

SCOPING REPORT

North Bay Aqueduct Alternative Intake Project

1.0 Introduction

The California Department of Water Resources (DWR) proposes to construct and operate an alternative intake on the Sacramento River, generally upstream of the Sacramento Regional

Wastewater Treatment Plant, and connect it to the existing North Bay Aqueduct (NBA) system by a new segment of pipe. The proposed alternative intake would be operated in conjunction with the existing NBA intake at Barker Slough. The North Bay Aqueduct Alternative Intake Project (NBA AIP or proposed project) would be designed to improve water quality and to provide reliable deliveries of State Water Project (SWP) supplies to its North Bay contractors, the Solano County Water Agency (SCWA) and the Napa County Flood Control and Water Conservation District (Napa County FC&WCD).

DWR, the Lead Agency under the California Environmental Quality Act (CEQA), is preparing an Environmental Impact Report (EIR). As part of the public involvement process for the EIR, the lead agencies asked for input on the scope of the NBA AIP EIR through a series of meetings and a written comment period (scoping). A Notice of Preparation (NOP) of an EIR is prepared and distributed to solicit views of interested persons, organizations, and agencies regarding the scope and content of the environmental review to be included in the EIR; specifically, views on the scope of the environmental analysis, alternatives to be considered, and potential mitigation measures.

This report presents a summary of the issues raised during scoping. Comments received on CEQA issues will be considered by DWR for incorporation, as appropriate, in the Draft EIR (DEIR) analysis. Other issues were raised that do not address the CEQA environmental process. These comments will be considered by DWR and are part of the record but will not be included in the DEIR analysis. This Scoping Report describes the public review process undertaken by DWR and summarizes the written and oral comments received during the public review period for the NOP.

Appendix A includes a list of acronyms used in this report.

2.0 Agency and Public Participation Process

Notice of Preparation

In accordance with CEQA Guidelines Section 15082, on November 24, 2009 DWR published and distributed a NOP (see Appendix B) to advise interested agencies and the public that an EIR would

be prepared. The NOP included information on the project background, proposed project objectives, a summary of the proposed project description, a discussion of the relationship of the proposed project to the Bay-Delta Conservation Plan (BDCP), and a summary of potential environmental effects proposed to be evaluated in the EIR.

A Notice of Completion (NOC) (see Appendix B) was filed, along with 15 copies of the NOP for distribution to State agencies, with the State Clearinghouse on November 24, 2009, which initiated the 30-day public review period required under CEQA Guidelines Section 15082. Appendix B also includes the list of agencies the NOP was distributed to. DWR extended the comment period for a total of 46 days (November 24, 2009 through January 8, 2010). In addition to the distribution to State agencies by the State Clearinghouse, DWR distributed the NOP to approximately 44 state, federal and local agencies, elected officials, and interested parties. Written comments on the NOP could be submitted by mail, fax or e-mail.

Public Scoping Meetings

DWR conducted three formal scoping meetings to gather input on the scope and content of the environmental review to be included in the NBA AIP EIR:

Sacramento, CA

Monday, December 7, 2009
2 to 4 pm
Bonderson Building
Hearing Room
901 P Street
Sacramento, CA 95814

Fairfield, CA

Wednesday, December 9, 2009
6 to 8 pm
Fairfield Senior Center
1200 Civic Center Drive
Fairfield, CA 94533

Freeport, CA

Monday, December 14, 2009
6 to 8 pm
Bartley Cavanaugh Golf Course
8301 Freeport Boulevard
Freeport, CA 95832

DWR noticed the dates, location and times for the public scoping meetings through legal advertisements in area newspapers. The legal advertisements are presented in Appendix C. Notifications provided basic project information; date, time, and location of meetings; and a brief explanation of the public scoping process. DWR published a legal advertisement on Sunday, November 29, 2009 in the *Daily Republic* (Fairfield), *Davis Enterprise* (Davis), *Napa Valley Register* (Napa), and the *Sacramento Bee* (Sacramento).

Approximately 30 people attended the three meetings. The format of each public scoping meeting was identical and began with a formal presentation which included a summary of the project, the CEQA process, schedule, and role of public comments. Following the presentation, a formal public comment period was allotted to receive comments on the scope, content, and format of the environmental document. A court reporter recorded oral comments received at each scoping meeting.

Following the oral comments, participants were also able to view an exhibit board showing the facility siting and operations area. Comment forms were also provided to attendees who did not wish to speak but might want to provide written comments at the meetings.

Participants were encouraged to sign in and were provided with materials including a fact sheet, comment form, and speaker card. Copies of the NOP were available upon request. Participants were also encouraged to ask informal questions of project team members.

Appendix D presents the informational materials and presentation slides presented at the scoping meetings. Appendix D also includes attendance record for each of the scoping meetings.

3.0 Summary of Comments Received

In response to the NOP, DWR received a total of 12 written comments. In addition, a total of eight speakers provided comments at the public scoping meetings. Written comments received are included in Appendix E and the transcripts of the public scoping meetings are also presented in Appendix E.

The following table identifies parties who provided written and oral comments.

WRITTEN AND ORAL COMMENTS RECEIVED

Organization	Name	Title
Written Comments		
CA State Lands Commission	Martina R. Brand	Acting Chief Division of Environmental Planning and Management
CA Department of Transportation	Alyssa Begley	Chief, Office of Transportation Planning- South
Solano Irrigation District	Justin Hopkins	Assistant Civil Engineer
City of Vacaville Department of Community Development	Maureen T. Carson	Director of Community Development
East Bay Municipal Utility District	Alexander R. Coate	Director of Water and Natural Resources
Sacramento County Water Agency	Kerry Schnitz	Principal Civil Engineer
Sacramento Regional County Sanitation District	Stan R. Dean	Director of Policy and Planning
City of Sacramento, City Council	Robbie Waters	Councilmember, District Seven
South Pocket Homeowners Association	Donald Bryant	
Individual	Laurie Cory	
Individual	Denis Ishisaka	
Friends of the Sacramento Greenway	Dan Gorfain	
Oral Comments		
South Pocket Homeowners Association	Don Bryant	
Individual	Harriet Steiner	
Individual	Jerry Ikeda	
Friends of the Sacramento Greenway	Dan Gorfain	
South Pocket Homeowners Association	Don Nevis	
Individual	Robert Arata	
South Sacramento Planning Advisory Committee	Bob Gorham	
South Pocket Homeowners Association	Ryan Chin	

Comments received during scoping are organized by topic area and are summarized below. The summaries paraphrase the comments and are not direct quotes. See Appendix E for the comments received.

Process

- Prepare a more detailed project description that better describes the project elements and location before proceeding with the environmental review process to allow for better public input into the scope of the environmental analysis. DWR should consider publishing a new NOP and conducting additional scoping once the project is better defined.
- Concern about inadequate public outreach including: (1) no outreach to City of Sacramento beyond legal noticing; (2) public outreach timeline was unrealistically compressed and inadequate for community based organizations to get the information and distribute it to its members; and (3) scoping occurred in December. DWR should consider expanded stakeholder involvement.

Development of Project Description and Alternatives

- Construction impacting Solano Irrigation District (SID) facilities must take place outside of irrigation season (typically March through October).
- Apply operating protocols such as curtailing all NBA diversions during reverse flow events at the Freeport Regional Water Project (FRWP) intake and/or curtailing all NBA diversions during flood tides when average daily Sacramento River flow drops below 10,000 cubic feet per second (cfs) at the Freeport Bridge.
- NBA AIP should include an objective that the proposed project will avoid unintended impacts on third parties.
- Consider alternatives to the proposed intake facility siting area that are not adjacent to densely populated neighborhoods (such as the City of Sacramento Pocket Area). Consider siting facility adjacent to less populated areas and/or maybe to the south of the current proposed siting area.
- Consolidation and/or joint use of intake projects should be considered.
- Design of intake structure should retain or enhance the existing alignment of the levee road, including river views and bicycle access, as part of the Sacramento River Greenway.
- Design the proposed project to take into consideration current and proposed aquatic invasive species prevention programs.
- Ensure that construction activities do not increase the chances of levee liquefaction or sloughing.
- Coordinate with US Army Corps of Engineers (Corps) to determine, if required, the appropriate plant species type or seed mixture composition for re-vegetating along levee surfaces disturbed by project construction and implementation.

Aesthetics

- Address the impact the project facilities would have on the aesthetics of the river.
- Address potential night lighting impacts.
- Address impacts associated with the aesthetics of the intake structure and it's compatibility with its surroundings.

Air Quality

- Address impacts associated with dust generated during construction.
- Use a recognized air quality analysis program such as the URBEMIS program or the Linear Construction Model program. Evaluate and mitigate for the impacts.

Biological Resources

- Address mitigation needs for cumulative impacts to riparian vegetation and shaded riverine aquatic habitat along the riverbank by working with resources agencies. Consider other types of mitigation such as avoidance, both in time and space.
- Conduct queries of the Natural Diversity Database (CNDDDB) and the United States Fish and Wildlife Service (USFWS) Special Status Species Database and onsite biological surveys to identify any special-status plant or wildlife species that may occur in the region and onsite. Discuss potential for occurrence of special-status plant or wildlife species.
- Identification of Federal Endangered Species should initiate formal consultation under section 7 of the Federal Endangered Species Act.
- Coordination with the California Department of Fish and Game (CDFG) for the incidental take of any endangered species under sections 2080.1 and 2081 of the California Fish and Game Code. Additional preconstruction surveys should be conducted to ensure the presence or absence of listed species.
- Consider a range of prevention programs for terrestrial and aquatic invasive species (including quarantine, early detection, and early response) to slow the introduction of invasive species into high demand and sensitive areas.
- Evaluate the impacts on fish and birds from noise and vibration impacts from construction activities in the water, on the levees and land-side construction activities along the Sacramento River and terrestrial placement of any water delivery system. Mitigation measures may include species-specific work windows as defined by CDFG, USFWS, and National Oceanic and Atmospheric Administration (NOAA) Fisheries.
- Review the Solano Habitat Conservation Program Operations and Maintenance Manual set forth by the USFWS Biological Opinion on the renewal of the contracts between the Bureau and Solano County agencies.
- Evaluate if the proposed project would favor non-native species within the Sacramento River.
- Address impacts to species of concern, specifically, Swainson's hawk, giant garter snake, and valley elderberry longhorn beetle.
- Address impacts of pumping water out of Sacramento River on aquatic and terrestrial species and their habitat.

Climate Change

- Include greenhouse gas emissions information consistent with AB 32 in EIR.
- Discuss the effects of greenhouse gases as a result of construction and maintenance. Consider the cumulative effects of greenhouse gases.

Cultural Resources

- Include documentation of a current archaeological record search from the Northwest Information Center of the California Historical Resources Information System if construction activities are proposed within state right of way.

- If warranted, include a cultural resource study by a qualified, professional archaeologist to ensure compliance with CEQA and Volume 2 of Caltrans' Standard Environmental Reference (if work in occurs in Caltrans right of way), and compliance with National Environmental Policy Act (NEPA) requirements, if there is to be federal action on the project.
- Evaluate the potential for submerged cultural resources in the project area. Consult with the California State Lands Commission and acquire a salvage permit as necessary to recover any objects from a submerged archaeological site or shipwreck as stated under Public Resources Code (PRC) section 6309 A Code of Federal Regulation Section 106 evaluation should be made as well, to determine any potential terrestrial cultural resources in the project areas where construction can occur.

Cumulative Effects

- Address cumulative construction and operational impacts of the proposed project combined with other existing and proposed intake facilities include those associated with the BDCP and the FRWP intake.
- NBA AIP EIR must evaluate cumulative impacts of existing and proposed intakes, on water quality; Sacramento Regional Wastewater Treatment Plant (SRWTP) operations, including cumulative impacts on applicable National Pollutant Discharge Elimination System (NPDES) permit conditions at the SRWTP.
- Address impacts resulting from close proximity of multiple intakes such as river bed scour and/or the creation of deposits detrimental to the FRWP intake.

Land Use and Planning

- Consider potential impacts to future urban development within the City of Vacaville's Urban Growth Boundary, as applicable.
- The EIR should fully describe the relationship of the NBA AIP to other state, local or regional planning efforts, including the Sacramento River Parkway Plan.
- Address loss of farmland. Loss of farmland is unacceptable.

Noise and Vibration

- Address noise and vibration impacts associated with construction and operation of the proposed project.

Public Services and Utilities

- Evaluate the effects on SID facilities, operations, access and water service.

Recreation

- Evaluate the potential temporary and permanent loss of recreation resources as well as public access (bike, pedestrian) of the Sacramento River. Mitigate for impacts, including alternative public access points for the residents and tourists of the area.
- Address the Sacramento River Parkway Plan and its relation to the project.

Surface Water Hydrology and Water Quality

- Include a discussion of the project's impact on FRWP intake operations due to increasing the frequency and duration reverse flows, which could result in curtailing FRWP intake operations to avoid taking in discharged treated water from the SRSD facility.

- To the extent that the proposed NBA intake will be located in close proximity to the FRWP intake, model the NBA diversion's influence on river bed scour and/or creations of deposits that could be detrimental to the FRWP intake.
- Consider water quality issues, such as turbidity and sedimentation, resulting from construction activities and mitigate as necessary.
- Provide full mitigation or avoidance of changes in water quality or wastewater treatment requirements.
- Model the effect of flows at the SRWTP outfall and disclose the effects on flows and likely effects on SRWTP operations, and the impacts of such changes.

Transportation and Circulation

- Include a Traffic Impact Study (TIS), containing appropriate mitigation measures, trip generations, and traffic distribution diagrams of the trip generation that would occur during construction.
- Discuss the potential changes and impacts to current transportation routes into and out of areas during construction. Include mitigation for residents and tourists of the area.

Other Comments

- NBA AIP EIR must evaluate environmental and economic impacts on the Sacramento Region.
- Disclose secondary impacts in the EIR.
- Address and fully mitigate for impacts to nearby residents.
- Beneficiaries of the NBA AIP water should be accountable for fully funding any necessary mitigation.

Agency Coordination

- Coordinate with the Central Valley Flood Protection Board (CVFPB) and the Corps if federal flood protection levees are to be modified to accommodate the proposed project and identify and implement any requirements such as working within establish windows outside of flood season.
- Coordinate with Corps, CDFG, Central Valley Regional Water Quality Control Board (CVRWQCB), and other regional permitting jurisdictions such as the Air Quality Management District or Air Pollution Control Districts to identify and obtain required permits.
- Coordinate with the State Lands Commission to determine if the proposed project qualifies as a project under the Memorandum of Understanding (MOU) between the Commission and DWR.
- Execute a Relocation and Protection of Facilities Agreement with SID addressing the provision of easements to DWR, and any necessary Joint Use of Facilities Agreement.
- Sign a standard SID development work order to reimburse SID for any costs related to proposed project implementation.
- Relocation of any existing SID facilities resulting from implementation of the proposed project will be at DWR's expense.
- SID Rules and Regulations require SID to place its certificate on parcel maps and sign parcel maps for land acquired for the project affecting fee title lands of SID.

- SID requires electronic AutoCAD files upon the completion of the project showing “as-builds”.
- Coordinate with East Bay Municipal Utility District (EBMUD) to quantify impacts to the FRWP and to identify potential mitigation measures. Engage EBMUD in the modeling efforts to quantify impacts to the FRWP intake.
- Coordinate with the SRCSD in modeling efforts.
- Coordinate with Caltran’s if any work occurs in a state road right-of-way to obtain an encroachment permit.