Reform Act, the Council has adopted the Delta Plan, a comprehensive long-term management plan for the Delta and Suisun Marsh that furthers the coequal goals. The Delta Plan contains regulatory policies, which are set forth in California Code of Regulations, Title 23, sections 5001-5015. Through the Delta Reform Act, the Council was granted specific regulatory and appellate authority over certain actions of State or local public agencies that take place in whole or in part in the Delta. (Wat. Code §§ 85210, 85225, 85225.30.) A state or local agency that proposes to undertake a covered action is required to prepare a written Certification of Consistency with detailed findings as to whether the covered action is consistent with the Delta Plan and submit that certification to the Council prior to implementation of the project. (Wat. Code § 85225.)

1-1,  
cont.

#### **COVERED ACTION DETERMINATION AND CERTIFICATION OF CONSISTENCY WITH THE DELTA PLAN**

Water Code section 85057.5(a) states that a covered action is a plan, program, or project, as defined pursuant to Section 21065 of the Public Resources Code that meets all of the following conditions:

- (1) Will occur, in whole or in part, within the boundaries of the Delta or Suisun Marsh;*
- (2) Will be carried out, approved, or funded by a State or a local public agency;*
- (3) Is covered by one of the provisions of the Delta Plan; and*
- (4) Will have a significant impact on achievement of one or both of the coequal goals or the implementation of government-sponsored flood control programs to reduce risks to people, property, and State interests in the Delta.*

1-2

The State or local agency approving, funding, or carrying out the project must determine if that project is a covered action and, if so, file a Certification of Consistency with the Council prior to project implementation. (Wat. Code § 85225; Cal. Code Regs., tit. 23, § 5001(j)(3).)

#### **COMMENTS REGARDING DELTA PLAN POLICIES AND POTENTIAL CONSISTENCY CERTIFICATION**

1-3

2

Delta Smelt and Native Species Preservation Project  
 Sean Carlson  
 March 13, 2023

The following section describes the Delta Plan regulatory policies that may apply to the proposed project based on the available information in the MND. This information is offered to assist the Metropolitan Water District of Southern California to determine if the project is a covered action and to prepare environmental documents that could be used to support a Certification of Consistency for the project.

1-3,  
 cont.

*General Policy 1: Detailed Findings to Establish Consistency with the Delta Plan*

Delta Plan Policy **G P1** (Cal. Code Regs., tit. 23, § 5002) specifies what must be addressed in a Certification of Consistency by a project proponent of a project that is a covered action. The following is a subset of policy requirements which a project must meet to demonstrate consistency with the Delta Plan:

*Mitigation Measures*

Delta Plan Policy **G P1(b)(2)** (Cal. Code Regs., tit. 23, § 5002(b)(2)) requires that covered actions not exempt from the California Environmental Quality Act (CEQA) must include all applicable feasible mitigation measures adopted and incorporated into the Delta Plan as amended April 26, 2018 (unless the measures are within the exclusive jurisdiction of an agency other than the agency that files the Certification of Consistency), or substitute mitigation measures that the agency finds are equally or more effective. These mitigation measures are identified in Delta Plan Appendix O and are available at: <https://deltacouncil.ca.gov/pdf/delta-plan/2018-appendix-o-mitigation-monitoring-and-reporting-program.pdf>.

1-4

*Best Available Science*

Delta Plan Policy **G P1(b)(3)** (Cal. Code Regs., tit. 23, § 5002(b)(3)) 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 Delta Plan defines best available science as "the best scientific information and data for informing management and policy decisions." (Cal. Code Regs., tit. 23, § 5001 (f).) Best available science is also required to be consistent with the guidelines and criteria in Appendix 1A of the Delta Plan (<https://deltacouncil.ca.gov/pdf/delta-plan/2015-appendix-1a.pdf>).

*Adaptive Management*

Delta Plan Policy **G P1(b)(4)** (Cal. Code Regs., tit. 23, § 5002(b)(4)) requires that ecosystem restoration and water management covered actions include

3



## Delta Smelt and Native Species Preservation Project

Sean Carlson

March 13, 2023

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 1 B of the Delta Plan (<https://deltacouncil.ca.gov/pdf/delta-plan/2015-appendix-1b.pdf>), and b) documentation of adequate resources to implement the proposed adaptive management plan.

1-4,  
cont.

The MND states adaptive management operations will be a key element since this is a pilot research project and part of the project, in place of any separate adaptive management plan.

*Ecosystem Restoration Policy 5: Avoid Introductions of and Habitat Improvements for Invasive Nonnative Species*

Delta Plan Policy **ER P5** (Cal. Code Regs., tit. 23, § 5009) requires that covered actions fully consider and avoid or mitigate the potential for new introductions of, or improved habitat conditions for nonnative invasive species, striped bass, or bass in a way that appropriately protects the ecosystem. The project is self-contained, and the MND states that "All vehicles and equipment brought on-site shall be decontaminated in accordance with federal and state regulations and guidelines for controlling the spread of noxious weeds, invasive species, and disease." However, Metropolitan should consider Policy ER P5 and any mitigation that may be warranted must include Delta Plan Mitigation Measure 4-1 (available at: <https://deltacouncil.ca.gov/pdf/delta-plan/2018-appendix-o-mitigation-monitoring-and-reporting-program.pdf>) or substitute equally or more effective measures.

1-5

*Delta as Place Policy 2: Respect Local Land Use when Siting Water or Flood Facilities or Restoring Habitats*

Delta Plan Policy **DP P2** (Cal. Code Regs., tit. 23, § 5011) reflects one of the Delta Plan's charges to protect the Delta as an evolving place by siting water management facilities, ecosystem restoration, and flood management infrastructure to avoid or reduce conflicts with existing or planned future land uses when feasible, considering comments from local agencies and the Delta Protection Commission.

1-6

**CLOSING COMMENTS**

As Metropolitan proceeds with design and implementation of the project, the Council invites Metropolitan to engage Council staff to discuss project features and mitigation measures that would promote consistency with the Delta Plan.

1-7

4

Delta Smelt and Native Species Preservation Project  
Sean Carlson  
March 13, 2023

More information on covered actions, early consultation, and the certification process can be found on the Council website, <https://coveredactions.deltacouncil.ca.gov>. Council staff are available to discuss issues outlined in this letter as Metropolitan proceeds in the next stages of its project and approval processes. Please contact Eva Bush at (916) 284 -1619 or [Eva.Bush@deltacouncil.ca.gov](mailto:Eva.Bush@deltacouncil.ca.gov) with any questions.

1-7,  
cont.

Sincerely,



Jeff Henderson, AICP  
Deputy Executive Office  
Delta Stewardship Council

## Letter 2



March 1, 2023

Sean Carlson  
Environmental Planning Section  
The Metropolitan Water District of Southern California  
PO Box 54153  
Los Angeles, CA 90054-0153

Re: Notice of Intent to Adopt a Mitigated Negative Declaration for the Delta Smelt and Native Species Preservation Project, San Joaquin County

Dear Mr. Carlson:

East Bay Municipal Utility District (EBMUD) appreciates the opportunity to comment on the Mitigated Negative Declaration (MND) for the Delta Smelt and Native Species Preservation Project (Project) located off State Route 12 in San Joaquin County. EBMUD has the following comments.

The Project is located in the primary migratory corridor for juvenile fall-run Chinook salmon and Central Valley Steelhead (Federal Endangered Species Act threatened), which EBMUD monitors and manages in the Mokelumne Watershed. The migratory route is used most heavily by juvenile salmonids from January to June. Based on the MND description, EBMUD is concerned about increased entrainment of Mokelumne juvenile fish as a result of the Project, and requests that the Biological Resources section of the MND address juvenile salmonoid entrainment risks and impacts.

Page 10 of the MND notes that two siphons will be used to transfer surface water to the propagation ponds, and screens will be placed between marsh and propagation pond areas. The need to screen between the marsh and propagation areas suggests that the siphons are not screened. As a result, the Project could cause increased fish entrainment. It is also unclear if any native fish, including salmonids, captured in screens will be quantified and released back into the river channel to minimize stress and/or mortality. The MND should clarify if siphons are screened to prevent fish entrainment or describe how entrainment will be prevented. In addition, the MND does not mention how screening at the propagation ponds will be monitored and managed. The MND should clarify how native fish accidentally captured in the ponds and screening will be released back to the Mokelumne River channel.

2-1

The Project should also consider operational hours in relationship to juvenile salmonids migration periods (January to June) and hour of day. Inadequate detail is provided regarding whether siphons will be running more often than under current agricultural practice. Operational hours noted on page 14 of the MND indicate water will be transferred to the cooling marsh from 5 p.m. to 9 p.m. daily. Please note this time frame could coincide with juvenile salmonids' preferred migration period (at night) and increased entrainment risk could result without proper prevention

2-2

375 ELEVENTH STREET • OAKLAND • CA 94607-4240 • TOLL FREE 1-866-40-EBMUD

Sean Carlson  
March 1, 2023  
Page 2

measures. The MND should clarify if siphons will be used more often under future operation of the Project compared to under current agricultural operations and how entrainment will be prevented during peak salmonoid migration periods and hours.

2-2 cont.

If you have any questions concerning this response, please contact Timothy R. McGowan, Senior Civil Engineer, Major Facilities Planning Section at (510) 287-1981.

Sincerely,



David J. Rehnstrom  
Manager of Water Distribution Planning

DJR:SHT:kvv  
wdpd23\_064 Delta Smelt Preservation Proj.docx

## Letter 3



### Central Valley Regional Water Quality Control Board

13 March 2023

Governor's Office of Planning & Research

**March 13 2023**

Sean Carlson  
Metropolitan Water District of Southern California  
700 North Alameda Street  
Los Angeles, CA 90012  
EP@mwdh2o.com

**STATE CLEARING HOUSE**

#### **COMMENTS TO REQUEST FOR REVIEW FOR THE MITIGATED NEGATIVE DECLARATION, DELTA SMELT AND NATIVE SPECIES PRESERVATION PROJECT, SCH#2023020289, SAN JOAQUIN COUNTY**

Pursuant to the State Clearinghouse's 10 February 2023 request, the Central Valley Regional Water Quality Control Board (Central Valley Water Board) has reviewed the *Request for Review for the Mitigated Negative Declaration* for the Delta Smelt and Native Species Preservation Project, located in San Joaquin County.

Our agency is delegated with the responsibility of protecting the quality of surface and groundwaters of the state; therefore, our comments will address concerns surrounding those issues.

#### **I. Regulatory Setting**

##### **Basin Plan**

The Central Valley Water Board is required to formulate and adopt Basin Plans for all areas within the Central Valley region under Section 13240 of the Porter-Cologne Water Quality Control Act. Each Basin Plan must contain water quality objectives to ensure the reasonable protection of beneficial uses, as well as a program of implementation for achieving water quality objectives with the Basin Plans. Federal regulations require each state to adopt water quality standards to protect the public health or welfare, enhance the quality of water and serve the purposes of the Clean Water Act. In California, the beneficial uses, water quality objectives, and the Antidegradation Policy are the State's water quality standards. Water quality standards are also contained in the National Toxics Rule, 40 CFR Section 131.36, and the California Toxics Rule, 40 CFR Section 131.38.

The Basin Plan is subject to modification as necessary, considering applicable laws, policies, technologies, water quality conditions and priorities. The original Basin Plans were adopted in 1975, and have been updated and revised periodically as required, using Basin Plan amendments. Once the Central Valley Water Board has adopted a Basin Plan amendment in noticed public hearings, it must be approved by the State Water Resources Control Board (State Water Board), Office of

3-1

MARK BRADFORD, CHAIR | PATRICK PULUPA, ESQ., EXECUTIVE OFFICER

11020 Sun Center Drive #200, Rancho Cordova, CA 95670 | [www.waterboards.ca.gov/centralvalley](http://www.waterboards.ca.gov/centralvalley)



Delta Smelt and Native  
Species Preservation Project  
San Joaquin County

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13 March 2023

Administrative Law (OAL) and in some cases, the United States Environmental Protection Agency (USEPA). Basin Plan amendments only become effective after they have been approved by the OAL and in some cases, the USEPA. Every three (3) years, a review of the Basin Plan is completed that assesses the appropriateness of existing standards and evaluates and prioritizes Basin Planning issues. For more information on the *Water Quality Control Plan for the Sacramento and San Joaquin River Basins*, please visit our website:

[http://www.waterboards.ca.gov/centralvalley/water\\_issues/basin\\_plans/](http://www.waterboards.ca.gov/centralvalley/water_issues/basin_plans/)

3-1  
cont.

**Antidegradation Considerations**

All wastewater discharges must comply with the Antidegradation Policy (State Water Board Resolution 68-16) and the Antidegradation Implementation Policy contained in the Basin Plan. The Antidegradation Implementation Policy is available on page 74 at:

[https://www.waterboards.ca.gov/centralvalley/water\\_issues/basin\\_plans/sacsjr\\_2018\\_05.pdf](https://www.waterboards.ca.gov/centralvalley/water_issues/basin_plans/sacsjr_2018_05.pdf)

In part it states:

*Any discharge of waste to high quality waters must apply best practicable treatment or control not only to prevent a condition of pollution or nuisance from occurring, but also to maintain the highest water quality possible consistent with the maximum benefit to the people of the State.*

3-2

*This information must be presented as an analysis of the impacts and potential impacts of the discharge on water quality, as measured by background concentrations and applicable water quality objectives.*

The antidegradation analysis is a mandatory element in the National Pollutant Discharge Elimination System and land discharge Waste Discharge Requirements (WDRs) permitting processes. The environmental review document should evaluate potential impacts to both surface and groundwater quality.

**II. Permitting Requirements**

**Construction Storm Water General Permit**

Dischargers whose project disturb one or more acres of soil or where 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 General Permit for Storm Water Discharges Associated with Construction and Land Disturbance Activities (Construction General Permit), Construction General Permit Order No. 2009-0009-DWQ. Construction activity subject to this permit includes clearing, grading, grubbing, disturbances to the ground, such as stockpiling, or excavation, but does not include regular maintenance activities performed to restore the original line, grade, or capacity of the facility. The Construction General Permit requires the development and implementation of a Storm Water Pollution Prevention Plan (SWPPP). For more information on the Construction General Permit, visit the State Water Resources Control Board website at:

3-3

Delta Smelt and Native  
Species Preservation Project  
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- 3 -

13 March 2023

[http://www.waterboards.ca.gov/water\\_issues/programs/stormwater/constpermits.shtml](http://www.waterboards.ca.gov/water_issues/programs/stormwater/constpermits.shtml)

**Clean Water Act Section 404 Permit**

If the project will involve the discharge of dredged or fill material in navigable waters or wetlands, a permit pursuant to Section 404 of the Clean Water Act may be needed from the United States Army Corps of Engineers (USACE). If a Section 404 permit is required by the USACE, the Central Valley Water Board will review the permit application to ensure that discharge will not violate water quality standards. If the project requires surface water drainage realignment, the applicant is advised to contact the Department of Fish and Game for information on Streambed Alteration Permit requirements. If you have any questions regarding the Clean Water Act Section 404 permits, please contact the Regulatory Division of the Sacramento District of USACE at (916) 557-5250.

**Clean Water Act Section 401 Permit – Water Quality Certification**

If an USACE permit (e.g., Non-Reporting Nationwide Permit, Nationwide Permit, Letter of Permission, Individual Permit, Regional General Permit, Programmatic General Permit), or any other federal permit (e.g., Section 10 of the Rivers and Harbors Act or Section 9 from the United States Coast Guard), is required for this project due to the disturbance of waters of the United States (such as streams and wetlands), then a Water Quality Certification must be obtained from the Central Valley Water Board prior to initiation of project activities. There are no waivers for 401 Water Quality Certifications. For more information on the Water Quality Certification, visit the Central Valley Water Board website at: [https://www.waterboards.ca.gov/centralvalley/water\\_issues/water\\_quality\\_certification/](https://www.waterboards.ca.gov/centralvalley/water_issues/water_quality_certification/)

3-3  
cont.

**Waste Discharge Requirements – Discharges to Waters of the State**

If USACE determines that only non-jurisdictional waters of the State (i.e., "non-federal" waters of the State) are present in the proposed project area, the proposed project may require a Waste Discharge Requirement (WDR) permit to be issued by Central Valley Water Board. Under the California Porter-Cologne Water Quality Control Act, discharges to all waters of the State, including all wetlands and other waters of the State including, but not limited to, isolated wetlands, are subject to State regulation. For more information on the Waste Discharges to Surface Water NPDES Program and WDR processes, visit the Central Valley Water Board website at: [https://www.waterboards.ca.gov/centralvalley/water\\_issues/waste\\_to\\_surface\\_water/](https://www.waterboards.ca.gov/centralvalley/water_issues/waste_to_surface_water/)

Projects involving excavation or fill activities impacting less than 0.2 acre or 400 linear feet of non-jurisdictional waters of the state and projects involving dredging activities impacting less than 50 cubic yards of non-jurisdictional waters of the state may be eligible for coverage under the State Water Resources Control Board Water Quality Order No. 2004-0004-DWQ (General Order 2004-0004). For more information on the General Order 2004-0004, visit the State Water Resources Control Board website at:



Delta Smelt and Native  
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San Joaquin County

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13 March 2023

[https://www.waterboards.ca.gov/board\\_decisions/adopted\\_orders/water\\_quality/2004/wqo/wqo2004-0004.pdf](https://www.waterboards.ca.gov/board_decisions/adopted_orders/water_quality/2004/wqo/wqo2004-0004.pdf)

#### **Dewatering Permit**

If the proposed project includes construction or groundwater dewatering to be discharged to land, the proponent may apply for coverage under State Water Board General Water Quality Order (Low Threat General Order) 2003-0003 or the Central Valley Water Board's Waiver of Report of Waste Discharge and Waste Discharge Requirements (Low Threat Waiver) R5-2018-0085. Small temporary construction dewatering projects are projects that discharge groundwater to land from excavation activities or dewatering of underground utility vaults. Dischargers seeking coverage under the General Order or Waiver must file a Notice of Intent with the Central Valley Water Board prior to beginning discharge.

For more information regarding the Low Threat General Order and the application process, visit the Central Valley Water Board website at:

[http://www.waterboards.ca.gov/board\\_decisions/adopted\\_orders/water\\_quality/2003/wqo/wqo2003-0003.pdf](http://www.waterboards.ca.gov/board_decisions/adopted_orders/water_quality/2003/wqo/wqo2003-0003.pdf)

For more information regarding the Low Threat Waiver and the application process, visit the Central Valley Water Board website at:

[https://www.waterboards.ca.gov/centralvalley/board\\_decisions/adopted\\_orders/waivers/r5-2018-0085.pdf](https://www.waterboards.ca.gov/centralvalley/board_decisions/adopted_orders/waivers/r5-2018-0085.pdf)

#### **Limited Threat General NPDES Permit**

If the proposed project includes construction dewatering and it is necessary to discharge the groundwater to waters of the United States, the proposed project will require coverage under a National Pollutant Discharge Elimination System (NPDES) permit. Dewatering discharges are typically considered a low or limited threat to water quality and may be covered under the General Order for *Limited Threat Discharges to Surface Water* (Limited Threat General Order). A complete Notice of Intent must be submitted to the Central Valley Water Board to obtain coverage under the Limited Threat General Order. For more information regarding the Limited Threat General Order and the application process, visit the Central Valley Water Board website at:

[https://www.waterboards.ca.gov/centralvalley/board\\_decisions/adopted\\_orders/general\\_orders/r5-2016-0076-01.pdf](https://www.waterboards.ca.gov/centralvalley/board_decisions/adopted_orders/general_orders/r5-2016-0076-01.pdf)

#### **NPDES Permit**

If the proposed project discharges waste that could affect the quality of surface waters of the State, other than into a community sewer system, the proposed project will require coverage under a National Pollutant Discharge Elimination System (NPDES) permit. A complete Report of Waste Discharge must be submitted with the Central Valley Water Board to obtain a NPDES Permit. For more information regarding the NPDES Permit and the application process, visit the Central Valley Water Board website at: <https://www.waterboards.ca.gov/centralvalley/help/permit/>

3-3  
cont.



Delta Smelt and Native  
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San Joaquin County

- 5 -

13 March 2023

If you have questions regarding these comments, please contact me at (916) 464-4684  
or [Peter.Minkel2@waterboards.ca.gov](mailto:Peter.Minkel2@waterboards.ca.gov).

*Peter Minkel* here

Peter Minkel  
Engineering Geologist

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

## Letter 4

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Gavin Newsom, Governor

### DELTA PROTECTION COMMISSION

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March 13, 2023

Sean Carlson  
Environmental Planning Section  
The Metropolitan Water District of Southern California  
PO Box 54153, Los Angeles, CA 90054-0153  
Via email: [EP@mwdh2o.com](mailto:EP@mwdh2o.com)

Re: Delta Smelt and Native Species Preservation Project Mitigated Negative Declaration (SCH # 2023020289)

Dear Mr. Carlson,

Thank you for providing the Delta Protection Commission (Commission) the opportunity to comment on the Mitigated Negative Declaration (MND) for the Delta Smelt and Native Species Preservation Project (Project). The Project would construct two marsh-pond complexes to house native fish for experimental study. The marsh-pond complexes would be constructed on Bouldin Island across two parcels totaling 145 acres.

The Commission is a state agency charged with ensuring orderly, balanced conservation and development of Delta land resources and improved flood protection. Proposed local government projects within the primary zone of the Legal Delta must be consistent with the Commission's Land Use and Resource Management Plan (LURMP) (California Public Resources Code Sections 29700-29780). The Commission also submits comments under Public Resource Code Section 29770(d) which states that the Commission may comment on projects that impact the primary zone. The Project area lies within the boundary of the primary zone.

We believe that the Project will have a Potentially Significant impact on agricultural resources by converting Prime Farmland on Bouldin Island to other uses. These impacts have not been fully evaluated in the MND. A Draft Environmental Impact Report should be developed to further evaluate these impacts and identify mitigation measures to minimize them. The environmental analysis should also evaluate the cumulative impacts of restoration and preservation projects in the primary zone that would take farmland out of production or covert farmland to other uses.

Our detailed comments on the MND and the project's consistency with the Commission's LURMP are provided below.

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Impacts on Agricultural Resources

There are approximately 6,000 acres of agricultural land on Bouldin Island (MND p. 11). The California Department of Conservation designates most the island as Prime Farmland. There is also Farmland of Local Importance and Grazing Land. According to the MND, the proposed marsh-pond complexes would be located on fallowed wheat fields that were previously dry farmed (p. 17). The project area is bounded by actively farmed fields.

The MND states that the Project would not permanently convert farmland in the project area to other uses. However, the MND does not provide sufficient information to support this impact determination.

4.1

The Project would alter the project area for a period of approximately five years or longer. The Project would include excavation of salt marshes, creation of propagation ponds, and installation of a new, 300-foot-deep groundwater well and a transportation pipeline from the well. The MND does not identify how the landscape will be returned to conditions suitable for agriculture after the Project is complete. The MND also states that the Project duration could extend beyond five years.

We believe that the Project features and construction activities would substantially alter the project area to the point where the land could no longer produce agricultural commodities and convert the land to wetlands. The U.S. Army Corps of Engineers generally considers land 'recaptured' as wetlands when it is flooded or managed as wetlands for five or more years. Under the Clean Water Act, prior converted cropland is considered 'abandoned' if it not used for, or in support of, agricultural purposes for at least once in the immediately preceding five years. If the Project would return the land to wetlands for five years, the land could be considered wetlands again by the U.S. Army Corps of Engineer and become ineligible to be farmed in the future. For these reasons, we believe the Project would permanently convert the farmland in the project area.

Conversion of farmland in the primary zone is inconsistent with the LURMP and San Joaquin County General Plan. The LURMP directs conversion of farmland to areas where agricultural values are lowest and environmental mitigation in agricultural areas only when its consistent with ongoing agricultural operations:

4.2

**Agriculture Policy 2.** Conversion of land to non-agriculturally-oriented uses should occur first where productivity and agricultural values are lowest.

**Agriculture Policy 6.** Encourage acquisition of agricultural conservation easements from willing sellers as mitigation for projects within each county. Promote use of environmental mitigation in agricultural areas only when it is consistent and compatible with ongoing agricultural operations and when developed in appropriate locations designated on a countywide or Deltawide habitat management plan.

The San Joaquin County General Plan also includes policies to protect farmland in the Delta:

**Natural and Cultural Resources Element Policy D-4.2.** Emphasize Agricultural Uses. The County shall promote and facilitate agriculture and agriculturally-supporting commercial and industrial uses as the primary land uses in the Primary Zone; recreation and natural resource land uses shall be supported in

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appropriate locations and where conflicts with agricultural land uses or other beneficial uses can be minimized. (RDR/PSP)

**Natural and Cultural Resources Element Policy D-4.8.** Limit Non-Agricultural Uses on Delta Islands. The County shall generally limit development in the Delta islands to water-dependent uses, recreation, and agricultural uses. (RDR/PSP)

**Natural and Cultural Resources Element Policy D-4.9.** Conversion of Delta Farmland to Wetlands. The County shall not allow the conversion of prime farmland within the Delta into wetlands, with the exception of the Lower San Joaquin River Floodplain, as defined in the Delta Plan. (RDR/PSP)

4.2  
cont

The MND also fails to identify potential impacts to the agricultural properties surrounding the project area. The MND states that Bouldin Island has sufficient water rights to support the Project (p. 74). However, the MND does not discuss how the Project will increase consumptive water use compared to existing conditions. The environmental analysis should evaluate how the Project will impact the availability of water for other agricultural properties on Bouldin Island.

The analysis should also evaluate whether the marshes and ponds may cause seepage or other impacts to the surrounding parcels. The LURMP states that:

4.3

**Land Use Policy 14.** The conversion of an agricultural parcel, parcels, and/or an agricultural island for water impoundment, including reservoirs, water conveyance or wetland development may not result in the seepage of water onto or under the adjacent parcel, parcels, and/or island. These conversions shall mitigate the risks and adverse effects associated with seepage, levee stability, subsidence, and levee erosion, and shall be consistent with the goals of this Plan.

For these reasons, we believe that impacts to Agricultural Resources should be Potentially Significant and fully evaluated in a Draft Environmental Impact Report. In addition, any conversion of farmland should be mitigated to the fullest extent feasible. These mitigation measures should be identified in the Draft Environmental Impact Report and provide adequate financial mechanisms as directed by the LURMP:

4-4

**Natural Resources Policy 5.** Preserve and protect the viability of agricultural areas by including an adequate financial mechanism in any planned conversion of agricultural lands to wildlife habitat for conservation purposes. The financial mechanism shall specifically offset the loss of local government and special district revenues necessary to support public services and infrastructure.

We also encourage Metropolitan Water District to consider buffers between the Project and the surrounding agricultural properties consistent with the following LURMP policies:

**Land Use Policy 3.** New non-agriculturally oriented residential, recreational, commercial, habitat, restoration, or industrial development shall ensure that appropriate buffer areas are provided by those proposing new development to prevent conflicts between any proposed use and existing adjacent agricultural parcels. Buffers shall adequately protect integrity of land for existing and future agricultural uses and shall not include uses that conflict with agricultural operations on adjacent agricultural lands. Appropriate buffer setbacks shall be determined in consultation with local Agricultural Commissioners

4-5



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and shall be based on applicable general plan policies and criteria included in Right-to-Farm Ordinances adopted by local jurisdictions.

**Natural Resources Policy 6.** Support the implementation of appropriate buffers, management plans and/or good neighbor policies (e.g. safe harbor agreements) that among other things, limit liability for incidental take associated with adjacent agricultural and recreational activities within lands converted to wildlife habitat to ensure the ongoing agricultural and recreational operations adjacent to the converted lands are not negatively affected.

4-5  
cont.

#### Impacts on Transportation

The project area would be accessed from two roads – one new and one existing— from State Route 12. Construction activities would require approximately 12 workers per project phase (MND p.12, p.71). Construction equipment would include a hauler, tractor, backhoe, dozer, excavator, motor grader, and water-mounted drilling rig (MND p.12).

The MND states the Project would not cause significant impacts to transportation because there would be a minimal increase in truck trips for construction. However, the section of State Route 12 to the project area is already a highly congested and dangerous transportation corridor. The movement of construction equipment to and from the project site will cause transportation impacts, particularly if equipment is transported during peak times. These impacts should be further evaluated in the environmental analysis.

4-6

#### Cumulative Impact Analysis

The cumulative impact analysis in the MND fails to consider the impacts of other past or probable future restoration and preservation projects in the primary zone in the Delta that would convert farmland to other uses. This includes Sherman Island, Twitchell Island, McCormack Williamson Tract, Zacharias Ranch Mitigation Bank, Lookout Slough, Cache Slough Mitigation Bank, and Little Egbert Multi-Benefit Project. If all these projects were implemented, up to 12,993 acres of farmland in the primary zone of Delta would be converted. The cumulative impacts of these projects should be considered and evaluated in the environmental analysis.

4-7

Thank you for the opportunity to provide input. Please contact Kirsten Pringle, Senior Environmental Planner, at (530) 650-6327 for any questions regarding the comments provided.

Sincerely,

  
Bruce Blodgett  
Executive Director

cc: Steven Ding, San Joaquin County Supervisor

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## **CHAPTER 2**

### **RESPONSES TO COMMENTS RECEIVED**

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#### **Response to Comment Letter 1**

**COMMENTER:** Jeff Henderson, AICP Deputy Executive Office, Delta Stewardship Council

**DATE:** March 13, 2023

##### **Response 1-1**

The commenter provides an introduction to the comment letter, describes the Delta Stewardship Council's (the Council) role and the function of the Delta Plan.

This comment is noted.

##### **Response 1-2**

The commenter provides a description of a covered action as provided in the Water Code and the requirements of filing a Certification of Consistency prior to project implementation.

Metropolitan completed the Covered Actions Checklist, a "discretionary tool for state and local agencies to use in determining whether a plan, program, or project is a 'Covered Action.'" The project would not have a significant impact on the achievement of one or both of the coequal goals or the implementation of a government-sponsored flood control program to reduce risks to people, property, and State interests in the Delta. The Proposed Project would not meet all of the conditions specified in Water Code Section 85057.5(a) and is therefore not a covered action. Accordingly, Metropolitan is not required to and will not be filing a Certification of Consistency with the Council.

##### **Response 1-3**

The commenter provides an introduction to the description of the Delta Plan regulatory policies that may apply to the Proposed Project

This comment is noted. As detailed in Response 1-2, the Proposed Project is not a covered action and as such no Certification of Consistency is required.

##### **Response 1-4**

The commenter provides the policy requirements of what must be addressed in a Certification of Consistency by a project proponent if that project is a covered action.

This comment is noted. As detailed in Response 1-2, the Proposed Project is not a covered action and as such no Certification of Consistency is required.

**Response 1-5**

The commenter provides the policy requirements that covered actions fully consider and avoid or mitigate the potential for new introductions of, or improved habitat conditions for nonnative invasive species.

This comment is noted. As detailed in Response 1-2, the Proposed Project is not a covered action and as such no Certification of Consistency is required.

**Response 1-6**

The commenter provides the policy requirements for protection of local land use when siting water or flood facilities or restoring habitats.

This comment is noted.

**Response 1-7**

The commenter encourages Metropolitan to engage the Council to discuss features and mitigation measures of the Proposed Project. The commenter provides a hyperlink to more information on covered actions, early consultation, and the certification process. The commenter provides contact information to Metropolitan for further discussion or questions.

This comment is noted. At this time Metropolitan will not be engaging the Council, but appreciates the comments and feedback on the Proposed Project.



## Response to Comment Letter 2

**COMMENTER:** David J. Rehnstrom, Manager of Water Distribution Planning, East Bay Municipal Utility District, EBMUD

**DATE:** March 1, 2023

### Response 2-1

The commenter provides background information on outmigration of juvenile salmonids (fall-run Chinook salmon and Central Valley Steelhead) in the Mokelumne River. The commenter indicates that the analysis of the potential impacts on biological resources does not discuss the presumed risk of increased entrainment of Mokelumne juvenile salmonids as a result of the Proposed Project. The commenter requests clarification on how the Proposed Project will avoid or minimize potential entrainment impacts.

The Proposed Project will have no impact to Mokelumne juvenile fish because diversions will not change from existing conditions. Under current agricultural operations, the two siphons (number 25 and 26) pump a maximum of 30 cfs from the Mokelumne River into the existing irrigation ditches for agricultural use throughout the northern portion of Bouldin Island. The Proposed Project will not control or change the existing operation of siphons #25 and #26 that serve this portion of the island. The Proposed Project would utilize water from existing agricultural ditches on the island serviced by the siphons. In months when the siphons do not routinely operate (usually November-February), the Proposed Project would be served by the new groundwater well as described in the IS/MND Project Description. The use of both sources of water has been incorporated into the operation of the Proposed Project for scientific research.

Screens within the Proposed Project are designed (1) to prevent aquatic weeds and aquatic species from entering the propagation ponds from the irrigation ditches and the cooling and food marshes and (2) to prevent the experimental populations of Delta smelt in the propagation ponds from exiting the Project.

The IS/MND language has been revised (page 10) to clarify the Proposed Project as follows:

#### ***Surface Water/Groundwater Distribution, Control and Screening***

The propagation ponds would be filled using either surface water or groundwater to ensure consistent regulated temperatures. The water distribution system would be a combination of earthen and concrete lined open ditches (six feet wide) and pipes (ranging between four and 24 inches in diameter) to provide surface water from ~~existing siphons~~ the existing agricultural ditch or pumped from the existing groundwater aquifer. Under normal conditions, surface water would flow by gravity from the ~~siphons~~ agricultural ditch and then pumped from agricultural ditch into the cooling and food marshes. The ponds do not receive water directly from the Mokelumne River. The water would be screened at the standpipe before entering into the ~~propagation ponds~~ cooling and food marshes (Figure 1-3, Appendix A). The surface water elevations in the food marsh would be adaptively managed to enhance fish food production. The surface water would originate from existing agricultural ditch that is fed from the siphons that pull from the Mokelumne River ~~within~~ outside the Proposed Project site, siphons #25 (16-inch

diameter with max capacity of 18 cubic feet per second [cfs]) and #26 (14-inch diameter with max capacity of 12 cfs; Figure 1-4). In coordination with irrigation needs of adjacent farms that utilize these siphons, a portion of the ~~siphon~~ agricultural ditch flows, up to ten cfs, would be used for the Proposed Project. The balance of the available ~~siphon~~ flow would remain available for agriculture purposes. The Proposed Project does not require changes in the quantity or rate of current flow diverted from the Mokelumne through siphons #25 and #26. The surface water distribution system would be screened between the agricultural ditch and the marsh area ~~and the native fish propagation area~~ to enhance biosecurity.

## Response 2-2

The commenter provides background information on the timing of juvenile salmonid outmigration (peak period January to June, prefer to move at night). The commenter requests clarification on whether the siphons would be operated more often under Proposed Project and how entrainment would be prevented.

As explained in Response 2-1 the siphons would not be operated more frequently or longer under the Proposed Project compared to existing agricultural operations, and normally, it would receive groundwater from November through February.

## Response to Comment Letter 3

**COMMENTS:** Peter Minkel, Engineering Geologist, RWQCB

**DATE:** March 13, 2023

### Response 3-1

The commenter provides the regulatory setting of the Central Valley Water Board with a description and purpose of Basin Plans. The commenter provides a hyperlink to their website for further information on the *Water Quality Control Plan for the Sacramento and San Joaquin River Basins*.

This comment is noted.

### Response 3-2

The commenter provides information on the Antidegradation Policy for wastewater discharges and provides a hyperlink to the Antidegradation Policy.

This comment is noted.

### Response 3-3

The commenter provides permitting requirements that may be applicable to the Proposed Project related to protecting the quality of surface and groundwaters of the state.

This comment is noted. The IS/MND discusses impacts to surface and groundwaters of the state, and which additional regulatory approvals and permits would be needed from the applicable agencies.

## Response to Comment Letter 4

**COMMENTS:** Bruce Blodgett, Executive Director, Delta Protection Commission

**DATE:** March 13, 2023

### Response 4-1

The commenter provides background information on potential impacts to agricultural resources. The commenter indicates that the analysis of the potential impacts on agricultural resources does not adequately address permanent conversion of farmland to other uses and does not identify how the Proposed Project site would be returned to existing conditions.

As described in the IS/MND, the Proposed Project would last approximately 5 years with the option to extend longer.

The project description has been modified to clarify the timing of the Proposed Project and the demobilization of the site and return to existing conditions as follows:

#### Project Demobilization

As described previously, the Proposed Project is a pilot project and would be conducted in order to further delta smelt and other native fish research. At the conclusion of the project life or at a maximum of 5 years from project initiation, the Proposed Project would end. At the end of this pilot project, the constructed ponds and berm areas will be returned to pre-pilot conditions, which includes removal of appurtenances and pilot related above ground hardware. Prior to demobilization activities, the ponds would be dewatered for 6 months to 1 year, which would allow the artificial ponds to dry out. A bulldozer would be used to move the earthen material from the berms back into the ponds and regrade the site to the pre-project topography. Applicable pre-construction surveys, BMPs, and mitigation measures related to constructing the ponds would apply, and no new mitigation measures would be necessary.

If Metropolitan proposes to extend the Project beyond five years, additional environmental analysis would be conducted at that time.

### Response 4-2

The commenter states an opinion that the Proposed Project features and construction activities would substantially alter the Proposed Project site to the point that the land could no longer produce agricultural commodities and convert the land to wetlands. The commenter provides regulatory information that the U.S. Army Corps of Engineers generally considers land 'recaptured' as wetlands when it is flooded or managed as wetlands for five or more years. The commenter also provided information that the Clean Water Act considers prior converted cropland as 'abandoned' if not used for, or in support of, agricultural purposes for at least once in the immediately preceding five years. The commenter states that conversion of farmland in the primary zone is inconsistent with the LURMP and San Joaquin County General Plan and provides relevant General Plan policies.

As detailed in Response 4-1, the Proposed Project would be complete at a maximum of 5 years. At that time, the Proposed Project site would be returned to the existing agricultural conditions by draining the ponds, removing project components and returning the site to pre-project conditions. If there is a proposal to develop a long term or permanent project, additional environmental analysis and compliance would be completed at that time for any proposed new or modified project.

The U.S. Army Corps of Engineers and EPA policy regarding recapture of farmland under Section 404(f) of the Clean Water Act applies to prior converted (PC) cropland, meaning land that once was a wetland or other water of the United States, but was converted to agriculture. It also involves “abandonment” of agricultural practices on prior converted cropland such that the land naturally regains the properties of a wetland. **(58 Fed. Reg. 45,008, 45,034 (Aug. 25, 1993) [“PC cropland which now meets wetland criteria is considered to be abandoned unless: For once in every five years the area has been used for the production of an agricultural commodity, or the area has been used and will continue to be used for the production of an agricultural commodity in a commonly used rotation with aquaculture, grasses, legumes or pasture production”].)** The proposed ponds and associated cooling marshes would be constructed in dry, upland locations, not where the land would revert to wetland but for its agricultural use. The constructed pond-marsh complexes would be maintained and operated for up to five years exclusively for the purpose of conducting experiments, so Metropolitan would not be abandoning the land to revert to a natural wetland state, nor would the artificial ponds and marshes be considered waters of the United States regardless how long they are used exclusively for experiments. (33 C.F.R. sec. 328.3(b)(5).) Metropolitan does not agree that the proposed project is inconsistent with the cited land use policies. The project would not permanently convert farmland into wetland habitat, but involves the temporary creation of artificial ponds and cooling marshes, so it does not result in a change in land use. In addition, inconsistency with a land use policy, in and of itself, is not an environmental impact, but under CEQA is used as an indicator of potential environmental impacts. The IS/MND fully analyzed the impacts to Agricultural land consistent with CEQA’s requirements.

### Response 4-3

The commenter states an opinion that the Proposed Project will increase consumptive water use compared to existing conditions. The commenter states that the IS/MND should evaluate how the Proposed Project will impact the availability of water for other agricultural properties on Bouldin Island. The commenter states an opinion that the IS/MND should evaluate whether the marshes and ponds would cause seepage or other impacts to the surrounding parcels. The commenter provides LURMP policy related to seepage.

The Proposed Project would utilize the existing water source and siphons providing water to agricultural ditches on the island. The project would also rely on a new well when this source is not available. Water use under the Proposed Project would be the same or less than is used for the existing agriculture. There would be no change in consumptive water use compared to existing conditions and the project would not control nor affect supply of water required by other agricultural purposes on the island. The topography and design of the ponds are not expected for seepage to occurs. In case seepage does occurs, the flow will be captured in existing agricultural drain ditches.

**Response 4-4**

The commenter states an opinion that the Proposed Project should be evaluated in an Environmental Impact Report based on what they consider to be potential agricultural impacts as discussed in the preceding comments. The commenter states that any impacts should be fully mitigated, and the mitigation measures should be identified in the EIR as directed by the LURMP.

As detailed in Response 4-1, the Proposed Project would not result in the permanent conversion of farmland to other uses. “Significant effect on the environment” is defined in PRC §21068 as “a substantial, or potentially substantial, adverse change in the environment.” There are approximately 6000 acres of farmland on Bouldin Island, and 415,000 acres of farmland in the Delta.<sup>1</sup> The total Proposed Project footprint, including the marsh-pond complexes, associated staging areas, water distribution system, and access roads, would be up to 25 acres, which is 0.4% of the farmland on Bouldin Island or .006% of farmland acreage in the Delta, and would last a maximum of 5 years. At that time, the Proposed Project site would be returned to the existing agricultural conditions, or additional environmental compliance would be completed at that time for any proposed new or modified project. Accordingly, the temporary nature of this small project is not considered a significant impact to agricultural resources.

This clarification of the size of the actual construction footprint (25 acres) applies to the following sections of the MND as noted here and in Errata: Project Location and Description (p. 2), Agriculture and Forestry Resources (p. 24), Cultural Resources (pp. 47-48), Noise (p. 67), and Mandatory Findings of Significance: Agriculture and Forestry Resources (p. 79).

**Response 4-5**

The commenter states an opinion that Metropolitan should consider buffers between the Proposed Project site and the surrounding agricultural properties to be consistent with the LURMP policies regarding appropriate buffers to protect existing agricultural land uses.

As detailed in the Project Description of the IS/MND, the Proposed Project would be constructed in two phases of approximately two months each. Following construction, operation and maintenance activities would occur over the project life of a maximum of 5 years. Operation and maintenance activities would be similar in nature to those occurring in the area for agriculture. The marsh-pond complex would be constructed with elevated up to approximately two-foot berms surrounding each pond, thus providing a physical buffer and barrier between the ponds and adjacent land uses. The proposed project is separated from adjacent land uses by existing roads and agricultural ditches. The ditches along the boundary would capture any seepage and/or surface flow that occurs on the project site. The temporary ponds would be managed for a research population of native fish (i.e., not a protected wild population), which are not expected to conflict with continued farming of adjacent lands. The implementation of the Proposed Project would not interfere with agricultural use of adjacent parcels.

The intent of the marsh-pond complex is to provide temporary habitat for a research population of native fish and is not intended to provide habitat for other listed species. Although there is potential that the marsh-pond complex could temporarily attract giant garter snake (a state and

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<sup>1</sup> Delta Protection Commission. 2020. The State of Delta Agriculture: Economic Impact, Conservation and Trends. Available at: <https://delta.ca.gov/wp-content/uploads/2020/07/Ag-ESP-update-agricultural-trends-FINAL-508.pdf>. February 3, 2020.

federally threatened species) to the site, the potential for the snake population to increase in adjacent areas outside of the Proposed Project is low for the following reasons:

- The marsh-pond complex will be highly managed. The pond levels will regularly fluctuate, there will be a regular human presence, and there will not be quality upland cover or hibernacula,
- Due to ongoing farming practices in the area there is very little habitat in the vicinity of the Proposed Project, resulting in low numbers of known occurrences of giant garter snakes in the vicinity of Bouldin Island.
- The portion of Bouldin Island where the Proposed Project will occur is isolated from high-quality giant garter snake habitat by the Mokelumne River and Highway 12. Because there is no high-quality habitat that is nearby or easily accessible to the snake, the potential for giant garter snake to colonize the marsh-pond complex is low
- Bouldin Island contains very little habitat that would support giant garter snake. The existing agricultural ditches are routinely maintained by Reclamation District #756. The agricultural fields and typical farming operations would not support giant garter snake and therefore would not attract dispersing giant garter snake.
- Lastly, because the project is temporary, the marsh-pond complexes will be returned to their original condition and would no longer support giant garter snake. Therefore, there would not be long term potential to attract giant garter snakes to the site.

Therefore, because there is no high-quality habitat for giant garter snake on Bouldin Island, and there is a low potential for occurrence of giant garter snake, the Proposed Project would not likely draw in giant garter snakes that could potentially disperse and negatively impact the adjacent land on Bouldin Island.

#### **Response 4-6**

The commenter states an opinion that construction of the Proposed Project would result in transportation impacts from construction equipment to and from the Proposed Project site and requires further evaluation.

As detailed in the IS/MND, the Proposed Project would be constructed in two phases of approximately two months each. Construction would require approximately 12 workers total. The Proposed Project site would contain two staging areas. Once construction equipment is brought to the Proposed Project site, it would remain within the staging areas when not in use. The entire Proposed Project is located across two parcels and all work would take place within these parcels. Operation of the Proposed Project would require approximately four workers. In considering the impacts caused by an increase in Vehicle Miles Traveled (VMT), the California Office of Planning and Research (OPR) has concluded that, “absent substantial evidence otherwise, it is reasonable to conclude that the addition of 110 or fewer trips could be considered not to lead to a significant impact.”<sup>2</sup> Therefore, the Proposed Project would not result in significant impacts to transportation.

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<sup>2</sup> Governor’s Office of Planning and Research (OPR). 2018. Technical Advisory on Evaluating Transportation Impacts in CEQA. December 2018.

**Response 4-7**

The commenter asserts that the cumulative impact analysis in the IS/MND failed to fully consider the impacts of other past or probably future restoration and preservation projects in the primary zone in the Delta that would convert farmland to other uses.

The Proposed Project is a research project that would further delta smelt and other native fish research, and research of potentially future propagation viability. It is not a habitat restoration project like the other projects identified in the comment. As detailed in Response 4-1, the Proposed Project would not result in the permanent conversion of farmland to other uses. The Proposed Project would last a maximum of 5 years or less. At that time, the Proposed Project site would be returned to the existing agricultural conditions, or additional environmental analysis would be completed at that time for any proposed new or modified project.



# ERRATA FOR DELTA SMELT AND NATIVE SPECIES PRESERVATION PROJECT MITIGATED NEGATIVE DECLARATION

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## Introduction

The Metropolitan Water District of Southern California (Metropolitan) circulated a Draft Initial Study and Notice of Intent (NOI) to adopt a Mitigated Negative Declaration (IS/MND) for the Delta Smelt and Native Species Preservation Project (Proposed Project) from February 10, 2023 to March 13, 2023 (State Clearinghouse # 2023020289). Following close of the public comment period and prior to adopting the MND, Metropolitan made refinements to the project description.

California Environmental Quality Act (CEQA) Guidelines §15073.5(a) requires that a lead agency recirculate a negative declaration “when the document must be substantially revised.” A “substantial revision” includes: (1) identification of a new, avoidable significant effect requiring mitigation measures or project revisions and/or; (2) determination that proposed mitigation measures or project revisions will not reduce potential effects to less than significance and new measures or revisions must be required.

State CEQA Guidelines specify situations in which recirculation of a negative declaration is not required. This includes, but is not limited to, situations in which “new information is added to the negative declaration which merely clarifies, amplifies, or makes insignificant modifications to the negative declaration.” Revisions to the Draft IS Environmental Checklist regarding refinements to the project description would result in minor clarifications of the Proposed Project, and these edits do not meet the threshold of “substantial revisions” established by CEQA. Recirculation of the Draft IS and Notice of Intent (NOI) to Adopt a MND is therefore not required in accordance with CEQA Guidelines §15073.5(c)(4).

This Final MND has been prepared pursuant to CEQA Guidelines,<sup>1</sup> which outline all aspects of the preparation of the Draft IS/MND and its review, as well as the subsequent steps to preparing a Notice of Determination (NOD). This document incorporates comments from public agencies, and the general public, and contains responses by the Lead Agency, Metropolitan, to those comments. The sole intent and purpose of the Final IS/MND is to provide corrections and clarity to certain facts set forth in the Draft IS/MND to ensure accuracy. The changes shown below are incorporated into the Final IS/MND. The changes do not substantially modify the conclusions or findings of the impact analysis included in the Draft IS/MND nor do they require any new or substantially modified mitigation measures. The project description refinements and text changes are summarized below.

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<sup>1</sup> Title 14, California Code of Regulations, Chapter 3, Sections 15000 – 15387 and Appendices, accessible at [http://ceres.ca.gov/topic/env\\_law/ceqa/guidelines/](http://ceres.ca.gov/topic/env_law/ceqa/guidelines/).

## Refinements to the Proposed Project

The Draft IS/MND included a description of the Proposed Project as covering a total study area of 145 acres across two parcels. However, the actual construction footprint, including the marsh-pond complexes, associated staging areas, water distribution system, and access roads, would be up to 25 acres.

## Summary of Text Changes to the Initial Study

Minor text changes have been made to the Draft IS/MND and incorporated as part of the Final IS/MND. These changes do not substantially modify the impact analysis of the Draft IS/MND, but instead update the analysis for the refinement to the project description as described above. New text is shown in a double underline and text to be deleted is shown in ~~strike-out~~. The changes identified below are clarifications or amplification of the information and analysis contained in the IS Environmental Checklist and does not change the results or conclusions.

### Page 2:

~~The Proposed Project covers approximately 145 acres across two parcels and includes two “marshpond complexes,” a tule harvest area, and several connecting access roads. The total~~ Proposed Project footprint, including the marsh-pond complexes, associated staging areas, water distribution system, and access roads, would be up to 25 acres. The Proposed Project site is within the Sacramento-San Joaquin Delta on Bouldin Island, which is owned by Metropolitan and located adjacent to the confluence of the North and the South Forks of the Mokelumne River in unincorporated San Joaquin County, California (**Figures 1-1 and 1-2**).

### Page 24:

**Less than Significant Impact.** The Proposed Project would not permanently convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance. The Project site is designated as Prime Farmland. ~~The Proposed Project covers approximately 145 acres across two parcels and involves a marshpond complex where research can occur. The total Proposed Project footprint, including the marsh-pond complexes, associated staging areas, water distribution system, and access roads, would be up to 25 acres, which is 0.4% of the farmland on Bouldin Island or .006% of farmland acreage in the Delta, and would last a maximum of 5 years. At that time, the Proposed Project site would be returned to the existing agricultural conditions, or additional environmental compliance would be completed at that time for any proposed new or modified project. Accordingly, the temporary nature of this small project is not considered a significant impact to agricultural resources.~~ The Proposed Project would last approximately 5 years with the option to extend longer; however, the Proposed Project would not be permanent or result in the conversion of Prime Farmland, Unique Farmland, or Farmland of Statewide Importance. As such, the Proposed Project would have a less than significant impact on Prime Farmland, Unique Farmland, or Farmland of Statewide Importance would occur as a result of the Proposed Project.

### Pages 47-48:

For purposes of this analysis, the CEQA Area of Potential Effects (C-APE) is defined as both the horizontal and vertical maximum extents of potential direct impacts of the Proposed Project on

cultural resources. This area encompasses the footprint of Proposed Project actions, including staging and access areas. The C-APE comprises approximately 145 acres over the two parcels and extends vertically to the maximum depth of the Proposed Project's ground-disturbing activities, varying according to specific location. However, the total Proposed Project footprint, including the marsh-pond complexes, associated staging areas, water distribution system, and access roads, would only be up to 25 acres. Table 3.5-1 details the vertical C-APE by Proposed Project activity.

### Page 67:

**Less than Significant Impact.** No, the Proposed Project would not generate a substantial temporary or permanent increase in ambient noise levels in excess of standards. ~~The Proposed Project would include the construction of two marsh-pond complexes that would house native fish to create an approximately 145-acre Project site.~~ The total Proposed Project footprint, including the marsh-pond complexes, associated staging areas, water distribution system, and access roads, would be up to 25 acres. Construction of the Proposed Project is expected to take place with Phase I starting in spring 2023 and lasting for approximately 2 months. If Phase I is successful, Phase II construction would start in spring 2024 and last for approximately 2 months. Operation and maintenance of the Proposed Project would not generate a permanent increase in ambient noise levels. Therefore, when considering noise that could exceed standards established in the local general plan or noise ordinance, only temporary construction noise generated by the Proposed Project would apply.

### Page 79:

**Agriculture and Forestry Resources.** The Project site is designated as Prime Farmland. ~~The Proposed Project covers approximately 145 acres across two parcels and involves two marsh-pond complexes where research can occur.~~ The total Proposed Project footprint, including the marsh-pond complexes, associated staging areas, water distribution system, and access roads, would be up to 25 acres, or .006 percent of farmland acreage in the Delta. The Proposed Project would last approximately 5 years with the option to extend longer; however, the Proposed Project would not be permanent or result in the conversion of Prime Farmland, Unique Farmland, or Farmland of Statewide Importance. The Proposed Project site is not under a Williamson Act contract. The Proposed Project site is not zoned as forest land or timberland or zoned for timberland production. Therefore, impacts related to agriculture would be less than significant. As such, cumulative impacts to agricultural resources would be less than significant. The Proposed Project would have no impact on forestry resources and thus would not contribute to cumulative impacts.

### Page 40:

In addition to the above revisions to the description of the Proposed Project, a reference to Mitigation Measure BIO-1, under the Mitigation Measure BIO-2, was incorrectly listed as BIO-2. It has been revised as follows.

#### **BIO-2 Special-Status Plant Species Avoidance and Minimization**

If federally listed, state listed, or California Rare Plant Rank 1B species are found during special-status plant surveys conducted pursuant to Mitigation Measure

~~BIO-2~~BIO-1, then avoidance measures shall be implemented to avoid impacting these plant species, if feasible. Rare plant occurrences that are not within the immediate disturbance footprint but are located within 50 feet of disturbance limits shall be protected at least 30 feet beyond their extent or other distance as approved by a monitoring biologist or have a suitable barrier, such as a bermed levee or bank, to protect them from harm. If avoidance of federally listed, state listed, or California Rare Plant Rank 1B plant species is not feasible, impacts shall be fully offset through implementation of a restoration plan that results in no net loss in accordance with Mitigation Measure BIO-3.

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# **Delta Smelt and Native Species Preservation Project**

## **Mitigation Monitoring and Reporting Program**

**The Metropolitan Water District of Southern California**

700 North Alameda Street

Los Angeles, CA 90012



Report No. 1659

*June 2023*

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## Mitigation Monitoring and Reporting Program

The Mitigation Monitoring and Reporting Program (MMRP) for the proposed Delta Smelt and Native Species Preservation Project (proposed Project) has been prepared in accordance with Public Resources Code Section 21081.6 and *State CEQA Guidelines* Section 15074(d). The Metropolitan Water District of Southern California (Metropolitan) will use this MMRP to track compliance with the required Project mitigation measures.

Metropolitan's Board of Directors will consider the MMRP during the meeting to adopt the Initial Study/Mitigated Negative Declaration (IS/MND). The MMRP will incorporate all mitigation measures adopted for the proposed Project. Metropolitan makes the finding that the measures included in the MMRP constitute changes or alterations that avoid or substantially lessen the potentially significant environmental effects of the proposed Project on the environment.

This MMRP contains mitigation commitments identified in the IS/MND. Table 1 provides the MMRP, which includes all mitigation measures, monitoring process, and monitoring timing. Metropolitan is the agency responsible for ensuring implementation of all mitigation measures. Impacts and mitigation measures are presented in the same order as in the IS/MND. The columns in the table provide the following information:

- **Mitigation Measures:** This column indicates the action(s) that will be taken to reduce the impact to a less-than-significant level.
- **Responsible Party:** This column indicates the party who must ensure each mitigation measure is implemented and that monitoring and reporting activities occur.
- **Timing of Implementation:** This column indicates the general schedule for conducting each monitoring task, either during the design phase, prior to construction, during construction, and/or after construction.
- **Implementation Party:** This column lists the party responsible for implementing the mitigation measure.

DELTA SMELT AND NATIVE SPECIES PRESERVATION PROJECT  
MITIGATION MONITORING AND REPORTING PROGRAM

**Table 1 Mitigation Monitoring and Reporting Program**

Mitigation Measure	Responsible Party	Timing of Implementation	Implementation Party	Comments	Initials/Date
<b>Biological Resources</b>					
<b>BIO-1 Special-Status Plant Species Surveys</b>					
Surveys for special-status plants shall be completed within 2 years of the start of construction activities, including any vegetation removal, grubbing, or staging and mobilization. The surveys shall be seasonally timed to coincide with the target species identified in Appendix C. All plant surveys shall be conducted by a monitoring biologist no more than 2 years before initial ground disturbance associated with construction activities and shall cover the entire area proposed for disturbance (including areas for staging and mobilization). All special-status plant species identified on-site shall be mapped onto a site-specific aerial photograph and topographic map. Surveys shall be conducted in accordance with the most current protocols established by the CDFW and USFWS. If federally listed, state listed, or California Rare Plant Rank 1B species are found, avoidance and minimization measures shall be implemented in accordance with Mitigation Measure BIO-3.	Metropolitan	Implement during appropriate blooming period and prior to commencement of construction activities.	Metropolitan Qualified biologist		
<b>BIO-2 Special-Status Plant Species Avoidance and Minimization</b>					
If federally listed, state listed, or California Rare Plant Rank 1B species are found during special-status plant surveys conducted pursuant to Mitigation Measure BIO 1, then avoidance measures shall be implemented to avoid impacting these plant species, if feasible. Rare plant occurrences that are not within the immediate disturbance footprint but are located within 50 feet of disturbance limits shall be protected at least 30 feet beyond their extent or other distance as approved by a monitoring biologist or have a suitable barrier, such as a bermed levee or bank, to protect them from harm. If avoidance of federally listed, state listed, or California Rare Plant Rank 1B plant species is not feasible, impacts shall be fully offset through implementation of a restoration plan that results in no net loss in accordance with Mitigation Measure BIO-3.	Metropolitan	Implement prior to commencement of construction activities.	Metropolitan Qualified biologist		



DELTA SMELT AND NATIVE SPECIES PRESERVATION PROJECT  
MITIGATION MONITORING AND REPORTING PROGRAM

Mitigation Measure	Responsible Party	Timing of Implementation	Implementation Party	Comments	Initials/Date
<b>BIO-3 Special-Status Plant Species Revegetation</b>					
<p>If avoidance of state listed, federally listed, or California Rare Plant Rank 1B species is not feasible, the individuals shall be transplanted, and surrounding topsoil shall be salvaged to be incorporated into the revegetation process for the site. A special-status plant restoration plan shall be prepared and implemented that includes the following criteria at minimum:</p> <ul style="list-style-type: none"> <li>■ The number of specimens affected for each species</li> <li>■ Identification of on-site or off-site preservation location(s)</li> <li>■ Methods for restoration, enhancement, and/or transplanting, including topsoil salvage and planting seeds of the affected species</li> <li>■ A performance standard replacement ratio of 1:1 per impacted specimen to be achieved within 3 to 5 years</li> <li>■ Monitoring of on-site and off-site preservation location(s) to verify performance shall occur in conjunction with special-status plant growing seasons, and no less than annually until performance standards are achieved</li> </ul>	Metropolitan	<p>Prepare special-status plant restoration plan prior to commencement of construction activities. Implement transplant and topsoil salvage during construction activities. Implement special-status plant restoration plan following completion of construction activities.</p>	Metropolitan Qualified biologist Project Contractor Project Contractor		
<b>BIO-4 Special-Status Wildlife Species Surveys</b>					
<p>Prior to the start of construction, Metropolitan shall conduct general pre-construction wildlife surveys. Pre-construction surveys for special-status species with moderate to high potential to occur shall be conducted where suitable habitat is present not more than 72 hours prior to the start of construction activities or maintenance activities that require vegetation removal during the nesting or giant garter snake active season. The pre-construction survey area shall include the Proposed Project area and all ingress/egress routes, plus a 200-foot buffer. If the results of the site-specific pre-activity surveys determine a candidate, sensitive, or special-status species identified in local or regional plans, policies, or regulations is present within a 200-foot buffer of the Project area, implementation of appropriate avoidance measures shall be required in accordance with Mitigation Measure BIO-5.</p>	Metropolitan	<p>Implement pre-construction surveys not more than 72 hours prior to start of construction activities.</p>	Metropolitan Qualified biologist		

DELTA SMELT AND NATIVE SPECIES PRESERVATION PROJECT  
MITIGATION MONITORING AND REPORTING PROGRAM

Mitigation Measure	Responsible Party	Timing of Implementation	Implementation Party	Comments	Initials/Date
<b>BIO-5 Special-Status Wildlife Species Avoidance and Minimization</b>					
<p>If the results of the pre-activity surveys conducted pursuant to Mitigation Measure BIO-4 determine a candidate, sensitive, or special-status species identified in local or regional plans, policies, or regulations is present within a 200-foot buffer of the Proposed Project area, Metropolitan shall develop and implement appropriate avoidance measures listed below and in BIO 6 and 7. Avoidance measures may include but are not limited to:</p> <p>Installation of Environmentally Sensitive Area/avoidance fencing</p> <ul style="list-style-type: none"> <li>■ Flagging or fencing of any special-status species burrows by a monitoring biologist to ensure avoidance during Project activities</li> <li>■ Monitoring by a monitoring biologist during all initial ground disturbing activities. Once initial ground disturbing activities have been completed, the biologist shall conduct daily pre-activity clearance surveys, as necessary</li> <li>■ If at any time during Project construction or maintenance activities, a special-status species enters the Project area or otherwise may be impacted by the Project, all activities at the area where the find occurred shall cease. At that point, a monitoring biologist shall be consulted and recommend an appropriate course of action</li> </ul>	Metropolitan	Implement prior to and during construction activities.	Metropolitan Qualified biologist		
<b>BIO-6 Giant Garter Snake Avoidance and Minimization</b>					
<p>The Proposed Project area provides marginal habitat for giant garter snake. However, suitable habitat occurs within 200 feet of the Proposed Project area. Thus, Metropolitan proposes to implement standard avoidance and minimization measures during construction activities. The following measures shall be implemented to avoid impacts to giant garter snake:</p> <ul style="list-style-type: none"> <li>■ Confine movement of heavy equipment to existing roadways to minimize habitat disturbance. Maintain a speed limit of 10 mph on all roadways within the construction area.</li> <li>■ Check under all equipment and materials prior to moving them. Do not store construction materials or stockpiles within 200 feet of giant garter snake habitat.</li> <li>■ All construction activities that occur within 200 feet of giant garter snake habitat shall occur between May 1 and October 1. This is the active period for giant garter snakes and direct</li> </ul>	Metropolitan	Implement 24 hours prior to construction activities. Survey of the proposed Project area shall be repeated if a lapse in construction activity of 2 weeks or greater has occurred.	Metropolitan Qualified biologist		

DELTA SMELT AND NATIVE SPECIES PRESERVATION PROJECT  
MITIGATION MONITORING AND REPORTING PROGRAM

Mitigation Measure	Responsible Party	Timing of Implementation	Implementation Party	Comments	Initials/Date
<p>mortality is lessened, because snakes are expected to actively move and avoid danger.</p> <ul style="list-style-type: none"> <li>■ If dewatering is necessary, Metropolitan shall dewater construction areas that could provide aquatic habitat for giant garter snakes to the extent feasible. Any dewatered aquatic habitat shall be kept dry for at least 15 consecutive days before conducting construction activities. If 15 consecutive days is not feasible then Metropolitan shall consult with the USFWS to apply appropriate measures. If dewatering cannot remove all water, potential giant garter snake prey (i.e., fish and tadpoles) would be removed so that giant garter snakes and other wildlife are not attracted to the construction area. The connection of the marsh-pond complex to the existing agricultural ditch requires temporary disturbance of potentially suitable aquatic habitat. These areas are small (generally less than 0.02 acre) and construction-related activities generally require 1 day. Since implementation of the 15-day dewatering period in these scenarios necessitates fill in multiple locations and a culvert or pumping/ piping system in the surrounding upland area to reroute irrigation or drainage water, resulting in more disturbance to potential aquatic habitat than the primary fill itself, a modification is proposed. This includes conducting a preconstruction survey; having a Service-approved biological monitor oversee initial ground disturbance in suitable upland habitat and thereafter be available during work; if limited dewatering is necessary, concentrating dewatering to pump water out of the area; and requiring that biological monitor checks the dewatered area for the snake and prey, and relocates prey species out of the work area.</li> <li>■ Confine clearing to the minimal area necessary to facilitate construction activities. Flag and designate avoided giant garter snake habitat within or adjacent to the Proposed Project area as Environmentally Sensitive Areas.</li> <li>■ Construction personnel shall receive worker environmental awareness training. This training shall instruct workers to recognize giant garter snakes and their habitat(s).</li> <li>■ 24 hours prior to construction activities, the Proposed Project area shall be surveyed for giant garter snakes. Survey of the Proposed Project area shall be repeated if a lapse in construction activity of 2 weeks or greater has occurred.</li> </ul>					

DELTA SMELT AND NATIVE SPECIES PRESERVATION PROJECT  
MITIGATION MONITORING AND REPORTING PROGRAM

Mitigation Measure	Responsible Party	Timing of Implementation	Implementation Party	Comments	Initials/Date
<ul style="list-style-type: none"> <li>■ If a snake is encountered during construction, activities shall cease until appropriate corrective measures have been completed or it has been determined that the snake would not be harmed.</li> <li>■ After completion of construction activities, all temporary construction debris and materials shall be removed, and habitat within temporary impact areas would be restored to pre-Project conditions.</li> </ul>					
<b>BIO-7 Northwestern Pond Turtle Avoidance and Minimization</b>					
Metropolitan shall implement the following measures to avoid and minimize effects on northwestern pond turtle:	Metropolitan	Implement 7 days prior to commencement of construction activities.	Metropolitan	Qualified biologist	
<ul style="list-style-type: none"> <li>■ A qualified biologist shall conduct a pre-construction survey within 7 days before the start of Project activities. If no northwestern pond turtles are observed, Metropolitan would document that information for the file, and no additional measures shall be required.</li> <li>■ Should any northwestern pond turtles be detected on land during the pre-construction survey, the qualified biologist would identify the location using GPS coordinates. The qualified biologist may relocate any northwestern pond turtles found on land or in aquatic habitat within the construction footprint to suitable aquatic habitat at least 200 feet away from the construction footprint.</li> <li>■ If northwestern pond turtles are observed on land within the construction footprint during construction activities, Metropolitan would stop work within approximately 200 feet of the turtle, and a qualified biologist would be notified immediately. If possible, the turtle would be allowed to leave on its own and the qualified biologist would remain in the area until the biologist deems his or her presence no longer necessary to ensure that the turtle is not harmed. Alternatively, the qualified biologist may capture and relocate the turtle unharmed to suitable habitat at least 200 feet outside the construction footprint. If a northwestern pond turtle nest is unintentionally uncovered during construction activities, work would stop in the vicinity of the nest until a qualified biologist could evaluate the situation and notify the appropriate agencies.</li> </ul>					

DELTA SMELT AND NATIVE SPECIES PRESERVATION PROJECT  
MITIGATION MONITORING AND REPORTING PROGRAM

Mitigation Measure	Responsible Party	Timing of Implementation	Implementation Party	Comments	Initials/Date
<b>BIO-8 Nesting Birds Avoidance and Minimization</b>					
<p>To avoid and minimize effects on nesting birds and achieve compliance with the Migratory Bird Treaty Act and California Fish and Game Code Sections 3503, 3503.5, and 3513, Metropolitan shall implement the following measures:</p> <ul style="list-style-type: none"> <li>■ Where feasible, construction and maintenance activities that have the potential to affect special-status nesting birds and common nesting birds shall occur at times of the year when adverse effects on those species would be avoided. If activities are conducted outside the nesting seasons no additional measures are required to mitigate adverse effects on nesting birds.</li> <li>■ If construction is scheduled to occur during the nesting season, a breeding season survey for nesting birds shall be conducted by a qualified biologist for all vegetation to be removed, harvested or disturbed that are located within 500 feet of construction activities, including grading. Swainson's hawk surveys shall be completed during at least two of the following survey periods: January 1 to March 20, March 20 to April 5, April 5 to April 20, and June 10 to July 30. An area with a radius of 0.5 miles from construction activities shall be surveyed for Swainson's hawk nests. No fewer than three surveys shall be completed in at least two survey periods, and at least one of these surveys would occur immediately before Proposed Project initiation (SWHA Technical Advisory Committee 2000).</li> <li>■ Western burrowing owl surveys shall follow suggested guidelines set forth in CDFW's <i>Staff Report on Burrowing Owl Mitigation</i> such as prior to the start of construction a biologist should conduct three or more daytime survey visits at least 3 weeks apart during the peak of breeding season from April 15 to July 15 or 4 surveys spread evenly throughout the non-breeding season (CDFW 2012). Other migratory bird nest surveys could be conducted concurrent with Swainson's hawk surveys, with at least one survey to be conducted no more than 48 hours from the initiation of Proposed Project activities to confirm the absence of nesting. If the biologist determines that the area surveyed does not contain any active nests, construction activities, including removal or pruning of trees and shrubs, could commence without any further mitigation. If at any time</li> </ul>	Metropolitan	Conduct surveys prior to the start of construction during nesting season.	Metropolitan Qualified biologist		

DELTA SMELT AND NATIVE SPECIES PRESERVATION PROJECT  
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Mitigation Measure	Responsible Party	Timing of Implementation	Implementation Party	Comments	Initials/Date
<p>during the nesting season construction stops for a period of 2 weeks or longer, pre-construction surveys would be conducted before construction resumes. If construction occurs outside the nesting window for burrowing owls, a pre-construction survey shall be conducted to ensure no burrowing owls are present.</p> <ul style="list-style-type: none"> <li>■ If nesting birds have been identified within or adjacent to the construction footprint, Metropolitan would establish appropriate avoidance buffers (50 feet for passerines, 300 feet for raptors <i>except Swainson's hawk and burrowing owls</i>, and 200 feet for heron or egret rookeries). Reduced buffers may be implemented if recommended by the monitoring biologist. Buffers would be marked in the field by a qualified biologist using temporary fencing, high-visibility flagging, or other means that are equally effective in clearly delineating the buffers. The specific buffer distance for Swainson's hawk is 0.25 miles, and buffer distances for burrowing owl, which vary depending on time of year and level of disturbance, are presented in <b>Table 3.4-2</b> in the IS/MND, in accordance with CDFW's <i>Staff Report on Burrowing Owl Mitigation</i> (CDFW 2012). Reduced buffers for Swainson's hawk and burrowing owl may be implemented if recommended by the monitoring biologist, due to the nature of the activity. Any needed burrowing owl exclusion and burrow closure would occur during the non-breeding season only, following the methodology in the CDFW Staff Report.</li> <li>■ To minimize and avoid the potential indirect impacts to lesser and greater sandhill crane that may occur within or adjacent to the Project area between September 15 through March 15, during roosting season, pre-activity surveys and an assessment of known roost sites shall be conducted within 0.25 miles of the Project area by a qualified biologist. If roost sites are identified within 0.25 miles of the Project area, the start of large equipment used for construction activities would be delayed to an hour after sunrise and stop an hour before sunset.</li> <li>■ Vegetation clearing and harvesting shall not be conducted during the nesting season (generally February 1 through September 15, depending on the species and environmental conditions for any given year) where feasible.</li> </ul>					

DELTA SMELT AND NATIVE SPECIES PRESERVATION PROJECT  
**MITIGATION MONITORING AND REPORTING PROGRAM**

Mitigation Measure	Responsible Party	Timing of Implementation	Implementation Party	Comments	Initials/Date
<b>BIO-9 Jurisdictional Waters Avoidance and Compensatory Mitigation</b>					
Metropolitan proposes to monitor tule growth for 1 year. As discussed in the Project Description, if 75 percent coverage in disturbed areas has not been met within 365 days of the end of construction, Metropolitan would reassess unvegetated areas and would monitor for another year, with optional replanting. If 75 percent coverage is not met at the end of year two, Metropolitan will replant the disturbed area with appropriate native vegetation.	Metropolitan	Implement monitoring following completion of construction activities. If needed, implement replanting after end of year 2 to achieve coverage	Metropolitan Qualified biologist Restoration Contractor		

DELTA SMELT AND NATIVE SPECIES PRESERVATION PROJECT  
MITIGATION MONITORING AND REPORTING PROGRAM

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One Water and Stewardship Committee

# Adopt Mitigated Negative Declaration for Delta Smelt and Native Species Preservation Project

Item 7-8

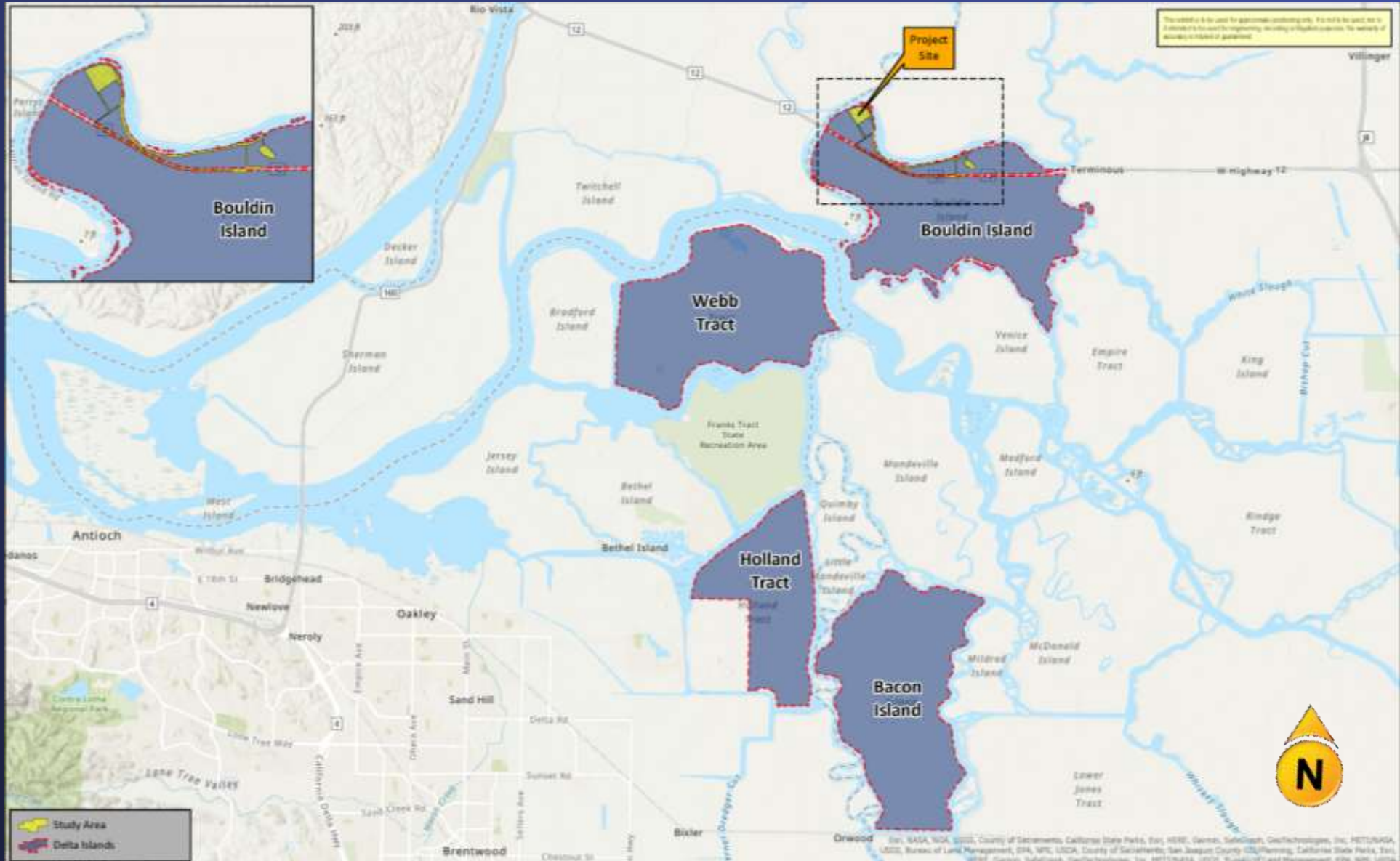
June 12, 2023

## Delta Smelt and Native Species Preservation Project

### Current Action

- Adopt Mitigated Negative Declaration for Delta Smelt and Native Species Preservation Project
- No funds required

# Project Location



# Delta Smelt and Native Species Preservation Project



## Background

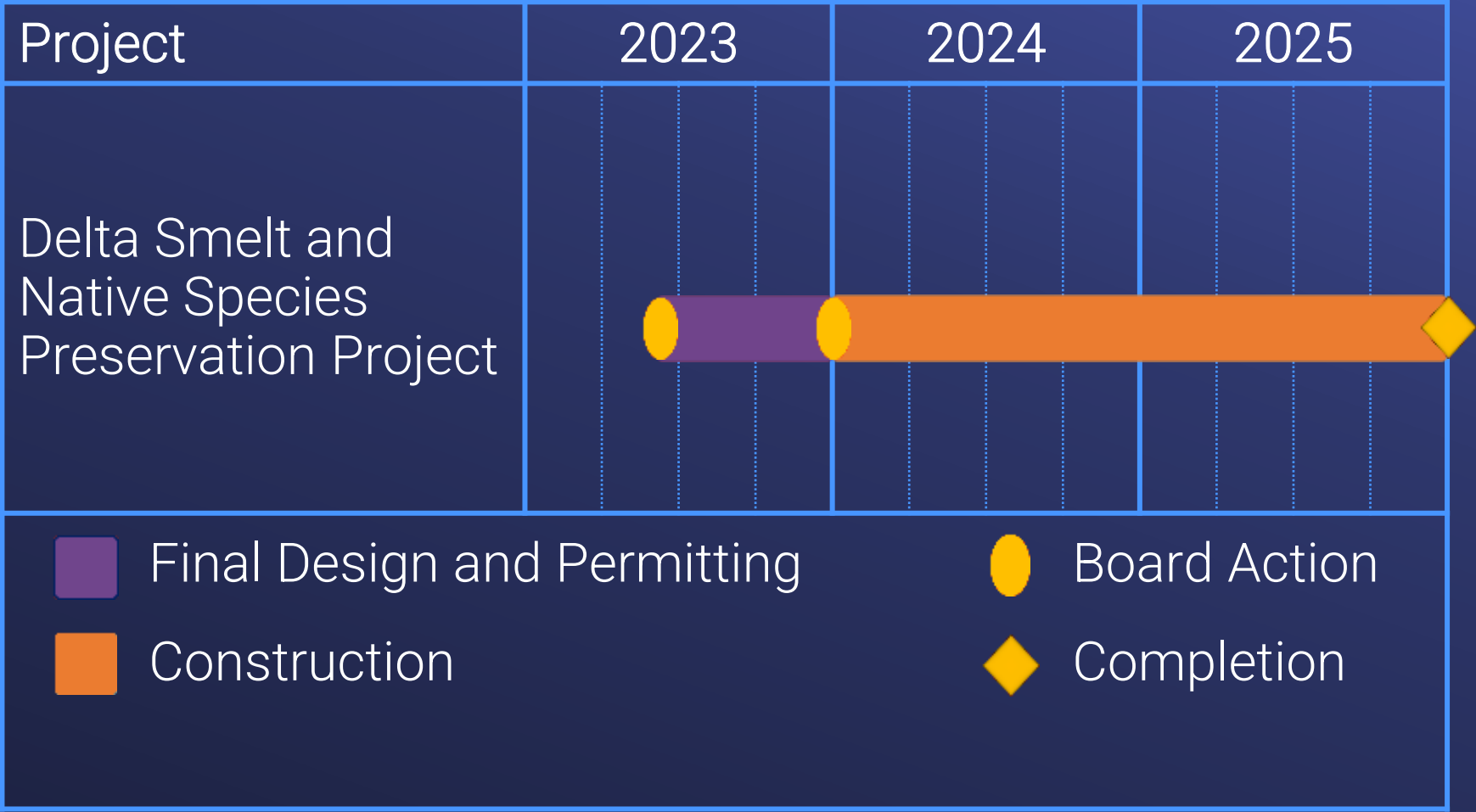
- Delta smelt and native species research
- Interagency cooperation
  - USFWS, DWR, CDFW, USGS

## Delta Smelt and Native Species Preservation Project

### Adopt Mitigated Negative Declaration

- Evaluated activities
  - Marsh-pond complexes
  - Tule harvest area
  - Access roads
  - Operations and maintenance of facilities
- Biological Resources impacts
  - Less Than Significant with mitigation
- Public Comment Letters

# Project Schedule





# Board Options

- Option #1
  - Adopt Mitigated Negative Declaration for the Delta Smelt and Native Species Preservation Project and take related CEQA actions
- Option #2
  - Do not adopt the Mitigated Negative Declaration at this time

# Staff Recommendation

- Option #1







One Water and Stewardship Committee

# Update on Metropolitan's Groundwater Storage and Delivery Programs

Item 7a

June 12, 2023

## Background



# Water Surplus and Drought Management

- Diverse portfolio of groundwater and supply management programs
  - Out-of-region
    - Groundwater Storage
  - In-region
    - Cyclic Storage
    - Cost-Offset Program
    - Conjunctive Use Program
  - Supply management
    - Operational Shift Cost Offset Program
    - Reverse Cyclic Program



# Groundwater Storage Programs



# Out-of-Region Programs Groundwater Storage



## Storage Program Summary

Storage Program	Max Storage (AF)	Max Put/ Take (AFY)	Current Storage (AF)	Issues/Considerations
Semitropic	350,000	90,500/ 38,200*	144,000	Delivering water for storage
Kern Delta	250,000	50,000/ 50,000	126,000	Kern Delta capacity to store for MWD is reduced due to high flows from the Kern River
Arvin-Edison	350,000	45,000/ 75,000	100,000	Unable to store water due to water quality issues
Antelope Valley-East Kern	30,000	30,000/ 30,000	27,000	No planned deliveries. Working to deliver water to HDWB program.
AVEK High Desert Water Bank (HDBW)	280,000	70,000/ 70,000	0	Under construction. Tentatively scheduled to start storing water in July 2023
Mojave	330,000	Mutual agreement/ 72,000	19,000	Unable to store water

\*during low SWP allocation

## In-Region Programs

## In-Region Programs

Metropolitan tools help manage supplies locally during wet, surplus, and dry years



### In-Region

Conjunctive  
Use Program  
(CUP)

Cyclic Program

Cyclic Cost-  
Offset Program  
(CCOP)

### Supply Management

Operational  
Shift Cost-  
Offset Program  
(OSCOF)

Reverse Cyclic  
Program  
(RCP)

# Conjunctive Use Program



- Began in 1995 with the Las Posas Program
  - Las Posas Program mutually ended in 2011
- Expanded CUP Program in 2000
  - About \$72M in funding for facility improvements
    - \$45M in Prop 13
    - \$27M in MWD Funds
  - Nine (9) agreements
    - ✓Compton    ✓Chino    ✓Elsinore    ✓Foothill    ✓Lakewood
    - ✓Long Beach    ✓Live Oak    ✓Orange    ✓Upper Claremont
- Current capacity of CUP Program:
  - 212,000 AF Total Storage
  - 70,000 AF of Dry Year Yield





# Cyclic Program



- Pre-delivery of surplus supplies, for purchase at full-service rate in later years
  - Agreements establish Metropolitan-Member agency cyclic account
    - Eleven (11) active agreements
    - 24,000 acre-feet balance as of Jan. 2023
    - 545,000 acre-feet total capacity in-region
  - Two methods of delivery: **Direct and In-Lieu**
  - Metropolitan working to maximize puts to cyclic accounts
    - 141,000 acre-feet planned in 2023, including 29,000 AF with cost-offset credit
- |                     |                                   |  |
|---------------------|-----------------------------------|--|
| ✓ City of Burbank   | ✓ Western MWD                     | ✓ San Diego County Water Authority                       |
| ✓ City of Pasadena  | ✓ Eastern MWD                     | ✓ Upper San Gabriel Valley MWD                           |
| ✓ Calleguas MWD     | ✓ Municipal Water District of OC* | ✓✓ Rancho California Water District via EMWD and/or WMWD |
| ✓ Three Valleys MWD |                                   |  |



# Cyclic Cost-Offset Program (CCOP)



## CCOP Board Authorization

- Board authorization in April 2019
- General Manager authority to:
  - Issue cost offset in a form of a credit to member agencies to capture additional water in cyclic accounts when:
    - Risk of not capturing all available imported supplies
    - Member agency takes action and incurs costs to accept cyclic deliveries at Metropolitan's request
    - Captured supplies are above baseline operations

# Cyclic Cost-Offset Program (CCOP)

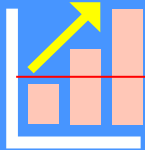


- Nine (9) agreements and drafting new agreements with three (3) member agencies
  - Establish operating plans with member agencies
  - Member agency takes action and incurs costs to accept cyclic deliveries at Metropolitan's request
  - Deliver water when needed
  - Regularly report to the OWS committee
- Coordinating pre-deliveries with member agencies
  - Plan to deliver 29,000 acre-feet
  - Additional deliveries expected

# CCOP Process

## Determining Need

Supplies Exceed  
Storage Management  
Availability



## Initializing Credits

GM Initiated CCOP on  
April 15, 2023



## Report to Board

- Conditions that led to action
- Provide delivery estimates
- Option for Board to stop CCOP

May 8, 2023  
OWS Committee



## Certification & Reconciliation

- Agency must accept surplus supplies above baseline
- Decrease local supply production
- Metropolitan Staff review costs incurred by agency
- Deliveries must be certified monthly and reconciled annually

## Ending Credits

General Manager stops  
CCOP when regional  
supplies are no longer  
at risk



When would  
CCOP credit  
be made  
available to  
offset  
Member  
Agency  
costs?











Need for additional  
management actions

- Short-term actions for temporal conditions (e.g., Article 21 supplies)
- Long-term actions for conditions when supplies expected to exceed both demand and other storage management actions

# In-Region Program Component

CUP

Cyclic + CCOP

	Agreement Terms	25 years	10 years
	Contractually Determined Puts	212,000 AF capacity	545,000 AF capacity
	Contractually Determined Takes	70,000 AF	✗
	Metropolitan Calls on Puts/Takes	✓	✗
	Billed at full-service rate	Upon extraction, unless agreement includes a buyback provision. No capacity charge.	At time of purchase, per purchase schedule. No capacity charge.
	Metropolitan offsets costs	During take years: pumping credit to offset O&M, power, and treatment costs (average \$312/AF) and watermaster fee (\$6/AF)	<u>CCOP</u> of up to \$264/AF and evaporative losses of up to 5% for two (2) years. Five (5) year purchase schedule.
	Considered in the Water Supply Allocation	✓	✗
	Metropolitan provided funding for infrastructure updates	~\$72 Million	✗

# Dry-Year Supply Management

## In-Region Programs

Operational Shift  
Cost-Offset  
Program  
(OSCOP)

Reverse Cyclic  
Program  
(RCP)





# Operational Shift Cost- Offset Program



Shaded regions illustrate reduced SWP use  
after shifting to CRW connections








- Shift demands from State Water Project (SWP) to Colorado River Water (CRW) to preserve SWP supplies
- Agreements between Metropolitan and Member agencies
  - ✓ City of Los Angeles
  - ✓ TVMWD
  - ✓ USGVMWD and CBMWD
  - ✓ City of Santa Monica
  - ✓ EMWD
- Issue credits for costs incurred by member agency operational changes to accommodate Metropolitan
- **Performance based:** Credit keyed to treatment surcharge and up to \$5/AF for additional costs to manage shift
  - **87,000 AF shifted, May 2021 to March 2023**

# Reverse Cyclic Program

- Program offered only in CY 2022
- Agreement between Metropolitan and member agencies
  - ✓ USGVMWD    ✓ TVMWD    ✓ Calleguas MWD
- Pre-sale water at the 2022 full-service rate for deferred delivery in future at Metropolitan's discretion
  - 25,000 acre-feet purchased in 2022
- Metropolitan will deliver water to the member agency no later than 5 full calendar years from date of purchase
  - No losses will be associated with deliveries





In-Region Program Component	Operational Shift Cost-Offset	Reverse Cyclic
 Agreement Terms	CYs 2021, 2022, 2023	CY 2022
 Billed at full-service rate	At time of delivery. No capacity charge.	Billed in CY 2022. No capacity charge.
 Metropolitan cost offset	Up to treatment surcharge + \$5/AF	Member agency pays 2022 rate for future deliveries
 Certification and reconciliation procedures		
 Supply management action to preserve SWP supplies	Shift from SWP supplies to Colorado River supplies	Defer delivery: Metropolitan will deliver water no later than five (5) full calendar years from the date of purchase

# Programs Help Improve Regional Supply Reliability

## Next Steps

- Next workshop with groundwater agencies and Watermasters on **June 28, 2023**
- Metropolitan/member agency partnerships help increase the amount of water brought to the region
  - **Supplies managed locally**
    - Dry-years
    - Emergencies
- Developing recommendations for changes to the CCOP, which offsets member agency costs incurred to take action for Metropolitan
  - **Action Item for August Board**



Out-of-Region  
Programs  
Groundwater  
Storage



## Semitropic Program

Return Capability: Exchange and direct pump back

Storage Max: 350,000 acre-feet

Put: 90,500 acre-feet per year

Take: 38,200 acre-feet per year during low SWP allocation

Current Storage: ~144,000 acre-feet

Agreement Termination: November 2035

Status: Currently delivering water for storage

Out-of-  
Region  
Programs  
Groundwater  
Storage



## Kern Delta Program

Return Capability: Exchange and limited direct pump-back

Storage Max: 250,000 acre-feet

Put: 50,000 acre-feet per year

Take: 50,000 acre-feet per year

Current Storage: ~126,000 acre-feet

Agreement Termination: December 2029

Status: Unable to store due to high flows from the Kern River



## Out-of-Region Programs Groundwater Storage



### Arvin-Edison Program

Return Capability: Exchange and direct pump back

Storage Max: 350,000 acre-feet

Put: 45,000 acre-feet per year

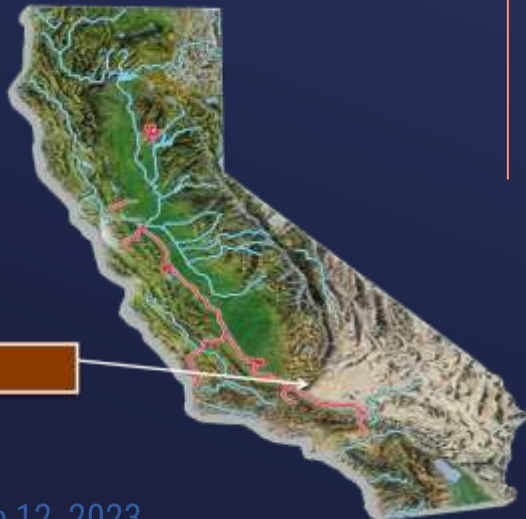
Take: 75,000 acre-feet per year

Current Storage: ~100,000 acre-feet

Agreement Termination: November 2035

Status: Unable to store due to water quality issues in the basin

Out-of-  
Region  
Programs  
Groundwater  
Storage



## Antelope Valley–East Kern Storage Program

Return Capability: Mainly exchange capability with SWP supplies

Storage Max: 30,000 acre-feet

Put: 30,000 acre-feet per year

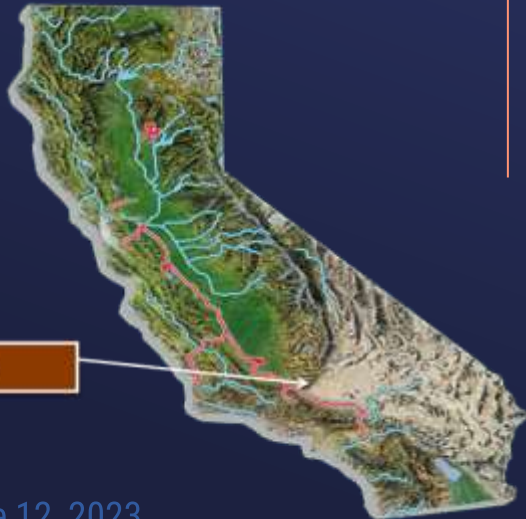
Take: 30,000 acre-feet per year

Current Storage: 27,000 acre-feet

Agreement Termination: December 2025

Status: No planned deliveries. Working to deliver water to HDWB program.

## Out-of-Region Programs Groundwater Storage



# Antelope Valley – East Kern High Desert Water Bank Program

Return Capability: Direct pump back

Storage Max: 280,000 acre-feet

Put: 70,000 acre-feet per year

Take: 70,000 acre-feet per year

Agreement Termination: September 2037

Status: Under construction

- Tentatively scheduled to deliver water for recharge in July 2023
- Returning to Board with an Action Item



## Out-of-Region Programs Groundwater Storage



### Mojave Program

Return Capability: Exchange only

Storage Max: 330,000 acre-feet

Put/Take Max: mutual agreement per year

Current Storage: ~19,000 acre-feet

Agreement Termination: December 2035

Status: Agency not accepting additional water to store



One Water and Stewardship Committee

# Update on Stormwater Activities

Item 7b

June 12, 2023

Stormwater Update

# Agenda

## Agenda

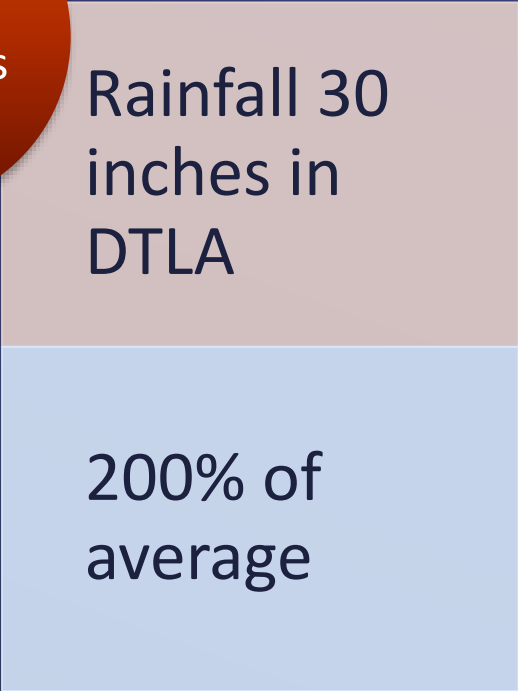
- Current Stormwater Conditions
- Update on Stormwater Pilot Programs
- Upcoming Stormwater Activities
- Regional Stormwater Planning

# Current Stormwater Conditions

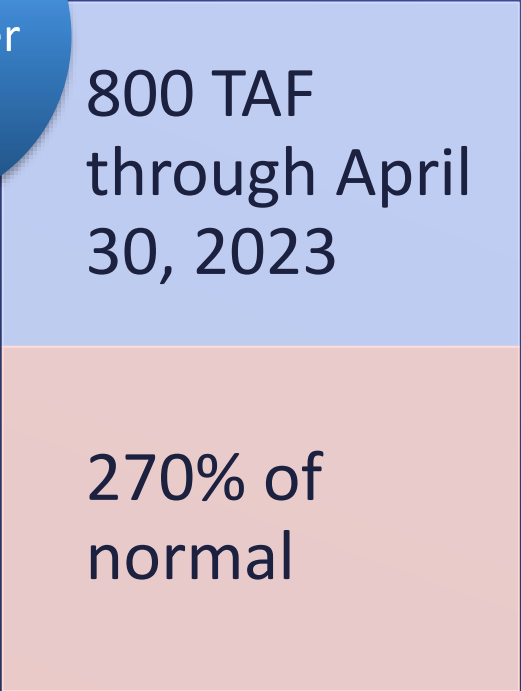


Santa Fe Spreading Grounds October 2022

Current  
Conditions

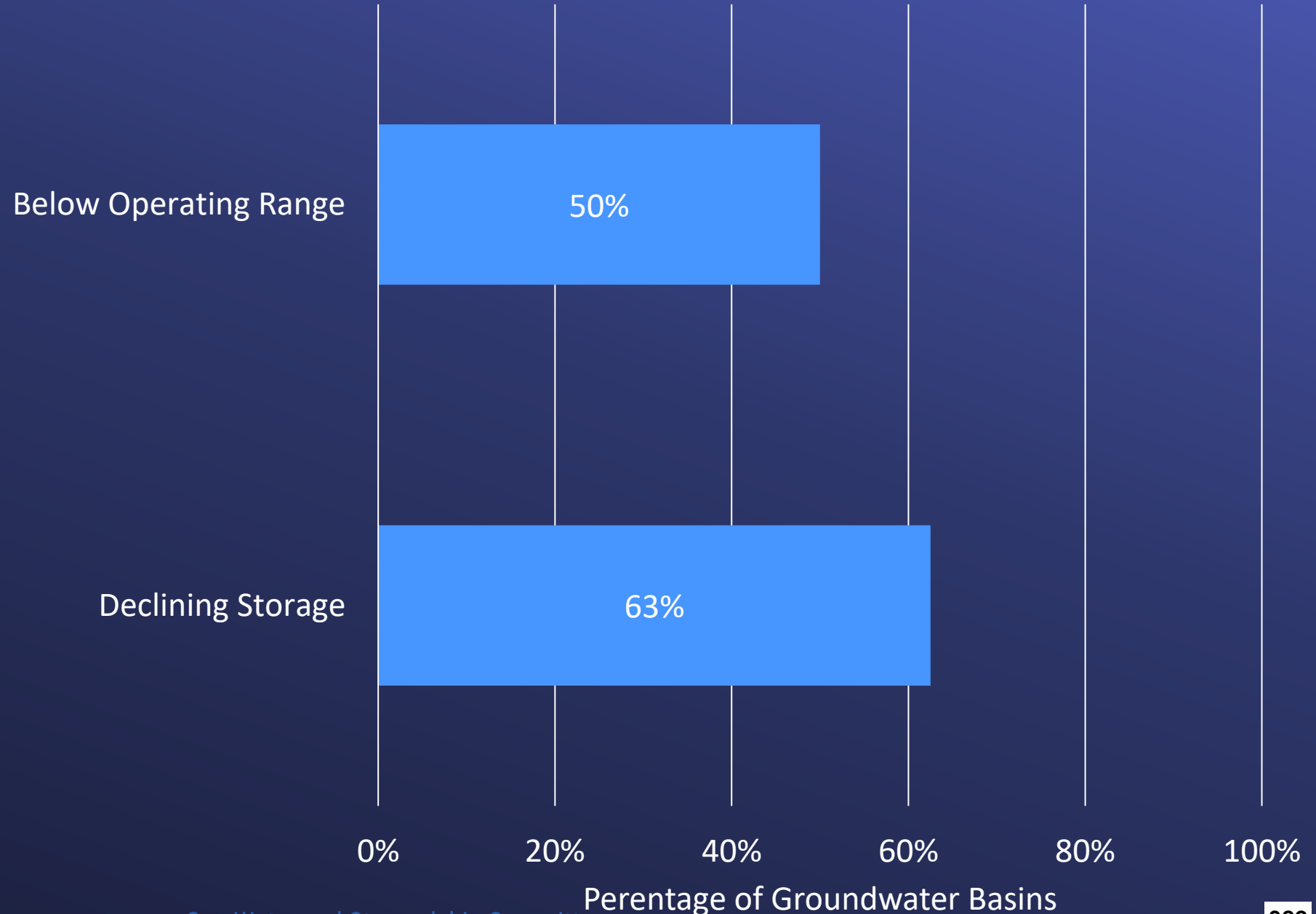


Active  
Stormwater  
Capture

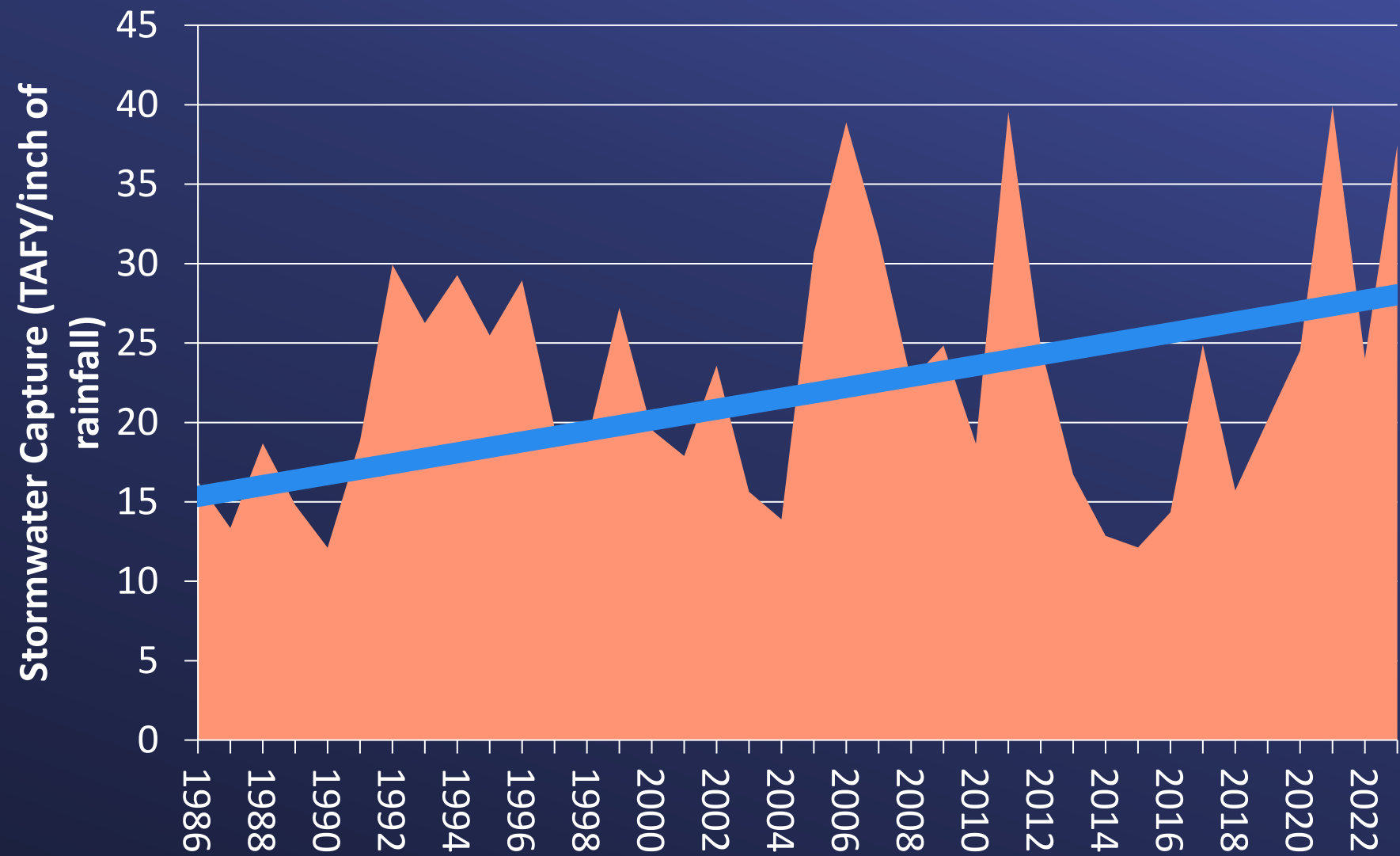


# Groundwater Current Groundwater Conditions

Groundwater storage has increased approximately 450,000 AF this water year. Despite favorable hydrologic conditions this year, groundwater basins in So Cal are still playing catch-up.



# Stormwater Capture Effectiveness has Increased 80 Percent since 1980s





# Stormwater Pilot Program Details

## Overview

The stormwater pilot program includes two pilots:

- Direct Use (\$5 million)
- Recharge (\$7.5 million)



Program approved in 2019  
\$12.5 million



Application period open  
January 2020 – December 2021



12 project applications received  
4 applicants withdrew. 6 approved.

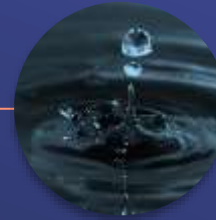


Total funding requested: \$5.3 M.

The pandemic had a significant impact on project development.

# Goals of the Stormwater Recharge Pilot

Monitoring  
data  
collection for  
3 years



Evaluate  
water supply  
benefit



Establish link between capture and  
increased groundwater production  
or reduced replenishment



Encourage  
robust long-  
term monitoring



Develop  
framework



# Stormwater Pilot Accomplishments

## IEUA and Chino Basin Water Conservation District

### Montclair Basins Improvement Project Ribbon Cutting



## Western MWD

### Victoria Basins Enhanced Monitoring Project Monitoring Installation Completed



# Near-Term Stormwater Partnerships Underway

## Caltrans

- **Pilot Study**  
Opportunities to collaborate for mutual benefit

## ARLA

- **Co-benefit Study**  
Co-benefits of stormwater capture in urban LA



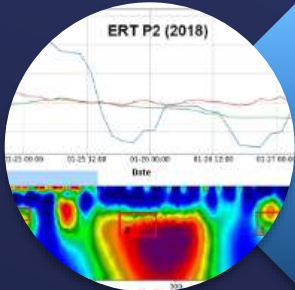
## Las Virgenes MWD

- **Pilot Study** Smart meters in combined sewer/stormwater systems
- **Multi-partner coalition**

# Upcoming Stormwater Actions



**Continue Near-Term Stormwater Partnership Development**



**Fund additional stormwater monitoring and recharge optimization using ERT (Electrical Resistivity Tomography)**



**Targeted Funding for Retrofit Projects**

**“Relaunch” stormwater pilot for retrofit projects only**

# Regional Stormwater Potential

Stormwater projects at each scale and associated co-benefits

## Centralized



### New centralized

- Gravel pits in MSG/SFV
- New Spreading Grounds



### Retrofit

- Deepen existing spreading basins not modified yet
- Rubber Dams



### Diversion to Wastewater

- LACSD Joint Plant from JOS
- Hyperion
- Las Virgenes
- Santa Monica

## Distributed



### Engineered Solutions

- Dry wells
- Underground infiltrator
- Cisterns
- Green Street

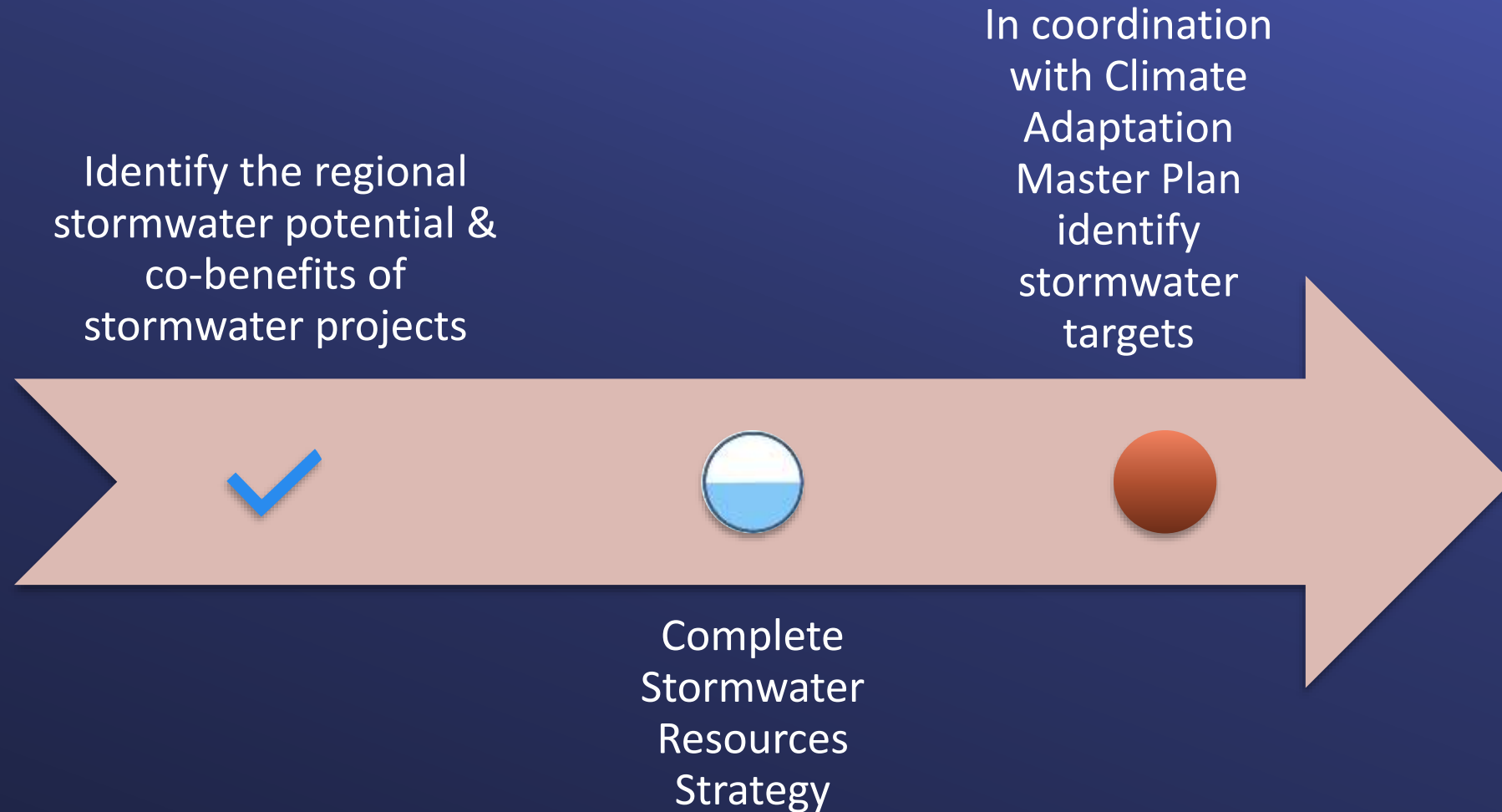


### Nature Based Solutions

- Landscape transformation
- Vegetative swales
- Rain gardens
- Infiltration trench
- Rooftop garden

# Input into Climate Adaptation Master Plan

## Regional Stormwater Planning









### ● **Water Surplus and Drought Management Update** *Conditions as of 5/18/2023*

#### **Summary**

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This report provides an accounting for water supply, demand, and storage conditions for calendar year (CY) 2023 as of May 18, 2023. This report also tracks the hydrologic conditions for water year (WY) 2022-2023. Updated supply and hydrologic information will be provided during the oral report in June.

On April 20, 2023, the California Department of Water Resources (DWR) increased the State Water Project (SWP) Table A allocation to 100 percent following the near record-breaking snowpack accumulation and projected runoff in the northern Sierra Nevada. The total available SWP supply is estimated at 2.05 million acre-feet (MAF) and shown in detail on page 3.

Metropolitan's Colorado River supply is currently estimated to be 997 thousand acre-feet (TAF). This reflects the United States Bureau of Reclamation's (USBR) daily forecast of water use for California's Colorado River water users for this year. Water usage by the higher priority water users impacts Metropolitan's supply. Metropolitan's combined SWP and Colorado River supplies are estimated to be 3.05 MAF for CY 2023.

The current trend demand on Metropolitan for CY 2023 is estimated to be 1.58 MAF and shown in detail on page 4. The supply-demand balance is estimated to be 1.47 MAF. Metropolitan will strive to manage all of these supplies this calendar year. For example, Metropolitan is refilling its storage accounts and continues to coordinate with member agencies and groundwater banking partners to assess delivery capabilities. Metropolitan will also deliver water to member agencies who deferred deliveries through the Reverse Cyclic Program and plans to pay back DWR all human health and safety supplies received to date (accumulated in CY 2022). In addition, Metropolitan will pre-deliver water to local storage managed by its member agencies through the Cyclic Program. Despite every effort to manage the available supply, as in past wet years with high SWP Table A allocations, a portion of the available SWP supply may remain unmanaged. Any supply left in the SWP system will help support future SWP allocations.

#### **Purpose**

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Informational

#### **Attachments**

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Attachment 1: Projected 2023 WSDM Storage Detail (100 percent SWP Table A allocation)

Attachment 2: Future Contributions and Obligations and Cyclic Program

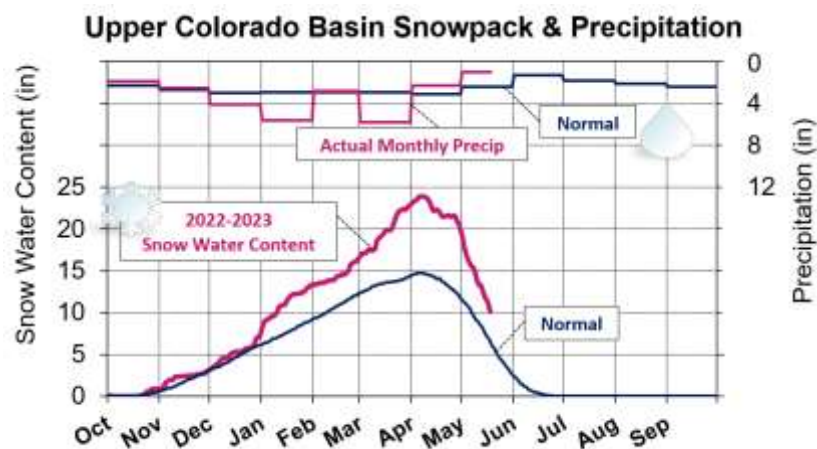
Attachment 3: Future Supply and Demand Gaps

#### **Detailed Report**

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This Water Surplus and Drought Management (WSDM) report provides the water supply and demand estimates for CY 2023 and hydrologic conditions for WY 2022-2023.

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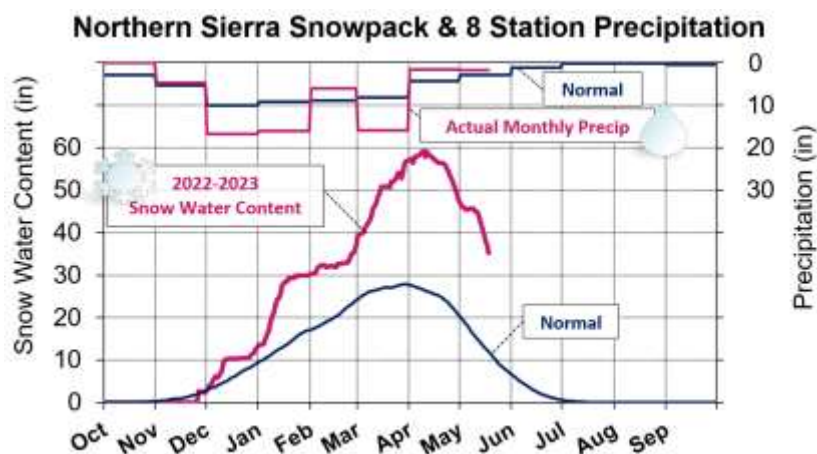
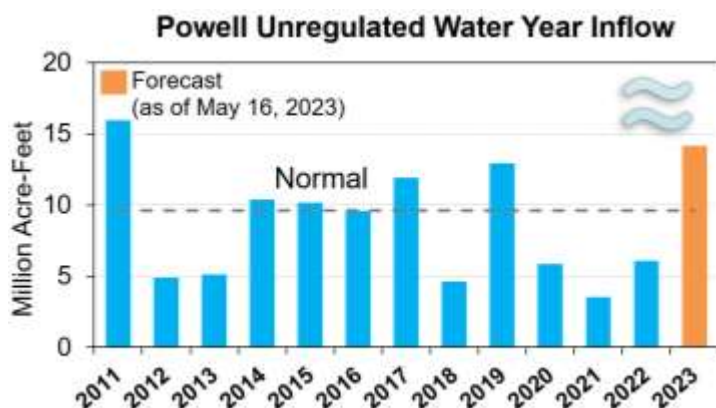


### Upper Colorado River Basin

\* Peak snowpack water content:  
23.9 inches or 165% of April 1 normal.

◆ Above normal precipitation to date:  
26.0 inches or 122% of normal for this date.

≈ Runoff into Lake Powell for WY 2023 is forecasted at 148% of normal.

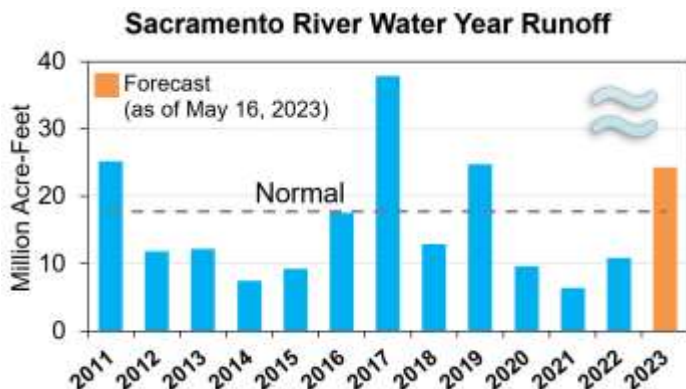


### Sacramento River Basin

\* Peak snowpack water content:  
59.1 inches or 199% of April 1 normal.

◆ Above normal precipitation:  
62.7 inches 117% of the water year normal.

≈ Runoff into the Sacramento River for WY 2023 is forecasted at 137% of normal.

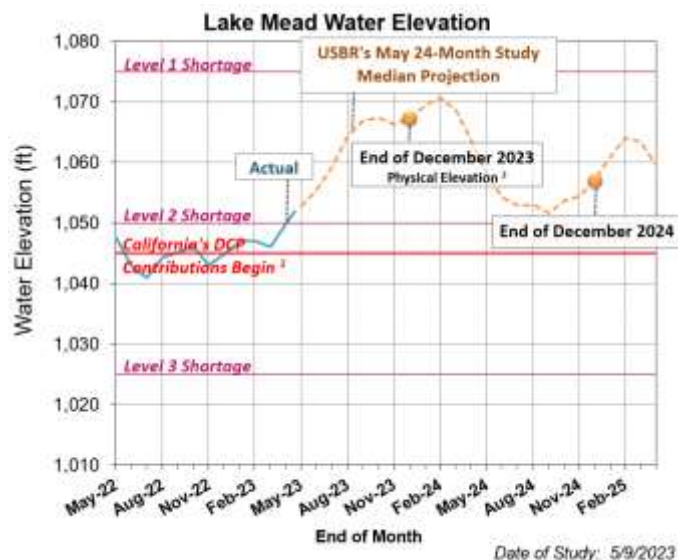




<b>CRA Supplies</b>	<b>Acre-Feet</b>
<i>Basic Apportionment</i>	550,000
<i>IID/ MWD Conservation Program</i>	105,000
<i>CVWD - 2nd Amendment, Exchange of Additional Water</i>	33,000
<i>PVID Following Program</i>	38,000
<i>Exchange w/ SDCWA (IID/Canal Lining)</i>	278,000
<i>Exchange w/ USBR (San Luis Rey Tribe)</i>	16,000
<i>Lower Colorado Water Supply Project</i>	9,000
<i>Bard Seasonal Following Program</i>	5,000
<i>Quechan Diversion Forbearance</i>	0
<i>Quechan Seasonal Following Program</i>	0
<i>Higher Priority Water Use Adjustment</i>	-37,000
<b>Total CRA Supplies <sup>1,2</sup></b>	<b>997,000</b>

<sup>1</sup> Per USBR Forecast (5/16/23).

<sup>2</sup> Total may not sum due to rounding.



<sup>1</sup> Metropolitan would be required to make Drought Contingency Plan (DCP) contributions in 2024 if the August 2023 24-month Study projects Lake Mead's elevation is at or below 1,045 feet on 1/1/2024.

<sup>2</sup> USBR has reverted to determining operational tiers based on projected physical reservoir elevations, rather than the projected operationally neutral elevations, as the water previously retained in Lake Powell will be released to Lake Mead this calendar year.

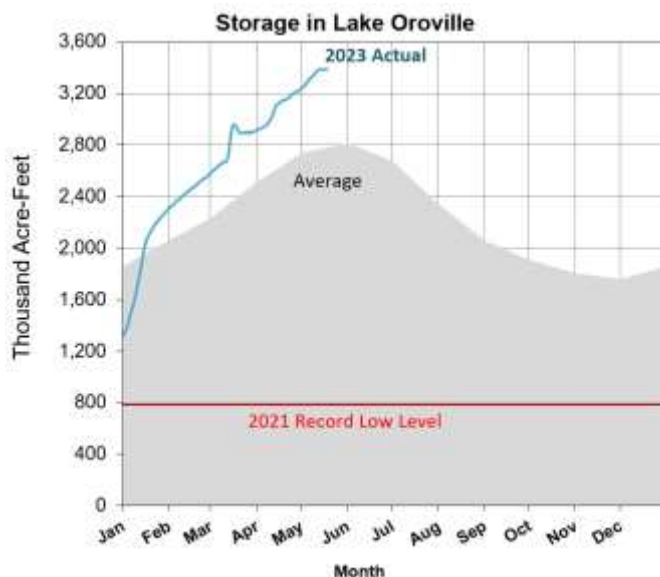
- Lake Mead storage is currently 7.82 MAF or elevation 1,051.9 feet (30 percent of total capacity).
- The Lower Basin is at a Level 2a shortage in CY 2023. Under this level, Metropolitan is not impacted.
- Due to the potential need to modify short-term operations to protect Lake Mead and Lake Powell, USBR initiated a fast-track process to modify the 2007 Interim Guidelines for operations through 2026. USBR released the draft Supplemental Environmental Impact Statement (SEIS) for public comment on April 11, 2023 which considers two action alternatives and a no action alternative for identifying shortages from the Lower Basin water users in 2024, 2025, and 2026. A final SEIS and Record of Decision is expected to be released Summer 2023.
- Metropolitan may use ICS to meet future DCP contributions.

<b>SWP Supplies</b>	<b>Acre-Feet</b>
<i>Table A (100% SWP allocation)</i>	1,912,000
<i>Port Hueneme <sup>1</sup></i>	2,000
<i>Unbalanced Exchange <sup>2</sup></i>	3,000
<i>Article 21</i>	134,000
<b>Total SWP Supplies <sup>3</sup></b>	<b>2,050,000</b>
<b>Total Supplies (CRA + SWP) (Prior to storage actions) <sup>3</sup></b>	<b>3,047,000</b>

<sup>1</sup> Rounded to the nearest thousand.

<sup>2</sup> Unbalanced exchange with the Santa Clarita Valley Water Agency.

<sup>3</sup> Total may not sum due to rounding.



- For the first time since 2006, the SWP Table A allocation for CY 2023 is 100 percent.
- Lake Oroville is currently at 3.38 MAF (96 percent of total capacity) or 122 percent of historical average as of the date of this report.

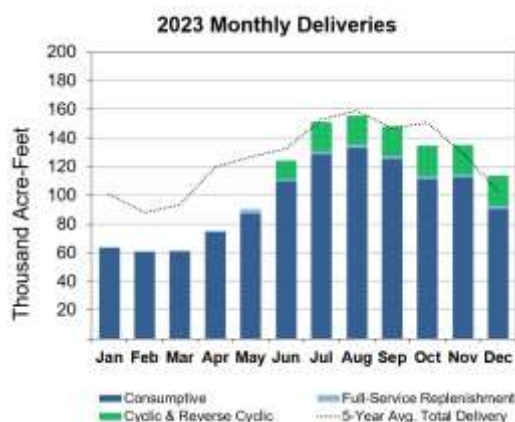
Current Demand	Acre-Feet
Member Agency Consumptive <sup>1</sup>	1,159,000
Member Agency Replenishment	18,000
Coachella Valley Water District Agreement	15,000
Imperial Irrigation District Return <sup>2</sup>	0
Exchange w/ San Luis Rey Tribe	16,000
System and Storage Losses	67,000
Cyclic Deliveries <sup>3</sup>	141,000
2022 Reverse Cyclic Deliveries	25,000
2022 Human Health & Safety Water Return	134,000
<b>Total Demands <sup>4</sup></b>	<b>1,575,000</b>

<sup>1</sup> Includes exchange w/ SDCWA (IID/Canal Lining) and CUP sales.

<sup>2</sup> Per USBR Forecast (5/16/23).

<sup>3</sup> Includes an estimate of 29,000 AF of deliveries through the Cyclic Cost-Offset Program.

<sup>4</sup> Total may not sum due to rounding.

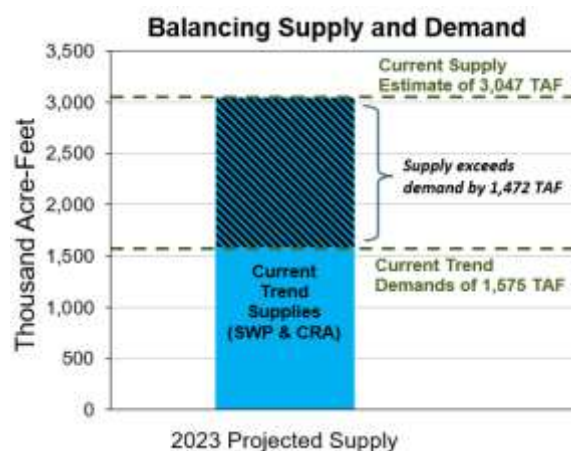


The current trend consumptive and replenishment demand CY 2023 is projected to be below the 5-year average due to ongoing conservation and the improving local supply conditions. Cyclic and Reverse Cyclic deliveries are estimated from June through December.

## MANAGING REGIONAL SUPPLY AND DEMAND

Supply/Demand Balance	Acre-Feet
Total Supplies	3,047,000
Total Demands	1,575,000
<b>Current Balance Estimate <sup>1</sup></b>	<b>1,472,000</b>

<sup>1</sup> Total may not sum due to rounding.



## WSDM Strategies/Actions

The following WSDM actions are being pursued or are underway to address the estimated supply/demand balance in 2023.

- Storing surplus supplies in a manner to achieve equitable reliability across the region.
- Balance use of available imported supplies from both the SWP and Colorado River.
- Continue to utilize and manage storage assets to satisfy current and future year demands, with special emphasis on rebuilding storage for SWP Dependent Area.
- Initiated the Cyclic Cost-Offset Program to help manage surplus supply by offsetting member agency cost associated with taking additional Metropolitan deliveries.
- Delivering water to member agencies who deferred deliveries through the Reverse Cyclic Program and return water to DWR for human health and safety supply received in CY 2022.

## 2023 WSDM Storage Detail

	1/1/2023 Estimated Storage Levels	CY 2023 Put Capacity <sup>1</sup>	2023 Total Storage Capacity
<b>WSDM Storage</b>			
<b>Colorado River Aqueduct Delivery System</b>	1,128,000	400,000	1,657,000
Lake Mead ICS	1,128,000 <sup>2</sup>	400,000	1,657,000
<b>State Water Project System</b>	<b>502,000</b>	<b>621,000</b>	<b>1,897,000</b>
MWD SWP Carryover <sup>3</sup>	39,000	297,000	350,000
DWCV SWP Carryover <sup>3</sup>			
MWD Articles 14(b) and 12(e)	0	0	N/A
Castaic and Perris DWR Flex Storage	3,000	216,000	219,000
Arvin Edison Storage Program	119,000	0 <sup>4</sup>	350,000
Semitropic Storage Program	158,000	32,000	350,000
Kern Delta Storage Program	137,000	45,000	250,000
Mojave Storage Program	19,000	10,000	330,000
AVEK Storage Program	27,000	3,000	30,000
AVEK High Desert Water Bank Program	0	18,000 <sup>5</sup>	18,000 <sup>6</sup>
<b>In-Region Supplies and WSDM Actions</b>	<b>698,000</b>	<b>392,000</b>	<b>1,246,000</b>
Diamond Valley Lake	494,000	316,000	810,000
Lake Mathews and Lake Skinner	194,000	32,000	226,000
Conjunctive Use Programs (CUP) <sup>7</sup>	10,000	44,000	210,000
<b>Other Programs</b>	<b>662,000</b>	<b>171,000</b>	<b>1,181,000</b>
Other Emergency Storage	381,000	0	381,000
DWCV Advanced Delivery Account	281,000	171,000	800,000
<b>Total</b>	<b>2,990,000</b>	<b>1,584,000</b>	<b>5,981,000</b>
Emergency	750,000	0	750,000
<b>Total WSDM Storage (AF) <sup>8</sup></b>	<b>2,240,000</b>	<b>1,584,000</b>	<b>5,231,000</b>

<sup>1</sup> Put capacity assumed under a 100 percent SWP Table A Allocation. Storage program losses included where applicable.

<sup>2</sup> Reflects USBR's final accounting for 2022, released May 2023. This amount is net of the water Metropolitan stored for IID in Lake Mead in an ICS sub-account.

<sup>3</sup> Total storage capacity varies year to year based on prior year remaining balance added to current year contractual limits.

<sup>4</sup> Puts are limited due to water quality considerations.

<sup>5</sup> Includes the early recharge in the High Desert Water Bank Program expected to commence in the summer.

<sup>6</sup> Represents a portion of the total storage capacity. Total storage capacity is 280,000 AF once the program is fully constructed. Anticipated to be fully operational by the end of 2025.

<sup>7</sup> Total of all CUP programs including IEUA/TVMWD (Chino Basin); Long Beach (Central Basin); Long Beach (Lakewood); Foothill (Raymond and Monk Hill); MWDOC (Orange County Basin); Three Valleys (Live Oak); Three Valleys (Upper Claremont); and Western.

<sup>8</sup> Total WSDM Storage level subject to change based on accounting adjustments.

## Future Contributions and Obligations and Cyclic Programs

**Table 1: Future Obligations**

	<b>Future Returns <sup>1</sup></b>
Water Stored for IID under the California ICS Agreement and its Amendment or the 2021 Settlement Agreement with IID	266,000 <sup>2</sup>
Storage and Interstate Release Agreement with Southern Nevada Water Authority	330,000 <sup>3</sup>
Coachella Valley Water District Agreement	210,000 <sup>4</sup>
DWR Flex Storage	216,000 <sup>5</sup>
2022 Reverse Cyclic	25,000 <sup>6</sup>
2022 Human Health & Safety	134,000 <sup>7</sup>
<b>Total (AF)</b>	<b>1,181,000</b>

<sup>1</sup> Rounded to the nearest thousand. Subject to change based on accounting adjustments.

<sup>2</sup> Reflects final accounting under USBR's 2022 Water Accounting Report released May 15, 2023. IID can request return in any year, conditional on agreement terms.

<sup>3</sup> Up to 30,000 AF per year.

<sup>4</sup> Obligation to be met by the end of 2026.

<sup>5</sup> Flexible storage withdrawals from Castaic Lake and Lake Perris must be returned within five calendar years. Metropolitan is required to return 170,000 AF by 2026 for withdrawals in 2021. Metropolitan is required to return 46,000 AF by 2027 for withdrawals in 2022. Metropolitan is planning to return the entire obligation in 2023.

<sup>6</sup> Deferred delivery from Calleguas Municipal Water District, Upper San Gabriel Valley Municipal Water District, and Three Valleys Municipal Water District. Metropolitan will deliver water to the member agencies by 2027. Future Return is projected to be reduced by the full amount in CY 2023 as shown on page 4.

<sup>7</sup> Metropolitan's CY 2022 Human Health & Safety deliveries. This water must be returned by 2027. Future Return is projected to be reduced by the full amount in CY 2023 as shown on page 4.

**Table 2: Potential Magnitude of California's Drought Contingency Plan Contribution**

	<b>2023</b>	<b>2024</b>	<b>2025</b>	<b>2026</b>
Likelihood of Required California Drought Contingency Plan Contribution <sup>1</sup>	0%	0%	0%	10%
Average Metropolitan DCP Contribution When Contributions Are Required (AF)	0	0	0	240,000

<sup>1</sup> Results from USBR's May 2023 Colorado River Mid-Term Modeling System (CRMMS) model run.

**Table 3: Cyclic Program Activity**

CY	Starting Balance (AF)	CY Actions (AF)				Ending Balance (AF)
		Cyclic Pre-Delivery	Cyclic Cost-Offset Pre-Delivery	Total Pre-Delivery	Sale Out of Cyclic to Date	
2019	51,000	147,000	19,000	166,000	91,000	126,000
2020	126,000	2,000	0	2,000	50,000	79,000
2021	79,000	0	0	0	28,000	51,000
2022	51,000	0	0	0	27,000	24,000
2023 <sup>1</sup>	24,000	0	0	0	0	24,000

<sup>1</sup> This table will be updated with actual 2023 Cyclic Program activity on a monthly basis.

## Future Supply and Demand Gaps

(Estimate as of December 2022 – Revised)

Metropolitan's Water Surplus and Drought Management Plan provides a framework for managing Metropolitan's resources in periods of surplus and shortage. To guide the WSDM actions, Metropolitan constructs plausible scenarios with different supply and demand assumptions. The table below shows the projected range of plausible end-of-year supply and demand balances for CY 2024. These ranges provide a bookend for the wide range of supply and demand balances that may unfold.

To reflect a reasonable range of future outcomes, the low supply projection is coupled with high demand projection as one bookend and the high supply projection is coupled with the low demand projection for the other bookend. The resulting ranges are shown in the table below. For 2024, the supply and demand balances may range from a shortage of ~920 TAF to a surplus of ~865 TAF. Regardless of the conditions that may materialize next year, Metropolitan will continue to adhere to the WSDM Plan to capture surplus water in normal to wet conditions and use stored water and drought actions in drought conditions.

	<b>2024 (TAF)</b>	
<b>Item</b>	<b>Low Supply/High Demand</b>	<b>High Supply/Low Demand</b>
SWP <sup>1</sup>	+300	+1,340
Colorado River <sup>2</sup>	+660	+985
Demand on Metropolitan <sup>3</sup>	-1,800	-1,200
Additional Obligations <sup>4</sup>	-80	-260
<b>Supply/Demand Balance <sup>5</sup></b>	<b>(-920)</b>	<b>865</b>

<sup>1</sup> SWP supplies are based on a low of 5% Table A allocation + HH&S to a high of 70% Table A allocation.

<sup>2</sup> Colorado River supplies are based on estimated transfers, exchanges, higher priority water use, and DCP contributions.

<sup>3</sup> Demand on Metropolitan reflect the total of replenishment and consumptive demand.

<sup>4</sup> Additional obligations include system losses, repayment of HH&S, etc.

<sup>5</sup> The supply demand balances should not be interpreted as an absolute range as they were determined by explicit assumptions to represent reasonable outcomes. The actual supply and demand balance, shown in the WSDM report, may fall outside of this range as information becomes available for specific components throughout the year.



## One Water and Stewardship Committee

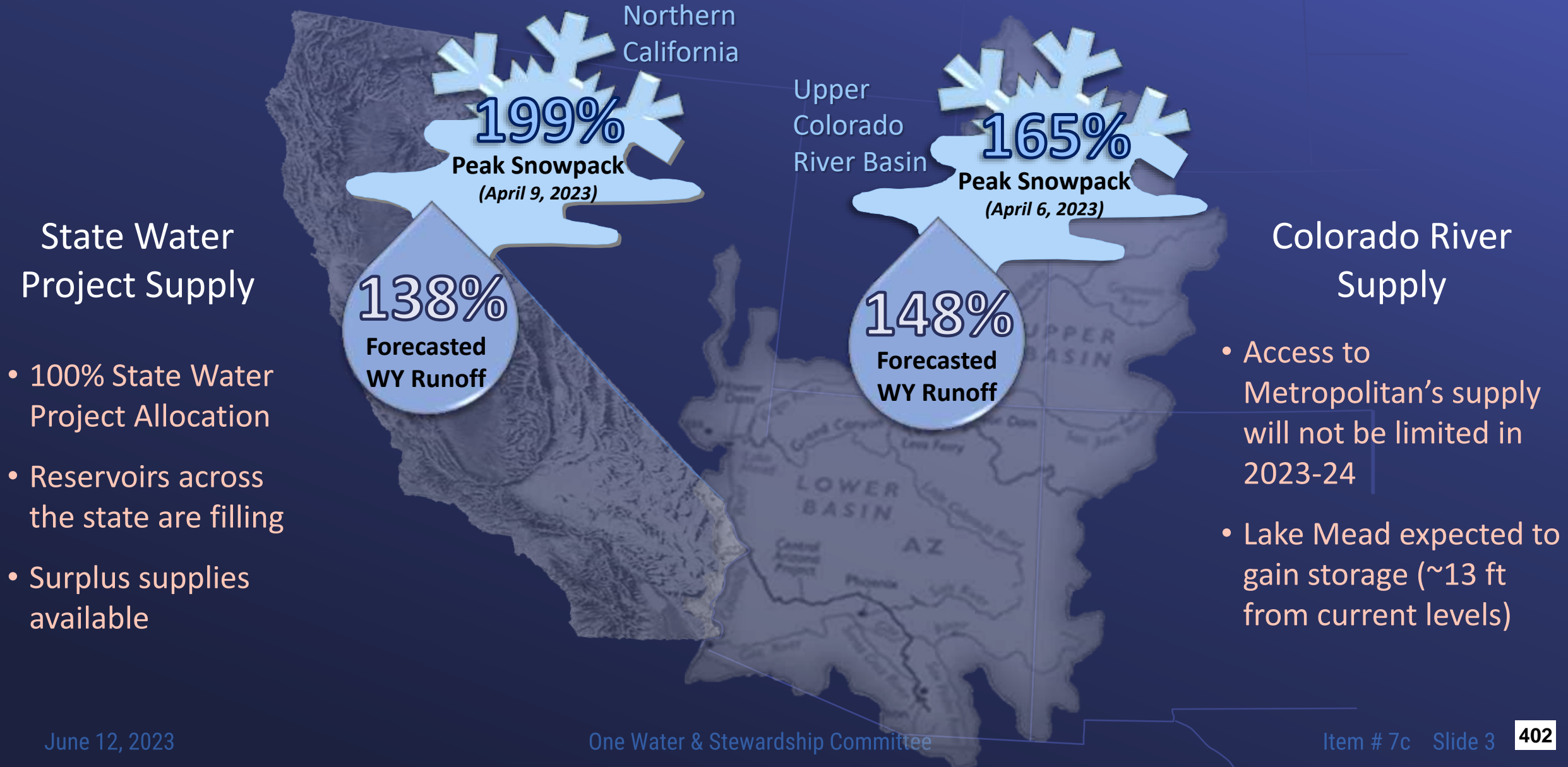
# Update on WSDM

Item 7c  
June 12, 2023

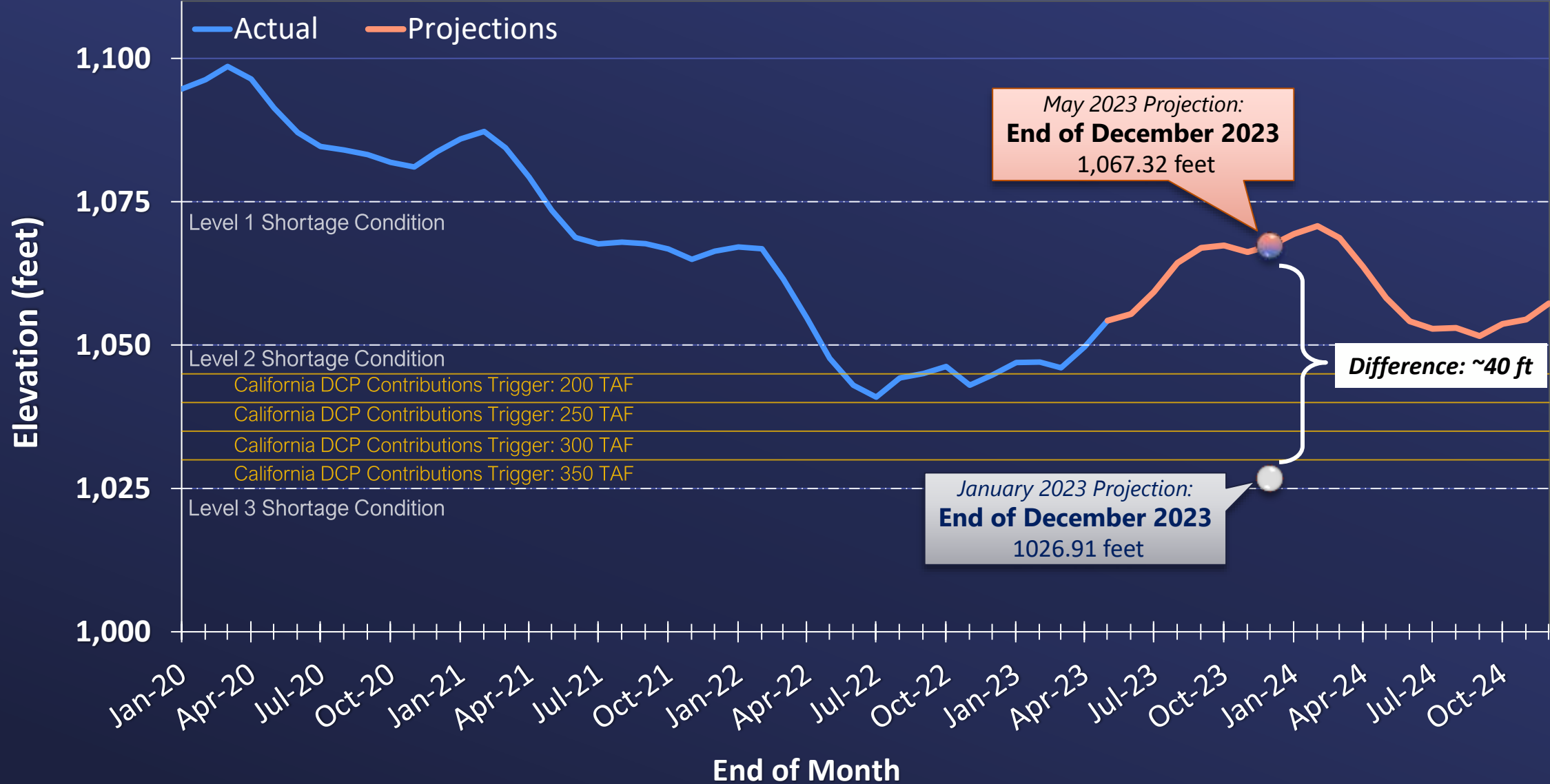
# Hydrologic Conditions



# Hydrologic Conditions: Near-Record Breaking



# Improved Outlook in Lake Mead Conditions

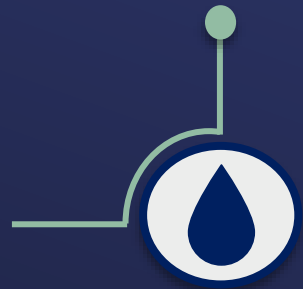


Source: USBR's May 2023 24-Month study.

# Evolving Colorado River Conditions and Regulations

**Spring/Summer 2022**

**USBR calls for 2-4 MAF of annual reductions in response to historic low reservoir elevations**



**October 2022**

**California submits proposal to cut 400 TAF each year from 2023-2026**



**Winter 2023**

**Upper Colorado River Basin receives near-record snowpack**



**May 2023**

**Lower Basin Plan proposes to conserve at least 3 MAF from 2023-2026; USBR revising draft SEIS to analyze Plan**



**August 2022**

**Congress appropriates \$4 billion for drought mitigation within Inflation Reduction Act**



**November 2022**

**USBR initiates process to change current guidelines – Supplemental Environmental Impact Statement (SEIS)**

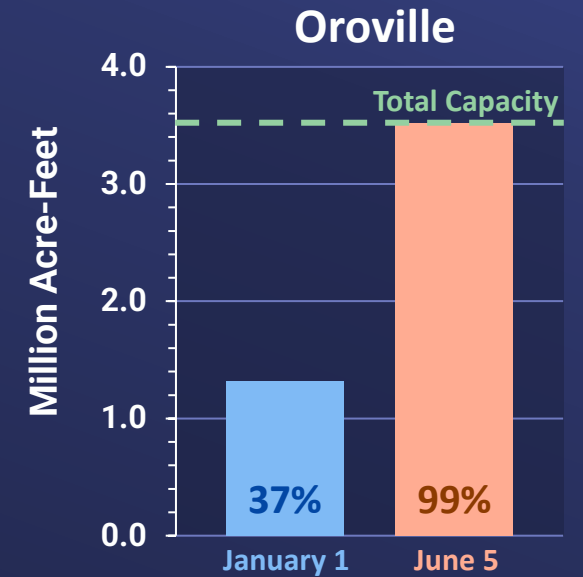
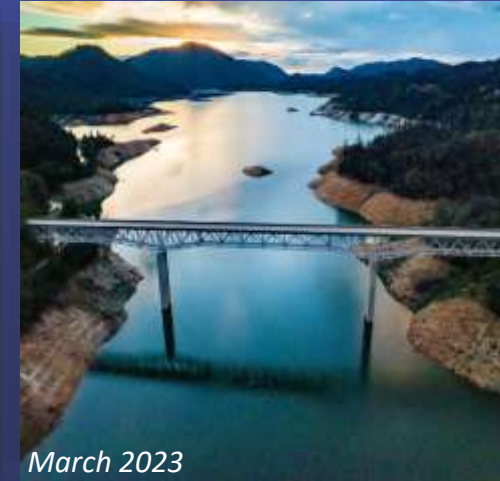
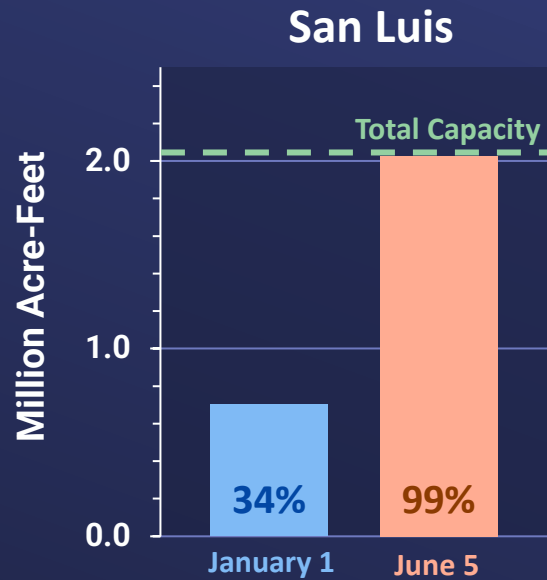


**April 2023**

**USBR publishes draft SEIS; Alternatives analyzed supersede previous call for reductions**



# Improved Major Water Systems Following Winter Storms



June 12, 2023

One Water & Stewardship Committee *Note: Displaying percent of total capacity.*

Item # 7c Slide 6

405

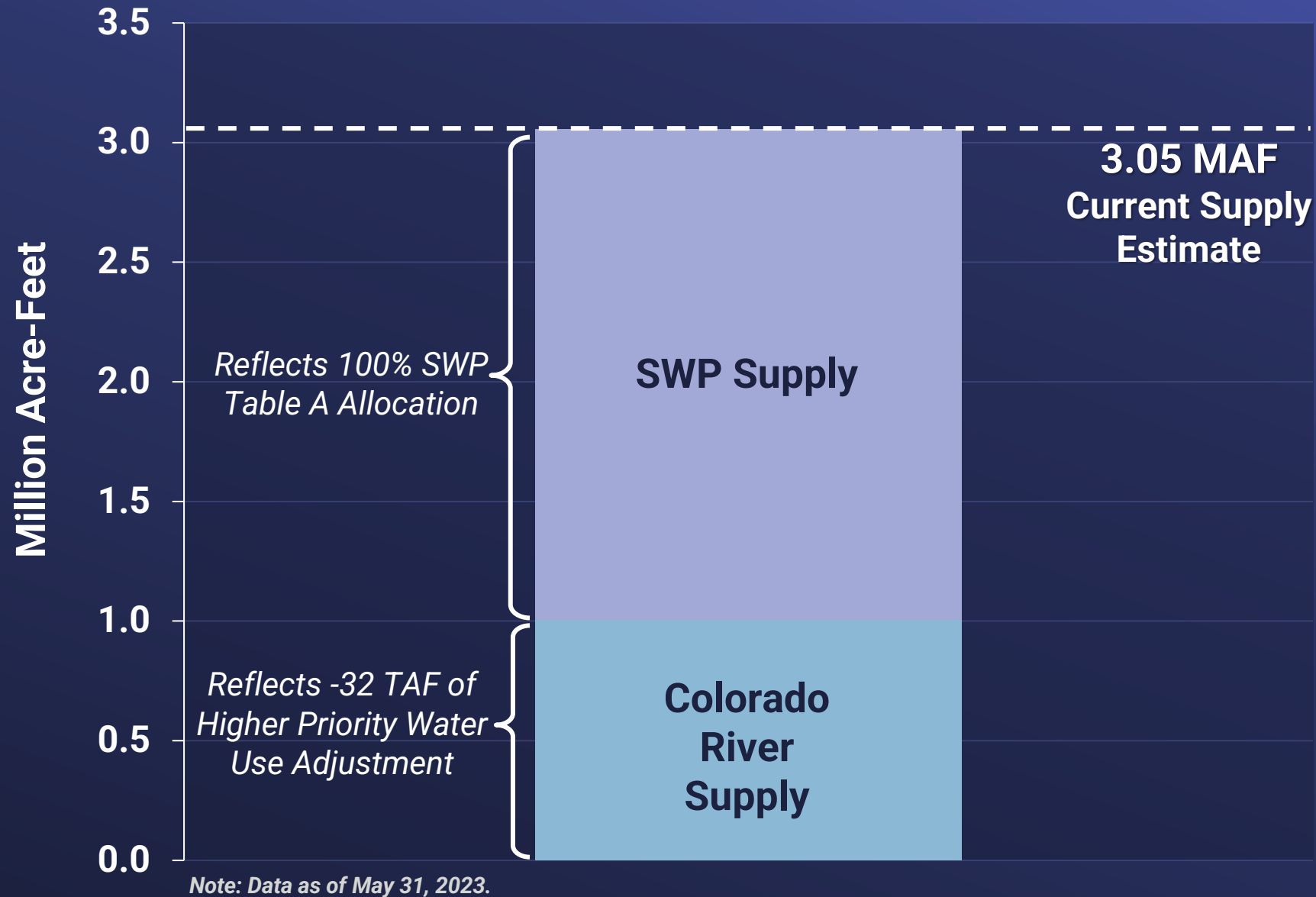


# Runoff Conditions throughout California



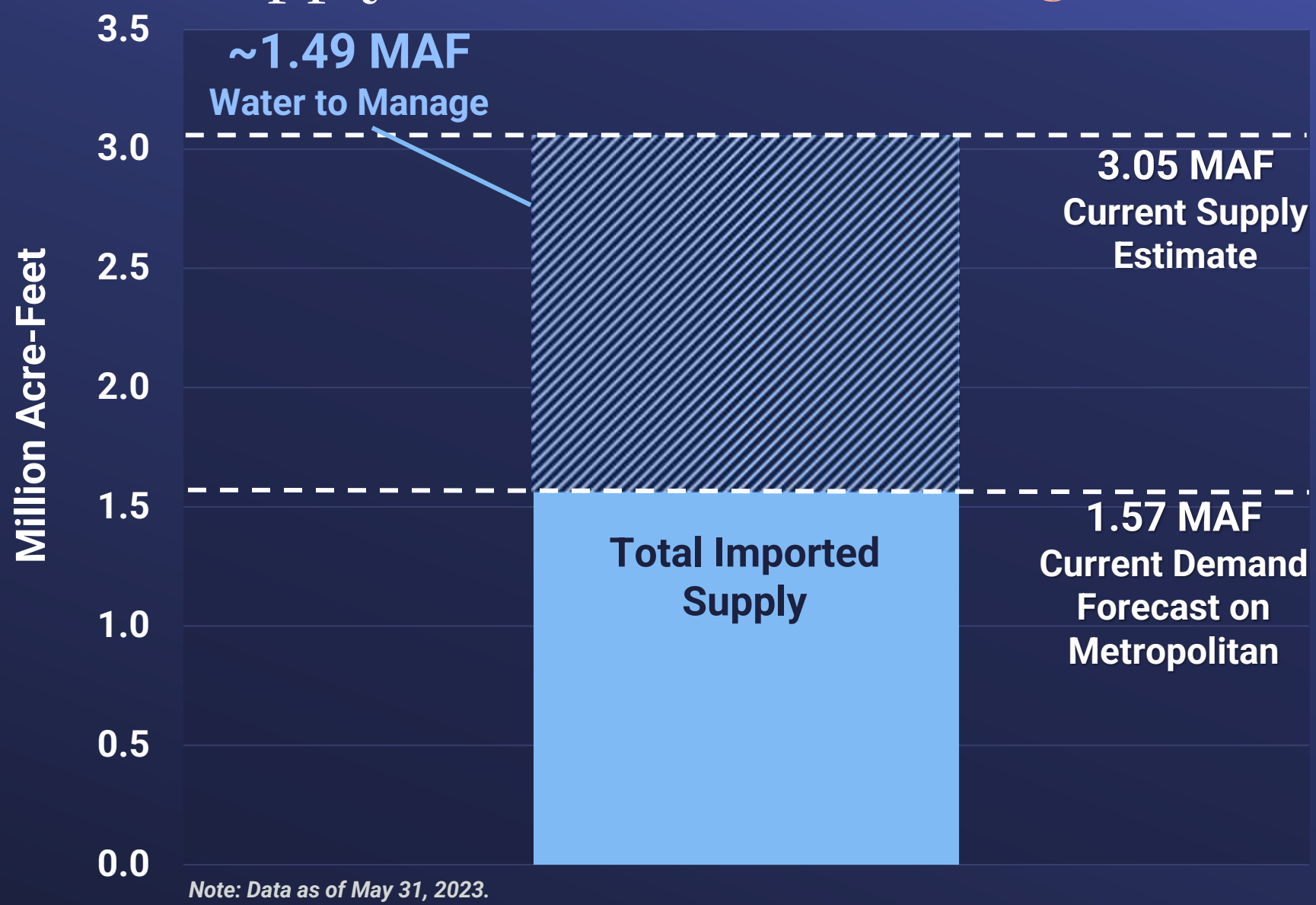
# Water Supply/Demand Balance

# 2023 Water Supply/Demand Balance: **Regional View**



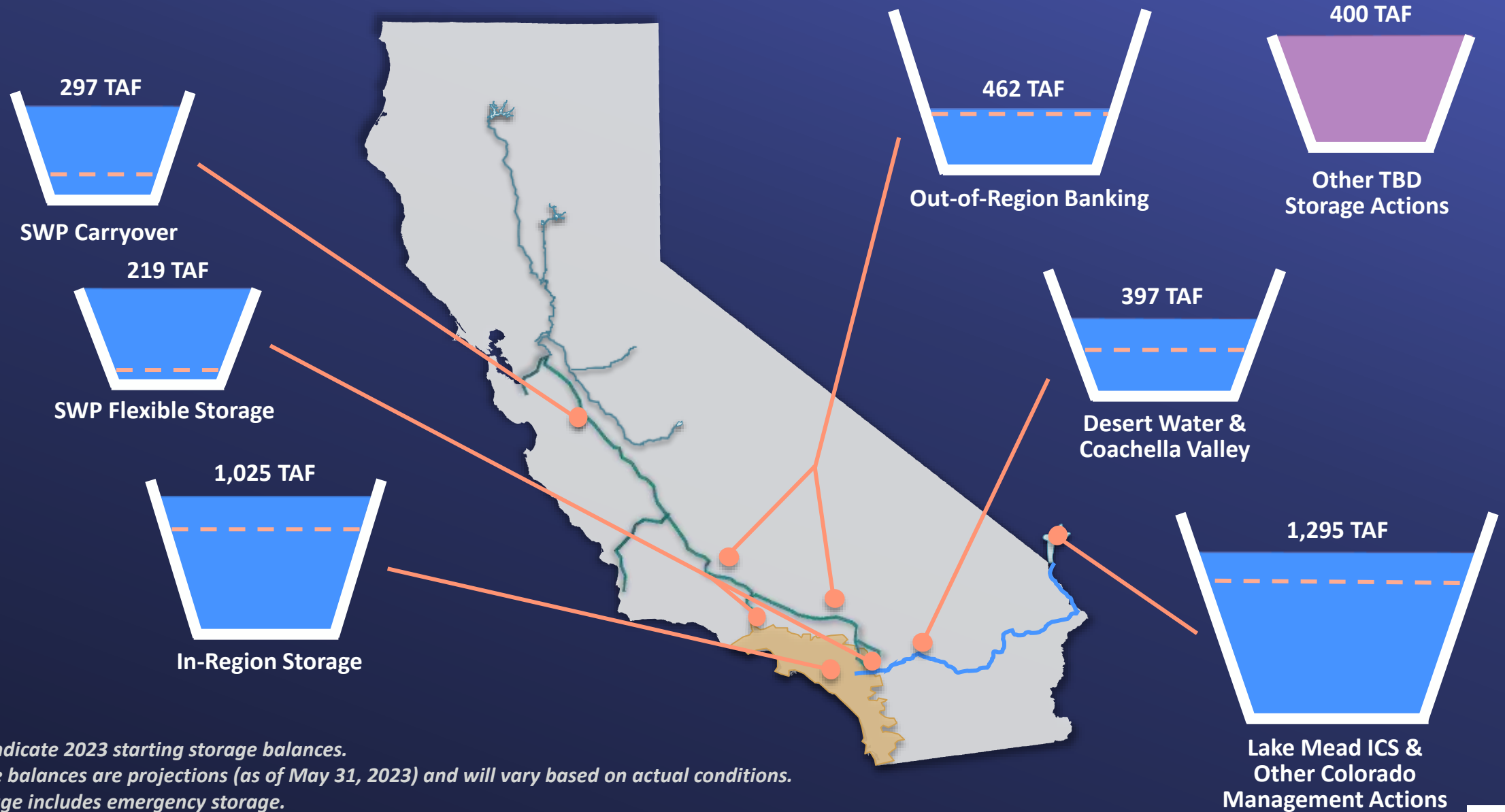


# 2023 Water Supply/Demand Balance: Regional View





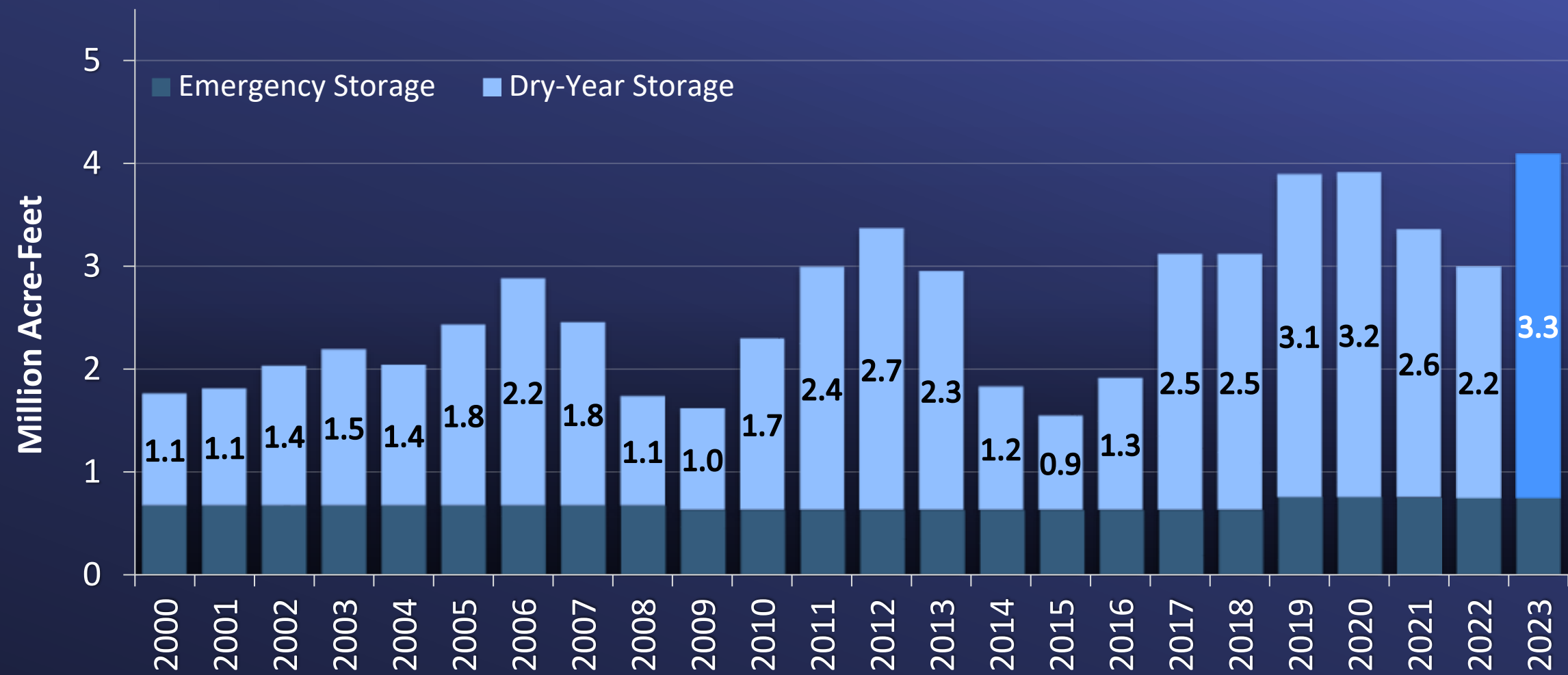
# Metropolitan's Storage Actions



- Notes:
- 1) Dashed lines indicate 2023 starting storage balances.
  - 2) Ending storage balances are projections (as of May 31, 2023) and will vary based on actual conditions.
  - 3) In-region storage includes emergency storage.
  - 4) Storage buckets not drawn to scale.

# Metropolitan Projecting to Refill Storage Accounts

## End-of-Year Balances



**Note:**

2023 end-of-year balance is preliminary as they are subject to DWR adjustments and USBR final accounting.





## ● Colorado River Management Report

### Summary

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This report provides a summary of activities related to management of Metropolitan's Colorado River resources for the month of May 2023.

### Purpose

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Informational

### Detailed Report

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#### 2007 Interim Guidelines Supplemental Environmental Impact Statement (SEIS) Updates

In a letter to the Bureau of Reclamation (Reclamation) Commissioner, the Lower Division States of California, Arizona, and Nevada proposed to conserve at least 3.0 million acre-feet (maf) on top of existing shortage and Drought Contingency Plan reductions through 2026. This proposal is called the "Lower Basin Plan". The Lower Division States requested that Reclamation fully analyze the Lower Basin Plan as an action alternative in the SEIS. The seven Colorado River Basin States also sent a letter requesting that Reclamation pause the SEIS and fully analyze the Lower Basin Plan as an action alternative. In response, Reclamation announced a temporary withdrawal of the SEIS to fully analyze the Lower Basin Plan as an action alternative. After Reclamation has completed its analysis, it will publish an updated draft SEIS for public comment and finalize the SEIS later this year.

The Lower Basin Plan includes the following elements:

- Minimum of 3 maf of new system conservation from 2023 to 2026.
  - At least 1.5 maf by the end of 2024.
- New conservation up to 2.3 maf will be federally compensated under Inflation Reduction Act (IRA)
  - Compensated conservation will be mandatory, enforceable, measurable, verifiable, and non-retrievable.
- The remaining new conservation may be compensated or uncompensated.
- All or a portion of this may be offset with Intentionally Created Surplus (ICS) created in 2023-2026.
  - ICS designated as meeting the new conservation goal cannot be delivered, transferred, or assigned before December 31, 2026.
- Existing shortage and Drought Contingency Plan contribution obligations under the 2007 Interim Guidelines, Lower Basin Drought Contingency Plan, and Treaty Minute 323 will remain in place.
- Lower Basin Plan does not require the Secretary of Interior to unilaterally exercise her authorities to implement reductions or contemplate any waiver of those authorities.

#### Post-2026 Colorado River System Operations

The Interior Department announced that it will publish the Notice of Intent to initiate the environmental impact statement process that will be part of the development of the new operating guidelines that will replace the 2007 Interim Guidelines in early June 2023.

## Board Report (Colorado River Management Report)

### **IRA Drought Mitigation Funding Update**

Reclamation sent a letter to Lower Basin Colorado River contract and entitlement holders requesting proposals for long-term durable system efficiency improvement projects that result in water conservation benefitting the lower Colorado River System and its water users. This is the next phase of the Lower Colorado River Conservation Program (using “Bucket 2” IRA funds) intended to provide new opportunities to fund system conservation and efficiencies in the Lower Basin that lead to durable long-term solutions for the Colorado River System that results in additional volumes of water remaining in Lake Mead. Proposals are due by July 19, 2023. To be eligible, proposals must:

- Result in quantifiable, verifiable water savings in Lake Mead that are based on a consumptive use reduction and recent history of use, and/or
- Add new water to the applicant’s water supply enabling a consumptive use reduction of Colorado River water.
- Be submitted by Colorado River water delivery contract or entitlement holders or Central Arizona Project water delivery contract or subcontract holders, including partnerships with such entities.
- Demonstrate viability for full implementation, including demonstrating financial and technical capability of the entity for initial implementation and long-term operations, maintenance, and replacement.
- Provide for monitoring to ensure the proposed benefits to the system are realized.

The Interior Department will consider other factors in evaluating the proposals such as the volume and duration of water savings, cost effectiveness, and environmental benefits.

### **2023 Upper Basin Drought Response Operations Plan**

Reclamation approved the 2023 Drought Response Operations Plan prepared by the Upper Colorado Basin Region, the Upper Division States, and the Upper Colorado River Commission pursuant to the Upper Basin Drought Contingency Plan, Drought Response Operations Agreement (DROA). The approved plan includes recovery of past DROA releases and anticipates no additional DROA releases during the plan period, depending on developments in hydrology throughout the plan year.



## ● Bay-Delta Management Report

### Summary

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This report provides a summary of activities related to the Bay-Delta for May 2023.

### Purpose

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Informational

### Detailed Report

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#### Long-Term Delta Actions

##### Delta Conveyance

The California Department of Water Resources (DWR) released a draft Environmental Impact Report (EIR) to comply with the California Environmental Quality Act for a public review that ended on December 16, 2022. DWR received more than 700 unique comment letters with over 6,000 individual comments. DWR is currently working to organize the comments and begin developing responses. The Final EIR is expected at the end of 2023. It will include responses to all substantive comments on the Draft EIR and edits to the Draft EIR, as appropriate, to respond to the comments.

The U.S. Army Corps of Engineers (USACE), as part of its permitting review under the Clean Water Act and Rivers and Harbors Act, released a draft Environmental Impact Statement to comply with the National Environmental Policy Act for a public review that ended on March 16, 2023. USACE is starting the initial organization of the comments received.

##### Sites Reservoir

At the May 19 Joint Sites Reservoir Committee and Authority Board meeting, the Authority Board and Reservoir Committee approved a new Investment Policy that describes the parameters for investing Authority funds.

The Authority Board and Reservoir Committee also discussed and approved preliminary final allocations of available storage, the proportionate shares of diverted water for storage partners, and the transition from yield-based to storage-based participation. The transition to storage-based participation is necessary for the contracting of benefits and obligations in the Sites Reservoir as cost allocation needs to be based on physical capacity attributes of the facilities and will be reflected in the future negotiated Benefits and Obligations Contracts. Based on the most current surveying data, the current assumption of the total storage space available in Sites Reservoir is 1,470,000 acre-feet. Of this total storage amount, the allocation of deadpool is 60,000 acre-feet. Given the methodology for allocating storage space in Sites Reservoir to local storage partners using the approach of one acre-foot participation to 6.234 acre-feet of storage space, Metropolitan's Amendment 3 participation level of 50,000 acre-feet of participation equates to 311,700 acre-feet of storage allocation which is 22.1 percent of storage.

#### Near-Term Delta Actions

##### Delta Island Activities

On May 24, Metropolitan was awarded a \$20.9 million state grant to restore habitat and sustainability to an entire island in the Sacramento-San Joaquin Delta, an unprecedented effort that will support the area's delicate ecosystem and help protect the ability to deliver critical water supplies throughout California. The funding from the state's Sacramento-San Joaquin Delta Conservancy will allow Metropolitan to improve the nearly 5,500-acre Webb Tract from current agricultural practices to wetlands and rice farming. The project is a collaboration between Metropolitan, local interests, and the Delta Conservancy, and it will address challenges that many islands in the Delta face by slowing or reversing land subsidence, reducing greenhouse gas emissions, promoting

## Board Report (Bay-Delta Management Report)

sustainable agriculture, and creating habitat to bolster the local ecosystem. The grant will fund design, environmental documentation, permitting and construction of wetlands and rice fields on Webb Tract over a three-year period, with planning slated for the fall and construction starting in spring 2025 after Board approval of the environmental documentation. The grant funding will also help Metropolitan quantify the greenhouse gas emission reductions realized from the project, which supports Metropolitan's [Climate Action Plan](#) goals. Staff will return to the Board later this year with an action to add this project to the Capital Investment Program and to review the final funding agreement between Metropolitan and the Delta Conservancy.



One Water and Stewardship Committee

# Bay-Delta Manager's Report

Item 8b

June 12, 2023



## Webb Tract Mosaic Landscape Project

- Delta Conservancy awarded \$20.9 million grant on May 24, 2023
- Grant funds two phases
  - Phase 1: Design, CEQA, permitting
  - Phase 2: Construction
- Construction
  - Up to 3,500 acres of wetland
  - Up to 1,500 acres of rice
- Goals
  - Reduce or reverse subsidence
  - Generate income from GHG credits

# Diverse Support







One Water & Stewardship Committee

# Water Resource Manager Update

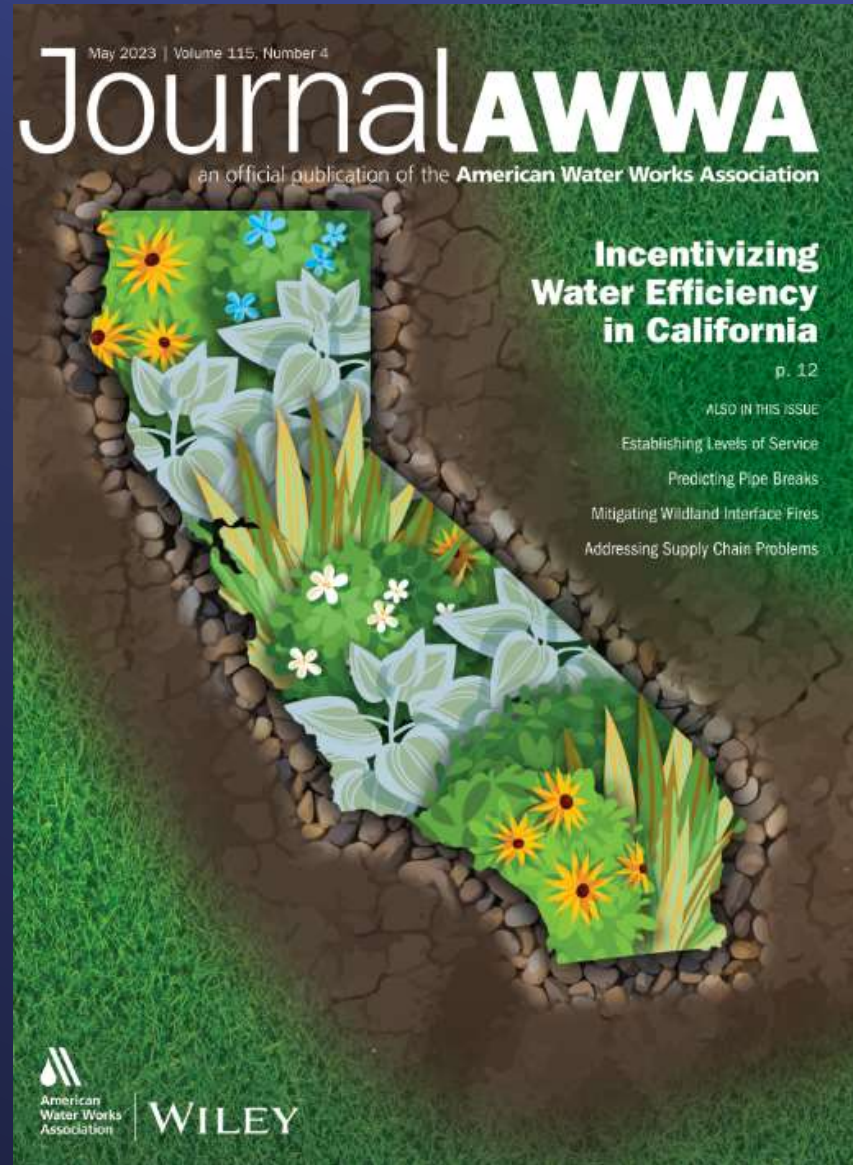
Item 8c

June 12, 2023



# Metropolitan's Incentive Stacking

Journal  
AWWA  
Publication



# Conservation Grants: **\$49.5 million awarded**

Grant Program	Projects	Award Amount	Use of funds	Status
<b>USBR WaterSMART FY22</b>	<i>Turf Replacement: Public Agency</i>	<b>\$2M</b>	<i>Increases incentive from \$3 to \$4/sf</i>	<b>Available to applicants Nov. 2022</b>
<b>USBR WaterSMART FY23</b>	<i>Turf Replacement: RES and CII</i>	<b>\$5M</b>	<i>Increase incentives from \$2 to \$3/sf</i>	<b>Awarded May 2023. Agreement in progress. Implementation anticipated late 2023</b>
<b>DWR Urban Drought Relief 2021</b>	<i>Turf Replacement: RES and CII</i>	<b>\$2M</b>	<i>Increases incentives from \$2 to \$3/sf</i>	<b>Available to applicants Nov. 22</b>
	<i>Direct Install: RES (with SoCalGas)</i>	<b>\$2.5M</b>	<i>Retrofit additional homes</i>	<b>Available to applicants Nov.22</b>
<b>DWR Urban Drought Relief 2022</b>	<i>Turf Replacement: CII</i>	<b>\$30M</b>	<i>Increases incentives from \$2 to \$3/sf</i>	<b>Notice of award Jun 2023</b>
	<i>Direct Install: RES (SoCalGas)</i>	<b>\$5M</b>	<i>Retrofit additional homes</i>	
	<i>Firefighter Training Recirculation Units</i>	<b>\$3M</b>	<i>Purchase units/distribute through Member Agencies</i>	

**Application Status**

**Awarded**

**Applied**

**Will Apply**

## “Bucket 2” Funding

### Lower Colorado River Basin Conservation & Efficiency Proposals

- Seeks water savings of Colorado River water to support Lake Mead
  - Reduces consumptive use
  - Adds new water supply
- Offered by Colorado delivery contractors
- Viable implementation
- Monitored to ensure benefits realized

Proposals due Jul. 19

Metropolitan preparing proposal



# USBR Phase 2 - Additional Considerations

Fast  
Implementation

Cost  
Effectiveness

Benefits to  
Disadvantaged  
Communities

Building  
Partnerships

Leveraging  
other funding

Reduced CR  
Dependency

Volume and  
Duration

Supporting  
other  
government  
initiatives

Environmental  
Benefits

Participation in  
previous  
Programs

Innovation



# Los Angeles Better Buildings Challenge



Webinar on May 17

## Water Efficiency in Multifamily: Leak Detection Strategies & Tech

Presentation with  
Pacific Institute &  
LADWP



# DWR Forecasting Audit

## State Auditor review of DWR water supply forecasting & surface water management

- Audit & response released May 25
- Highlights difficulty in forecasting climate effects
- Strongly support DWR efforts to incorporate latest technology and forecasting

