Project Summary

SCH #: 2012012053

Project Title: Limited Recirculation of the Draft Staff Report/Substitute Environmental Document in Support of Potential Updates to the Water Quality Control Plan for the San Francisco Bay/Sacramento-San Joaquin Delta Estuary for the Sacramento River and Its Tributaries, Delta Eastside Tributaries, and Delta

Lead Agency: State Water Resources Control Board

Project Description:

The draft Staff Report/Substitute Environmental Document (Staff Report) was prepared by the State Water Resources Control Board (State Water Board or Board) and fulfills the requirements of the California Environmental Quality Act (CEQA) and the State Water Board's regulations (Cal. Code Regs., tit. 23, § 3775 et seq.), as well as the Porter-Cologne Water Quality Control Act and other applicable requirements. The State Water Board's water quality control planning program is a certified regulatory program and is exempt from certain CEQA requirements, such as preparation of an environmental impact report (EIR). The draft Staff Report has been prepared in lieu of an EIR because it is recognized under CEQA and the regulations implementing CEQA as providing the functional equivalent.

CEQA does not require the State Water Board to submit the draft Staff Report for posting to the State Clearinghouse, but the State Water Board does so in the interest of transparency and in consideration of the public interest relating to the project.

State law requires that the State Water Board adopt water quality control plans to reasonably protect beneficial uses of water. The Board is required to periodically review its water quality control plans and to update those plans as needed through a public process. The Board protects water quality that affects beneficial uses of water in the Bay-Delta, in part, through its Water Quality Control Plan for the San Francisco Bay/Sacramento-San Joaquin Delta Watershed (Bay-Delta Plan). The Bay-Delta Plan identifies: (1) beneficial uses of water in the Bay-Delta, which currently include municipal, industrial, agricultural, and fish and wildlife uses; (2) largely flow-based water quality objectives to reasonably protect the beneficial uses; and (3) a program of implementation to achieve the objectives, including monitoring and reporting requirements.

The draft Staff Report supports possible updates to the Bay-Delta Plan. The changes are focused on the portions of the plan relevant to the Sacramento River watershed, Delta eastside tributaries (including the Calaveras, Cosumnes, and Mokelumne Rivers), and Delta (Sacramento/Delta) for the reasonable protection of fish and wildlife beneficial uses.

In September 2023, the State Water Board released the draft Staff Report (2023 Draft Staff Report) evaluating the potential environmental, water supply, and economic effects of different alternatives for the Sacramento/Delta updates to the Bay-Delta Plan. The 2023 Draft Staff Report evaluated the following: proposed Plan amendments that were based on the 2018 Framework for possible Sacramento/Delta updates to the Bay-Delta Plan; proposed voluntary agreements (VAs), referred to as the Healthy Rivers and Landscapes (HRL) proposal; and Low Flow and High Flow alternatives; as well as several modular alternatives that would modify the other alternatives.

The State Water Board is conducting a limited recirculation of the draft Staff Report by releasing a new chapter (Chapter 13) for public review and comment. Chapter 13, *Revised Proposed Plan Amendments*, provides an updated project description with supporting environmental and economic analyses. Chapter 13 provides the background for the planning process; a description of the revised proposed Plan amendments; analyses of the expected changes in hydrology and water supply, economic effects, and beneficial environmental effects; and an analysis of potential environmental impacts. Chapter 13 also includes public trust and Water Code section 13241 analyses. For efficiency and to avoid redundancy, Chapter 13 references the environmental analyses, impact determinations, and associated mitigation measures from the 2023 Draft Staff Report Chapters 7 and 9, and the economic analyses from Chapters 8 and 9, where applicable.

CEQA Guidelines may be cited where appropriate and relevant to help guide or inform the CEQA analysis consistent with CEQA's goals and standards. California Code of Regulations, title 14, section 15088.5, subdivision (a) requires a lead agency to recirculate an EIR when significant new information is added, such as changes in the project or environmental setting as well as additional data or other information. If the revision is limited to a few chapters or portions of the EIR, the lead agency need only recirculate the chapters or portions that have been modified. (Cal. Code Regs., tit. 14, § 15088.5, subd. (c).) The portion of the draft Staff Report that is being recirculated is limited to Chapter 13.