



Notice of Determination, Response to Comments of  
Initial Study/Mitigated Negative Declaration, and  
Mitigation Monitoring and Reporting Program

# Delta Flood Emergency Facilities Improvement Project Refinements

State Clearinghouse (SCH) No 2014112056

A Component of the Delta Flood Emergency Preparedness,  
Response, and Recovery Program

February 2015

# NOTICE OF DETERMINATION

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To:

From:

X Office of Planning and Research  
1400 10th Street, Room 121  
Sacramento CA, 95814

California Department of Water Resources  
Division of Flood Management  
I Street, Room 301  
Sacramento CA 95814

X County Clerk  
County of San Joaquin  
County of Solano  
County of Sacramento  
County of Contra Costa  
County of Yolo

**Subject: Filing of Notice of Determination**

**Project Name (if any):** Delta Flood Emergency Facilities Improvement Project Refinements

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2014112056	Seth Litchney	(916) 445-0613
State Clearinghouse Number	Contact Person	Area Code/Telephone

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**Project Contact:**

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Division of Flood Management  
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**Project Location (include County):**

The Initial Study/Mitigation Negative Declaration addresses the potential development, improvement, and operation of three permanent rock stockpile and emergency transfer sites in the Sacramento-San Joaquin River Delta area. These sites are located at:

1. 1404, 1541 and 1325 West Weber Avenue, Stockton, CA (Stockton West Weber Avenue).  
County of San Joaquin
2. Central Valley Flood Protection Board Dredge Disposal Site, at Airport Road, Rio Vista, CA (Rio Vista). County of Solano.
3. Brannan Island State Recreation Area, CA (Brannan Island). County of Sacramento.

**Project Description:** Minor refinements to the proposed project have been made since June 2013 and are the focus of this subsequent Initial Study/subsequent proposed MND (IS/MND). Proposed project refinements at the Stockton West Weber site include site clearing, grubbing, and removal of organic material including at least 14 and potentially up to approximately 20 trees during project construction; grading including importing backfill material; constructing 12-inch aggregate base all-weather surfaces above the 100-year flood elevation; improving, extending, or abandoning existing utilities services where required; constructing a new 7,000 square foot steel frame building with concrete foundation for warehouse use; constructing new concrete foundations for two rock conveyors; constructing a 6,500 square foot asphalt foundation/pad for four temporary office trailers and a pre-fabricated restroom facility; construct 4,600 square-foot asphalt ADA parking stalls and pathways for building accessibility; establishing a quarry rock stockpile of up to 150,000 tons of various rock gradations (an increase from 40,000 tons in original project description); installing an additional two spud piles (for a total of eight spud piles) near the toe of bank along the Stockton Deep Water Ship Channel to support two conveyor support barge structures; and installing up to 11 dolphin pile clusters for mooring of up to three transport barges during rock-loading operations.

Proposed project refinements at the Rio Vista site include: site clearing, grubbing, and removal of organic material including approximately 4.0 acres of trees as necessary during project construction; decreasing the acreage for vehicle parking from 1.25 acres to 0.75 acre; providing new water and electrical connections; and widening the existing access road from about 20 feet to 28 feet, including removing at least two and up to approximately 15 trees along the existing access road.

No project refinements are proposed for the Brannan-Andrus site.

This is to advise that the California Department of Water Resources has approved the above described project on February 11, 2015 and has made the following determination regarding the above described project:

1. The project  will  will not have a significant effect on the environment.
2.  An Environmental Impact Report was prepared for this project pursuant to the provisions of CEQA.  
 A Mitigated Negative Declaration was prepared for this project pursuant to the provisions of CEQA.
3. Mitigation Measures  were  were not made a condition of the approval of the project.
4. A statement of Overriding Considerations  was  was not adopted for this project.
5. A Mitigation Monitoring or Reporting Plan  was  was not adopted for the project.
6. Findings  were  were not made pursuant to the provisions of CEQA.

**This is to certify that the Mitigated Negative Declaration with comments and responses and record of project approval is available to the General Public at:**

California Department of Water Resources  
Division of Flood Management  
Attn: Kristin Richmond, P.E.  
3310 El Camino Avenue, Suite 200  
Sacramento, CA 95821

**Certification by Persons Responsible for Preparation of this Document:** The Department of Water Resources, Division of Flood Management Engineering has been responsible for preparation of this Proposed Mitigated Negative Declaration and the incorporated Initial Study. I believe this document meets the requirements of the California Environmental Quality Act, is an accurate description of the proposed project, and that the lead agency has the means and commitment to implement the project design measures that will ensure that project does not have any significant, adverse effects on the environment. I recommend approval of this document.



\_\_\_\_\_  
John Paasch, Chief  
Flood Operations Branch  
Division of Flood Management Engineering  
California Department of Water Resources

2-11-2015

\_\_\_\_\_  
Date

(\*To be signed upon completion of the public review process and preparation of a final project approval package, including responses to comments, if any, on the environmental document and any necessary modifications to project design measures.)

**Approval of the Project by the Lead Agency:** Pursuant to Section 21082.1 of the California Environmental Quality Act, the California Department of Water Resources has independently reviewed and analyzed the Initial Study and Proposed Mitigated Negative Declaration reflect the independent judgment of the California Department of Water Resources. The lead agency finds that the project design features will be implemented as stated in the Mitigated Negative Declaration.

I hereby approve this project:



\_\_\_\_\_  
Keith Swanson, Chief  
Flood Operations Branch  
Division of Flood Management  
California Department of Water Resources

2/11/15

\_\_\_\_\_  
Date

# TABLE OF CONTENTS

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<b>1.0</b>	<b>Introduction .....</b>	<b>1</b>
1.1	Review of the IS/MND, SCH No. 2014112056 .....	1
1.2	Preparation of this Document .....	1
<b>2.0</b>	<b>Comments and Responses.....</b>	<b>2</b>
2.1	Letter 1: California Department of Fish and Wildlife .....	3
2.2	Letter 2: Letter from California State Lands Commission .....	10
2.3	Letter 3: Letter from Central Valley Regional Water Quality Control Board .....	19
2.4	Letter 4: Letter from United States Coast Guard .....	25
2.5	Letter 5: Letter from San Joaquin Valley Air Pollution Control District .....	27
2.6	Letter 6: Letter from Maria Rea, National Marine Fisheries Service.....	30
<b>3.0</b>	<b>Errata and Text Changes .....</b>	<b>38</b>
3.1	Air Quality.....	38
3.2	Biological Resources.....	40
3.3	Cultural Resources.....	41
3.4	Noise .....	41
<b>4.0</b>	<b>Mitigation Monitoring and Reporting Program.....</b>	<b>46</b>
4.1	Introduction .....	46
4.2	Purpose of Mitigation Monitoring and Reporting Program.....	46
4.3	Roles and Responsibilities .....	46
4.4	Reporting.....	46

# 1.0 INTRODUCTION

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## 1.1 Review of the IS/MND, SCH No. 2014112056

The California Department of Water Resources (DWR), as lead agency under the California Environmental Quality Act (CEQA), prepared a subsequent initial study/mitigated negative declaration (IS/MND) for the Delta Flood Emergency Facilities Improvement Project (State Clearinghouse [SCH] No. 2014112056). A Notice of Completion (NOC) was hand delivered to the SCH and delivered by US Postal Service to appropriate resource agencies. A Notice of Availability (NOA) of the subsequent IS/MND and DWR's Notice of Intent to adopt an MND was published in the Sacramento Bee, Stockton Record, and the Rio Vista Beacon. In addition, an electronic copy was posted on DWR's website: <http://www.water.ca.gov/floodmgmt/hafoo/fob/dfeprrp/facilities.cfm>.

The 32-day public review period began on November 24, 2014, and ended on December 26, 2014. Comment letters were received from the following five entities:

- California Department of Fish and Wildlife (CDFW)
- California State Lands Commission (CSLC)
- Central Valley Regional Water Quality Control Board (CVRWQCB)
- U.S. Coast Guard (USCG)
- San Joaquin Valley Air Pollution Control District (SJVAPCD)

These letters are presented in Section 2.0, "Comment and Responses." In addition, an informal communication was received from the Sacramento Metropolitan Air Quality Management District (SMAQMD).

## 1.2 Preparation of this Document

Comment letters were reviewed and the responses were prepared as presented in Section 2.0. Based on the comments and recommendations received, minor changes and edits to the Subsequent IS/MND have been identified and reflected in Section 3.0, "Errata." Although CEQA Guidelines Section 15074 only requires that the lead agency "consider" comments received during the public review process, DWR has prepared written responses to comments, and errata and text changes, as specified in this document.

The CDFW and CSLC letters required clarifying language be added to the analysis and mitigation measures in the biological resources and noise analysis sections of the subsequent IS/MND. Text changes are addressed in Section 2.0 in response to each letter and repeated in Section 3.0. Section 4.0, "Mitigation Monitoring and Reporting Program," presents the Mitigation Monitoring and Reporting Program (MMRP) to be implemented by DWR.

No substantive revisions were made to the subsequent IS/MND; therefore, recirculation of the IS/MND is not necessary (CEQA Guidelines Section 15073.5). Minor revisions to clarify the project description and mitigation measures do not meet criteria for recirculation under CEQA Guidelines Section 15073.5. No new mitigation measures are proposed.

## 2.0 COMMENTS AND RESPONSES

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## 2.1 Letter 1: California Department of Fish and Wildlife

State of California  
Department of Fish and Wildlife



### Memorandum

Date: December 22, 2014

To: Mr. John Paasch  
Division of Flood Management  
California Department of Water Resources  
3310 El Camino Avenue, Suite 200  
Sacramento, CA 95821

From:   
Scott Wilson, Regional Manager  
California Department of Fish and Wildlife – Bay Delta Region, 7329 Silverado Trail, Napa, California 94558

Subject: Delta Flood Emergency Facilities Improvement Project Refinements, Initial Study/Mitigated Negative Declaration, SCH #2014112056, San Joaquin County

The California Department of Fish and Wildlife (CDFW) has reviewed the Initial Study/Mitigated Negative Declaration (IS/MND) for the Delta Flood Emergency Facilities Improvement Project Refinements. CDFW is providing comments on the IS/MND as both a Trustee and Responsible Agency. As Trustee for the State's fish and wildlife resources, CDFW has jurisdiction over the conservation, protection, and management of the fish, wildlife, native plants, and the habitat necessary for biologically sustainable populations of such species for the benefit and use by the people of California (Fish and Game Code, § 1802). CDFW is also considered a Responsible Agency if a project would require discretionary approval, such as a California Endangered Species Act (CESA) Incidental Take Permit (ITP) or a Lake and Streambed Alteration Agreement (LSAA).

Please be aware that if CDFW is required to act as a Responsible Agency for issuance of an ITP pursuant to CESA, or an LSAA, the IS/MND must adequately analyze and mitigate impacts on resources subject to CDFW's statutory authority or an additional environmental document may be required [California Environmental Quality Act (CEQA) Guidelines § 15162].

#### Project Description and Location

The California Department of Water Resources (DWR) proposes to acquire long-term access and improve up to three sites in the Sacramento-San Joaquin Delta. The purpose of the proposed project is to ensure that the State has the appropriate infrastructure and supplies to respond to and recover quickly and effectively from major flood or earthquake disasters in the Delta. The proposed project would establish two new material storage transfer facility sites (one at West Weber Avenue in Stockton and one at Brannan Island State Park), modify an existing material storage facility at Rio Vista, establish new flood fight supply facilities at all three locations, and make site preparations to support incident command posts at Stockton's West Weber Avenue and Brannan Island State Recreation Area (BISRA).

DWR completed compliance with CEQA and approved the project in June 2013. Minor refinements to the proposed project have been made since June 2013 to the Stockton and Rio Vista sites. The refinements are the focus of the subsequent IS/MND.

#### Comments on the IS/MND

CDFW 1

##### Burrowing Owl

Mitigation Measure BIO-1: Conduct Burrowing Owl Surveys at all Three of the Project Sites Prior to Development (pages MND-6, 3-29, and B-3), states that "Prior to any land clearing operations, a burrowing owl survey following standard guidelines (The California Burrowing Owl Consortium, CBOC, 1993) shall be conducted by a qualified biologist." CDFW recommends also using the Staff Report on Burrowing Owl Mitigation dated March 7, 2012 that is on the CDFW website at [https://www.dfg.ca.gov/wildlife/nongame/survey\\_monitor.html](https://www.dfg.ca.gov/wildlife/nongame/survey_monitor.html). The 2012 Staff Report takes into account the California Burrowing Owl Consortium's Survey Protocol and Mitigation Guidelines (CBOC 1993, 1997) and supersedes the survey, avoidance, minimization and mitigation recommendations in the previous 1995 Staff Report.

CDFW 2

##### Tree Removal at Brannan Island State Recreation Area

Mitigation Measure BIO-2: Retain all Mature Trees at the Proposed BISRA Project Sites (pages MND-6, 3-29, and B-4). DWR plans to keep mature trees that are potential nest trees and native oak trees greater than 8 inches diameter at breast height (dbh) at the proposed BISRA project site.

CDFW recommends mitigation for trees removed that are four inches dbh or larger. The MND should include the number of trees, size, and species of the trees, that are four inches dbh or larger to be removed at BISRA as a part of the proposed project. Mitigation Measure BIO-2 should include how DWR plans to mitigate for the tree removal at BISRA (refer to CEQA Guidelines, § 15370).

##### Riparian Habitat

Page 3-26 of the MND discusses removal of scattered trees and shrubs along the bank of the Stockton Deep Water Ship Channel, and determines the removal of woody vegetation would constitute a loss of riparian vegetation. The MND also determined that the proposed project removal of riparian vegetation would be a significant impact and refers to mitigation measure BIO-4 as reducing the impact to less-than-significant.

CDFW has the following comments regarding Mitigation Measure BIO-4:

CDFW 3

- BIO-4 includes restoration of riparian habitat on "Brennan" Island or other state-owned property at a 1:1 replacement ratio. Is "Brennan Island" supposed to be "Brannan Island"?

CDFW 4

- BIO-4 is unclear as to whether the replacement riparian habitat is due to riparian habitat impacted on Brannan Island only or if the restoration is for all riparian habitat impacted as a result of the proposed project. The Mitigation Measure BIO-4 could clear up this question by including a statement that all project related riparian impacts will be mitigated on Brannan Island.

Special-Status Birds and Potential Nesting Trees

The discussion in the MND notes that 14 to 20 trees are to be potentially removed at the Stockton West Weber site, two to 15 trees are to be potentially removed for the road improvements at the Rio Vista Site, and 4.0 acres of trees are to be potentially removed at the Rio Vista site (pages MND-2, MND-3, MND-4, 2-3, 2-9, 2-10, 3-25 and 3-26).

CDFW 5

The MND states on page 3-26: "This level of impact to trees at both the Stockton West Weber and Rio Vista sites is not a substantial adverse impact and therefore is a less-than-significant impact that does not require mitigation." The determination of less-than-signification for removal of the trees is unclear, as the size of the trees and whether any are considered to be riparian habitat is not disclosed in the MND.

The MND further provides on page 3-26: "Mature trees can provide nesting habitat for raptors and other species protected under the Migratory Bird Treaty Act. Shrubs primarily provide nesting habitat for songbirds protected under the Migratory Bird Treaty Act. The loss of an active nest due to tree removal would constitute a significant impact. However, implementation of mitigation measure BIO-3 described in Appendix B, "Mitigation Monitoring and Reporting Program," would reduce the impact on special-status birds to ensure that active nests are not impacted if vegetation removal occurs during the active nesting season (typically considered to be February 1 through September 15). The impact to special-status birds at the Stockton West Weber and Rio Vista sites would be less-than-significant with mitigation incorporated."

CDFW 6

There is not enough substantial evidence in the MND to support a less-than-significant determination due to the removal of a significant amount of trees (potentially 35 trees, and 4.0 acres of trees), and the lack of information relative to size of the trees and whether they are potential nesting trees or nesting habitat (refer to CEQA Guidelines, § 15384).

Mitigation Measure BIO-3 in the MND only provides for bird surveys. Even if nesting birds are not found in the trees at the time of the surveys, removing the trees and not replacing them would mean a permanent loss of potential habitat for nesting birds that could be considered significant and require mitigation (refer to CEQA Guidelines, § 15382). Mitigation for the impacts to potential nesting trees may be needed in order to reduce the impact in the MND to less-than-significant (refer to CEQA Guidelines, § 15370).

Fish Habitat

Page 3-26 of the MND states "Implementation of the proposed project and project refinements would result in impacts to special-status fish habitat by removal of vegetation along the banks, placement of eight spud piles near the toe of the bank, and installation of up to 11 dolphin pile clusters for mooring of up to three transport barges during rock loading operations, and the removal of 12 existing wooden piles that are obstructing the foundation and alignment at one of the conveyor locations."

Page 3-27 of the MND states "Implementation of the proposed project at the Stockton West Weber site would result in the installation of a total of eight spud piles near the toe of the bank, below the ordinary high water mark (OHWM), to support two conveyor support barge structures and up to 11 dolphin pile clusters within the Stockton Deep Water Ship Channel.... Installation of the spud and dolphin piles would result in the placement of

structures (i.e., piles) below the OHWM of the Stockton Deep Water Ship Channel on the north shore of the Stockton West Weber site. Approximately 13,000 square feet of rip-rap would be placed along the north shore. Approximately 9,900 square feet would be above the OHWM and approximately 3,600 square feet of rip rap would be placed below the OHWM to stabilize the bank during barge loading during emergency events.”

CDFW 7 Please be advised that CDFW considers shallow water habitat for Delta smelt to be defined as all waters between Mean High Water and 9.84 feet below Mean Lower Low Water. Any impacts to the channel bed or bank from the installation of piles within shallow water habitat should be quantified and mitigated. An additional mitigation measure should be added to the MND to address any impacts to shallow water habitat (refer to CEQA Guidelines, § 15370).

CDFW 8 On page 3-26 of the MND, DWR proposes an in-water work window of July 1 to October 31. Please also be advised that the CDFW recommended in-water work window is August 1 to November 30.

If you have any questions regarding this letter, please contact Ms. Crystal Spurr, Senior Environmental Scientist (Supervisory), at (209) 234-3442 or by email at [crystal.spurr@wildlife.ca.gov](mailto:crystal.spurr@wildlife.ca.gov); or Mr. Jim Starr, Environmental Program Manager, at (209) 234-3440 or by email at [jim.starr@wildlife.ca.gov](mailto:jim.starr@wildlife.ca.gov).

cc: State Clearinghouse

**CDFW 1 Comment:** CDFW recommends using the Staff Report on Burrowing Owl Mitigation dated March 7, 2012 since this guidance supersedes the survey, avoidance and minimization, and mitigation recommendations in The California Burrowing Owl Consortium (CBOC, 1993).

**Response:** The reference to standard guidelines has been changed in Mitigation Measure BIO-1 from The California Burrowing Owl Consortium (CBOC, 1993) to Staff Report on Burrowing Owl Mitigation dated March 7, 2012. Revisions to pages MND-6, 3-29, and B-3 are shown in Section 3.0, “Errata.”

**CDFW 2 Comment:** CDFW recommends mitigation for trees removed that are 4 inches diameter at breast height (dbh) or larger. The MND should include the number of trees, size, and species of trees that are 4 inches dbh or larger to be removed at the Brannan Island State Recreation Area (BISRA) as part of the project.

**Response:** DWR proposes to retain all native oak trees greater than 8 inches in dbh and any mature tree that could provide nesting habitat at Brannan Island. Mitigation Measure BIO-4 addresses impacts associated with riparian trees, which are subject to a 1:1 replacement ratio. Riparian trees are subject to the jurisdiction of CDFW under Section 1600 of the California Fish and Game Code. Removal of riparian trees 4 inches and greater dbh would require compliance with terms specified in the Lake and Streambed Alteration Agreement, which DWR would be required to obtain under Mitigation Measure BIO-6.

**CDFW 3 Comment:** CDFW requests clarification for “Brennan” Island.

**Response:** Mitigation Measure BIO-4 contains a spelling error and has been revised to incorporate the correct spelling of Brannan Island.

**CDFW 4 Comment:** CDFW requests clarification as to whether the replacement riparian habitat is due to riparian habitat impacted on Brannan Island only or if the restoration is for all riparian habitat impacted as a result of the proposed project. CDFW suggests that clarification could be provided in Mitigation Measure BIO-4 by including a statement that all project-related riparian impacts will be mitigated on Brannan Island.

**Response:** Mitigation Measure BIO-4 states that “DWR will mitigate for impacts through restoration of riparian habitat on the Brennan Island, or other state-owned property based on a replacement ratio of 1:1”. It is the intent of Mitigation Measure BIO-4 that restoration of riparian habitat on Brannan Island, or other state property, will provide compensation for project-related riparian impacts occurring on any of the three proposed project sites. Mitigation Measure BIO-4 has been revised to clarify that all project-related riparian impacts will be mitigated for on Brannan Island, other state-owned property, or a mitigation bank (see Section 3.0, “Errata”).

**CDFW 5 Comment:** CDFW requests additional information to be provided on the size of trees to be removed and whether any are considered riparian to clarify the determination of a less-than-significant impact for removal of trees at the Stockton West Weber and Rio Vista sites.

**Response:** Tree removal at the Stockton West Weber site would result in the loss of 10 Siberian elm (*Ulmus pumilia*), three pecan (*Carya illinoensis*), and one California black walnut (*Juglans hindsii*) as noted on page 3-25 of the IS. These species have trunks ranging from approximately 10 to 24 inches at dbh. In addition, a grove of Chinaberry (*Melia azedarach*)

trees would be removed. The trunks of the Chinaberry measure approximately 4 to 8 inches at dbh. All tree removal is located within the interior portion of the Stockton West Weber site, and these trees do not qualify as riparian trees. Also, with the exception of the black walnut tree, all trees identified for removal within the interior of the Stockton West Weber site are not native to California. Mitigation is typically not required for non-native, horticultural tree species. Tree removal at the Stockton West Weber site was determined to be less than significant because these are not riparian trees subject to CDFW jurisdiction under Section 1600 of the California Fish and Game Code, nor is the removal of these species regulated by the City of Stockton.

Tree species common within the Rio Vista site include valley oak (*Quercus lobata*), Fremont's cottonwood (*Populus fremontii*), Oregon ash (*Fraxinus latifolia*), Gooding's black willow (*Salix gooddingii*), and red willow (*S. laevigata*). Shrubs including arroyo willow (*S. lasiolepis*) and narrowleaf willow (*S. exigua*) are common at the Rio Vista site. Implementation of the proposed project and project refinements at the Rio Vista site would remove up to approximately 4.0 acres of trees. Road widening would result in the removal of 2-15 trees. The Rio Vista site is physically separated from the Sacramento River by more than 1,000 linear feet. The tree species present within the Rio Vista site are characteristic of a riparian forest; however, these trees are not located along a waterway nor do the trees have the ability to contribute to debris or other riparian source material to the Sacramento River. Therefore, the trees present on the Rio Vista site do not qualify as riparian habitat subject to CDFW jurisdiction under Section 1600 of the California Fish and Game Code. A formal tree survey to measure dbh has not been conducted at Rio Vista. The majority of the trees present within the Rio Vista site range between 8 and 24 inches dbh based on previous site reconnaissance. Tree removal at the Rio Vista site was determined to be less than significant because these are not riparian trees subject to CDFW jurisdiction under Section 1600 of the California Fish and Game Code, nor does Solano County regulate tree removal.

**CDFW 6 Comment:** CDFW requests additional information to support the determination of a less-than-significant impact or consideration of mitigation for the removal of trees within the Stockton West Weber and Rio Vista sites because tree removal constitutes a loss of potential nesting habitat.

**Response:** Upland tree removal at the Stockton West Weber site would remove up to 20 trees. Up to 4.0 acres of trees total at the Rio Vista site would be removed for project refinements such as the expansion of the rock stockpile. Road widening at the Rio Vista site would result in the removal of at least two, but up to 15 trees. The loss of an active nest would constitute a significant impact. However, implementation of Mitigation Measure BIO-3 requires that nesting surveys occur prior to the start of construction to avoid impacts to active nests and prevent take of special-status species and birds protected under the Migratory Bird Treaty Act (MBTA). The permanent loss of potential nesting habitat at the Stockton West Weber and Rio Vista sites as a result of project-related tree removal, described above, would not result in a drop in population levels of any local or regionally occurring bird species below self-sustaining population levels or threaten to eliminate a local or regionally occurring species. Approximately 9.37 acres of tree-dominated habitat that could provide potential nesting habitat would remain on the Rio Vista site after project implementation. All mature tree removal at the Stockton West Weber site would occur within the interior portion of the site and does not constitute removal of riparian trees. Removal of riparian vegetation along the northern site boundary at the Stockton West Weber site is required for the installation of in-

channel dolphins and the placement of rock conveyers to load barges. The northern edge of the Stockton West Weber site is dominated by narrowleaf willow and arundo. Riparian trees located along the west and southern project site boundaries would remain and could provide potential nesting habitat after project implementation. Mitigation for non-riparian trees that could provide potential nesting habitat is not required under CEQA or proposed.

**CDFW 7 Comment:** CDFW requests a mitigation measure be added for the loss of shallow water habitat, which provides habitat for Delta smelt.

**Response:** The waterways that surround the Stockton West Weber site are designated as critical habitat for delta smelt under the federal Endangered Species Act (ESA). Implementation of the proposed project and refinements at the Stockton West Weber site would require that DWR obtain a permit from the U.S. Army Corps of Engineers (USACE) under Section 404 of the Clean Water Act. USACE cannot authorize a permit for any activity that is likely to directly or indirectly jeopardize the continued existence of a federally threatened or endangered species, or any activity that would directly or indirectly destroy or modify critical habitat for listed species. DWR is preparing a biological assessment in anticipation of the required Section 7 ESA consultation that USACE will initiate as part of the permit process; the biological assessment will address potential impacts on delta smelt habitat. In accordance with Mitigation Measure BIO-8, “DWR will commit to replace, restore, or enhance on a “no net loss” basis, in accordance with U.S. Army Corps of Engineers (USACE) and CVRWQCB, the acreage of all wetlands and other waters of the United States that would be removed, lost, and/or degraded with implementation of project plans. Wetland habitat shall be restored, enhanced, and/or replaced at an acreage and location and by methods agreeable to USACE and CVRWQCB, as determined during the Section 404 and Section 401 permitting processes. Final mitigation ratios will be determined during the permitting process.” Shallow water habitat is a component of “wetlands and other waters of the United States” included in Mitigation Measure BIO-8; therefore, a new or revised mitigation measure is not necessary.

**CDFW 8 Comment:** CDFW recommends an in-water work window of August 1 to November 30.

**Response:** Comment noted. DWR will adhere to the in-water work windows that are issued by USFWS and NMFS as part of formal Section 7 ESA consultation that result from the 404 Clean Water Act permitting process (and included in Mitigation Measure BIO-8).

## 2.2 Letter 2: Letter from California State Lands Commission

STATE OF CALIFORNIA

EDMUND G. BROWN JR., Governor

**CALIFORNIA STATE LANDS COMMISSION**  
100 Howe Avenue, Suite 100-South  
Sacramento, CA 95825-8202



*Established in 1938*

**JENNIFER LUCCHESI, Executive Officer**  
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California Relay Service TDD Phone 1-800-735-2929  
from Voice Phone 1-800-735-2922

**Contact Phone: (916) 574-1890**  
**Contact FAX: (916) 574-1885**

December 22, 2014

File Ref: SCH #2014112056

Mr. John Paasch  
Division of Flood Management  
California Department of Water Resources  
3310 El Camino Avenue, Suite 200  
Sacramento, CA 95821

**Subject: Mitigated Negative Declaration (MND) for Delta Emergency Facilities Improvement Project Refinements, San Joaquin and Solano Counties**

Dear Mr. Paasch:

The California State Lands Commission (CSLC) staff has reviewed the MND for the Delta Emergency Facilities Improvement Project Refinements (Project), which is being prepared by the California Department of Water Resources (DWR). DWR, as a public agency proposing to carry out a project, is the lead agency under the California Environmental Quality Act (CEQA) (Pub. Resources Code, § 21000 et seq.). The CSLC is a trustee agency for projects that could directly or indirectly affect sovereign lands and their accompanying Public Trust resources or uses. Additionally, because the Project involves work on sovereign lands, the CSLC will act as a responsible agency.

### **CSLC Jurisdiction and Public Trust Lands**

The CSLC has jurisdiction and management authority over all ungranted tidelands, submerged lands, and the beds of navigable lakes and waterways. The CSLC also has certain residual and review authority for tidelands and submerged lands legislatively granted in trust to local jurisdictions (Pub. Resources Code, §§ 6301, 6306). All tidelands and submerged lands, granted or ungranted, as well as navigable lakes and waterways, are subject to the protections of the Common Law Public Trust.

As general background, the State of California acquired sovereign ownership of all tidelands and submerged lands and beds of navigable lakes and waterways upon its admission to the United States in 1850. The State holds these lands for the benefit of all people of the State for statewide Public Trust purposes, which include but are not limited to waterborne commerce, navigation, fisheries, water-related recreation, habitat preservation, and open space. On tidal waterways, the State's sovereign fee ownership

extends landward to the mean high tide line, except for areas of fill or artificial accretion or where the boundary has been fixed by agreement or a court. On navigable non-tidal waterways, including lakes, the State holds fee ownership of the bed of the waterway landward to the ordinary low water mark and a Public Trust easement landward to the ordinary high water mark, except where the boundary has been fixed by agreement or a court. Such boundaries may not be readily apparent from present day site inspections.

CSLC i After reviewing the information contained in the MND, CSLC staff has determined that portions of the Project will be located along areas of the natural bed of Mormon Slough and the Port of Stockton on State-owned sovereign land under the jurisdiction of the CSLC. Therefore, a lease from the CSLC will be required for DWR to implement the Project on sovereign lands; please contact Al Franzoia (see contact information below) for further information about the extent of the CSLC's sovereign ownership and leasing requirements.

CSLC ii Please also be advised that while some of the waterways involved in the Project may not be under the CSLC's leasing jurisdiction, those waterways are still subject to a public navigational easement. This easement provides that the public has the right to navigate and exercise the incidences of navigation in a lawful manner on State waters that are capable of being physically navigated by oar or motor-propelled small craft. Such uses may include, but are not limited to, boating, rafting, sailing, rowing, fishing, fowling, bathing, skiing, and other water-related public uses. The activities completed under the Project must not restrict or impede the easement right of the public.

These comments are made without prejudice to any future assertion of State ownership or public rights, should circumstances change, or should additional information become available. This letter is not intended, nor should it be construed as a waiver or limitation of any right, title, or interest of the State of California in any lands under its jurisdiction.

### **Project Description**

DWR proposes to improve three transfer facility sites to meet its objectives and needs as follows:

- Expedite levee repairs and facilitate channel closures in the event of a Delta levee breach.
- Enable the sites to serve other emergency response functions needed by DWR to respond rapidly and effectively to significant emergencies in the Delta.

From the Project Description, CSLC staff understands that the current Project is a refinement of the Delta Flood Emergency Facilities Improvement Project, which was analyzed in a MND (SCH 2013042015) and adopted on June 3, 2013. Since the adoption of the 2013 MND, minor refinements have been made to the Delta Flood Emergency Facilities Project. As a result, DWR has prepared this new MND to evaluate the Project refinements in the context of the original Project evaluated in the 2013 MND. The Project refinements would include the following components:

- Inclusion of Sea Level Rise Projections. The Stockton West Weber site (Stockton site) would now include a 12-inch aggregate base to a finished grade of 11-12 feet above the 100-year flood elevation plus freeboard to anticipate the approximated 18 inches of sea level rise.
- Additional Site Clearing, Grubbing and Construction. The Stockton and Rio Vista sites would be cleared and grubbed, including tree removal; grading and construction of various warehouses, offices, stockpile areas and other buildings would occur.
- Rock Conveyors. Two new approximately 600-square-foot concrete foundations supported by piles for two rock conveyors would be constructed at the Stockton site.
- Piles. Twelve existing piles would be removed, and up to eleven dolphin pile clusters and eight spud piles would be installed in the Stockton Deepwater Ship Channel. Pile driving would be conducted with an impact hammer and is anticipated to occur from a barge.
- Riparian Vegetation and Riprap. Riparian vegetation would be removed from up to approximately 700 linear feet along the Stockton Deepwater Ship Channel and approximately 13,000 square feet of riprap would be placed along the channel, with approximately 3,600 square feet of riprap occurring below the ordinary high water mark.

### Environmental Review

CSLC staff requests that DWR consider the following comments on the Project's MND.

#### Biological Resources

- CSLC 1 1. Invasive Species: Although the MND considers the impacts of various aspects of the Project on fish species, such as removing riparian habitat and installing riprap, the MND does not consider the Project's potential to introduce or spread aquatic invasive species to the area. The use of in-water construction equipment at the Stockton site could facilitate the spread or introduction of aquatic invasive species to the Project area. The MND should consider a range of options to slow the introduction of invasive species into sensitive habitats, including hiring construction vessels from nearby, or requiring hull cleaning from contractors prior to Project construction. Please consider current and proposed aquatic invasive species prevention programs in the area as models for invasive species prevention during the Project.

#### Cultural Resources

- CSLC 2 2. Submerged Resources: The MND should evaluate potential impacts to submerged cultural resources, in addition to terrestrial cultural resources, in the Project area. The CSLC maintains a shipwrecks database that can assist with this analysis. A number of shipwrecks exist in San Joaquin County, and CSLC staff requests that DWR contact Assistant Chief Counsel Pam Griggs (see contact information below) to obtain shipwrecks data from the database and CSLC records for the Project site.

The database includes known and potential vessels located on the State's tide and submerged lands; however, the locations of many shipwrecks remain unknown. Please note that any submerged archaeological site or submerged historic resource that has remained in State waters for more than 50 years is presumed to be significant.

- CSLC 3 3. Title to Resources: The MND should also mention that the title to all abandoned shipwrecks, archaeological sites, and historic or cultural resources on or in the tide and submerged lands of California is vested in the State and under the jurisdiction of the CSLC. CSLC staff requests that the MND consult with Assistant Chief Counsel Pam Griggs (see contact information below) should any cultural resources on State lands be discovered during construction of the proposed Project.

#### Hydrology and Water Quality

- CSLC 4 4. Spill Prevention and In-Water Construction: Although the MND includes an analysis of the impacts of accidental spills and mitigates this impact using MM HYD-1 on page 3-41, the mitigation measure, as currently written, does not explicitly cover spills for in-water construction equipment. Please include specific best management practices on preventing and containing spills from in-water construction equipment in MM HYD-1.
- CSLC 5 5. Mercury/Methylmercury: The MND study area includes the San Joaquin River and Mormon Slough. The MND does not disclose that the San Joaquin River is listed as impaired for mercury/methylmercury under the Clean Water Act. Mercury is a sediment-associated pollutant and sediment disturbance through piling removal and pile driving may contribute to mercury transport in the Delta. CSLC staff requests that the MND include avoidance and minimization measures to reduce potential release from Project activities of mercury and other toxins into waterways and onto State lands underlying those waterways.

On April 22, 2010, the Central Valley Regional Water Quality Control Board (CVRWQCB) identified the CSLC as both a State agency that manages open water areas in the Sacramento-San Joaquin Delta Estuary and a nonpoint source discharger of methylmercury (Resolution No. R5-2010-0043), because subsurface lands under the CSLC's jurisdiction are impacted by mercury from legacy mining activities dating back to California's Gold Rush. Pursuant to a CVRWQCB Total Maximum Daily Load (TMDL), the CVRWQCB is requiring the CSLC to fund studies to identify potential methylmercury control methods in the Delta and to participate in an Exposure Reduction Program. The goal of the studies is to evaluate existing control methods and evaluate options to reduce methylmercury in open waters under jurisdiction of the CSLC. Any action taken that may result in mercury or methylmercury suspension within the Sacramento-San Joaquin Delta Estuary may affect the CSLC's efforts to comply with the CVRWQCB TMDL.

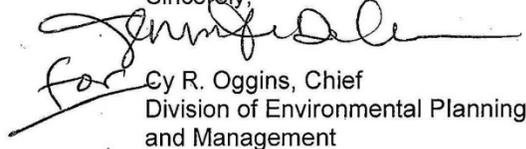
Noise and Vibration

- CSLC 6 6. Pile Driving Analysis: The noise analysis in section 3.14.2(b) and table 3.13-3 omit any mention of pile driving equipment, particularly impact hammers, when assessing ground borne vibration. Please include the pile driving equipment in the table and analysis. If impacts are found to be significant, include mitigation measures that will reduce the impacts to a less than significant level.

Thank you for the opportunity to comment on the MND for the Project. As a responsible and trustee agency, the CSLC will need to rely on the Final MND for the issuance of any new lease as specified above and, therefore, we request that you consider our comments prior to adoption of the MND.

Please send copies of future Project-related documents, including electronic copies of the Final MND, Mitigation Monitoring and Reporting Program (MMRP), Notice of Determination (NOD), when they become available, and refer questions concerning environmental review to Holly Wyer, Environmental Scientist, at (916) 574-2399 or via e-mail at [Holly.Wyer@slc.ca.gov](mailto:Holly.Wyer@slc.ca.gov). For questions concerning archaeological or historic resources under CSLC jurisdiction, please contact Assistant Chief Counsel Pam Griggs at (916) 574-1854 or via email at [Pamela.Griggs@slc.ca.gov](mailto:Pamela.Griggs@slc.ca.gov). For questions concerning CSLC leasing jurisdiction, please contact Al Franzoia, Public Land Management Specialist, at (916) 574-0992, or via email at [Al.Franzoia@slc.ca.gov](mailto:Al.Franzoia@slc.ca.gov).

Sincerely,

  
for Cy R. Oggins, Chief  
Division of Environmental Planning  
and Management

cc: Office of Planning and Research  
H. Wyer, CSLC  
A. Franzoia, CSLC  
E. Milstein, CSLC

**CSLC i Comment:** CSLC identifies portions of the proposed project refinements along Mormon Slough and the Port of Stockton that occur on State-owned sovereign lands that would require a lease from CSLC prior to project implementation. CSLC also identifies Al Franzoia as the contact for information about the extent of CSLC’s sovereign ownership and leasing requirements.

**Response:** DWR will pursue a lease agreement with CSLC if it is determined that in-water construction would result in impacts to state-owned sovereign lands within the Stockton Deepwater Ship Channel. No project construction would occur within Mormon Slough. Consistent with Mitigation Measure BIO-8, “All permits, regulatory approvals, and permit conditions for impacts on wetland habitats shall be secured before implementation of any construction activities within waters of the United States or wetland habitats, including waters of the state.” Additionally, DWR will contact Al Franzoia, or the appropriate successor, with any questions concerning the CLSC lease application process, as necessary.

**CSLC ii Comment:** CSLC notes that additional waterways in the project area, while not under CSLC’s leasing jurisdiction, are subject to a public navigational easement such that project activities must not restrict or impede the easement right of the public.

**Response:** DWR will obtain Section 404 Clean Water Act permit and Section 10 authorization from USACE prior to the start of in-water work within the Stockton Deepwater Ship Channel to ensure that the proposed project is in compliance with regulations regarding maintaining the navigability of the channel. The public interest reviews required as part of Section 404 and Section 10 authorizations would address navigation and are therefore covered under Mitigation Measure BIO-8, although not explicitly mentioned.

**CSLC 1 Comment:** CSLC requests consideration of the project’s potential to introduce or spread aquatic invasive species to the project area as a result of the use of in-water construction equipment at the Stockton site. CLSC recommends using current and proposed aquatic invasive species prevention programs in the area as models for invasive species prevention, and considering a range of options to slow the introduction of invasive species into sensitive habitats, including hiring construction vessels from nearby, or requiring hull cleaning from contractors prior to project construction.

**Response:** Comment noted. DWR will implement measures such as hiring construction vessels from nearby, or requiring hull cleaning from contractors, prior to project construction as a means to reduce the potential project-related spread of invasive species associated with the use of in-water construction equipment. Implementation of the proposed project at the Stockton West Weber site would require that DWR obtain a permit from USACE under Section 404 of the Clean Water Act and a water quality certification from the CVRWQCB under Section 401 of the Clean Water Act. USACE and CVRWQCB cannot authorize a permit for any activity for which the resultant discharge of dredge or fill materials would have an unacceptable adverse effect on sensitive habitats or water quality associated with waters of the United States or wetland habitats, including waters of the state, such as could be caused by the spread of invasive species. DWR will adhere to any avoidance, minimization, or other permit terms resulting from the 401 and 404 Clean Water Act permitting process.

**CSLC 2 Comment:** CSLC requests consideration of the proposed project’s potential to impact submerged cultural resources and identifies a shipwreck database maintained by CSLC as a potential resource for the analysis. CSLC also identifies Pam Griggs as the contact for obtaining shipwreck data or other CSLC records of submerged resources on the project site.

CSLC also notes that the locations of many shipwrecks remain unknown, but that any submerged archaeological site or submerged historic resources that has remained in state waters for more than 50 years is presumed to be significant.

**Response:** A search of the California State Lands Commission Shipwreck Database was conducted on January 12, 2015. There are no recorded shipwrecks in Solano County and no in-water work is proposed at the Rio Vista project site. Twelve shipwrecks have been recorded in Sacramento County, and 19 ship wrecks have been recorded in San Joaquin County; however, there are no recorded shipwrecks in the Stockton West Weber Site or Brannan Island project footprints. On page 3-32, the IS states that the Stockton West Weber site has been subjected to heavy industrial use and has been heavily disturbed, including grading, construction of docks, placement of concrete foundations, trenching for utilities, paving, and placement of aggregate base. There are no prehistoric sites or historic period resources present at the Stockton site. Additionally, the Rio Vista site has been subject to two archeological survey efforts; the surveys resulted in no cultural resources being discovered, and no prehistoric sites or historic period resources have been recorded in or immediately adjacent to this site. Therefore, the likelihood of unknown cultural resources being present in the project area is low. However, DWR will obtain Section 404 Clean Water Act permit and Section 10 authorization from USACE prior to the start of in-water work within the Stockton Deepwater Ship Channel. Prior to the issuance or authorization of any permit under Section 404 of the Clean Water Act, USACE must consider the effect that activities authorized under the permit may have on historic properties as required by Section 106 of the National Historic Preservation Act; this would include consideration of any submerged cultural resources that are included in, or eligible for inclusion in, the National Register for Historic Places. DWR will adhere to any avoidance, minimization, or other permit terms resulting from Section 106 consultation as part of the 404 Clean Water Act permitting process. Additionally, DWR will contact Pam Griggs if it is determined that the scope of analysis under Section 106 consultation requires obtaining shipwreck data or other CSLC records of submerged resources on the project sites.

**CSLC 3 Comment:** CSLC requests that DWR consult with Assistant Chief Counsel Pam Griggs should any cultural resources on State lands be discovered during construction of the proposed project.

**Response:** Comment noted. DWR will adhere to all measures required as a result of Section 106 consultation required as part of the Section 404 permit process, including measures related to the discovery of previously unknown cultural resources on State lands (compliance with Section 404 is included in Mitigation Measure BIO-8). Mitigation Measure CUL-3 has been revised to state that DWR will contact Pam Griggs should any reportable cultural resources be discovered on State lands during construction of the proposed project (see Section 3.0, "Errata").

**CSLC4 Comment:** CSLC requests specific best management practices related to preventing and containing spills from in-water construction equipment be included in Mitigation Measure HYD-1.

**Response:** Mitigation Measure HYD-1 already includes best management practices to minimize water quality impacts and contaminated runoff, which includes preventing and containing spills from in-water construction equipment. No further mitigation is required. Furthermore, implementation of the proposed project would require that DWR obtain a permit from

USACE under Section 404 of the Clean Water Act and a water quality certification from the CVRWQCB under Section 401 of the Clean Water Act. USACE and CVRWQCB cannot authorize a permit for any activity for which the resultant discharge of dredge or fill materials would have an unacceptable adverse effect on water quality within waters of the U.S. or state. DWR will adhere to any avoidance, minimization, or mitigation measures that result from the 401 and 404 Clean Water Act permitting process.

**CSLC 5 Comment:** CSLC requests mitigation for the potential release of mercury and other toxins into waterways and onto State lands underlying those waterways as a result of project activities.

**Response:** Mitigation Measure HYD-1 already includes best management practices to minimize water quality impacts and contaminated runoff, which includes preventing and containing releases of mercury and other toxins into waterways. No further mitigation is required. Furthermore, implementation of the proposed project at the Stockton West Weber site would require that DWR obtain a permit from the USACE under Section 404 of the Clean Water Act and a water quality certification from CVRWQCB under Section 401 of the Clean Water Act. USACE and CVRWQCB cannot authorize a permit for any activity for which the resultant discharge of dredge or fill materials would have an unacceptable adverse effect on water quality associated with waters of the United States or wetland habitats, including waters of the state. DWR will adhere to any avoidance, minimization, or mitigation measures that result from the 401 and 404 Clean Water Act permitting process.

**CSLC 6 Comment:** CSLC requests potential pile-driving equipment that would be used during project activities to be included in the noise analysis section 3.14.2(b) and Table 3.13-3 of the IS; and requests appropriate mitigation if impacts from ground-borne vibration resulting from pile driving are found to be significant.

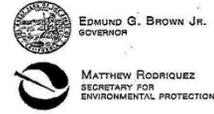
**Response:** Page MND-3 states that “Pile driving would be conducted with an impact hammer and is anticipated to occur from a barge.” After further consideration, DWR may use an impact or vibratory type hammer for in-water construction at the Stockton West Weber site. Therefore, Table 3.13-3 in the IS has been augmented to include an impact or vibratory pile driver with associated typical noise levels (dBA) at 50 feet from source of 95 dBA according to the Federal Highway Administration Construction Noise Handbook. Text on page MND-3 and page 2-5 in the IS have been augmented to incorporate the potential use of a vibratory hammer for pile-driving activities. Text on page 3-76 in the IS has been modified to include the impact or vibratory hammer when considering potential impacts of noise and vibrations from pile driving on sensitive receptors. Text changes are shown in Section 3.0, “Errata.”

The addition of a vibratory hammer to the noise analysis would not affect the determination that project construction would have a less-than-significant impact because there are no sensitive receptors at or near the Stockton West Weber site, and the site is located in an Industrial Zone bordered on three sides by water and also occurs in proximity to Interstate 5 which generates relatively high ambient noise levels in the project vicinity.

Page 3-76, second paragraph, first sentence has been corrected to identify the correct upper range of noise levels generated by construction equipment and additional analysis regarding construction-related noise levels at the Stockton West Weber site has been added to address “noise levels in excess of standards established in the local general plan or noise ordinance, or in other applicable local, state, or federal standards (see Section 3.0, “Errata”).

Per CSLC 6, (page 3-78 in the IS) analysis of “excessive ground borne vibration or ground borne noise levels” has been expanded to include an impact or vibratory pile driver analysis at Stockton West Weber (see Section 3.0, “Errata”).

## 2.3 Letter 3: Letter from Central Valley Regional Water Quality Control Board



### Central Valley Regional Water Quality Control Board

17 December 2014

John Paasch  
Department of Water Resource  
Division of Flood Management  
1416 9<sup>th</sup> Street  
Sacramento, CA 95814

CERTIFIED MAIL  
7014 2120 0001 3978 3675

#### **COMMENTS TO REQUEST FOR REVIEW FOR THE MITIGATED NEGATIVE DECLARATION, DELTA EMERGENCY ROCK AND TRANSFER FACILITIES PROJECT REFINEMENTS PROJECT, SCH# 2014112056, SAN JOAQUIN AND SOLANO COUNTIES**

Pursuant to the State Clearinghouse's 24 November 2014 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 Emergency Rock and Transfer Facilities Project Refinements Project, located in San Joaquin and Solano Counties.

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.

#### **CVRWQCB1 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 Activities (Construction General Permit), Construction General Permit Order No. 2009-009-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:

[http://www.waterboards.ca.gov/water\\_issues/programs/stormwater/constpermits.shtml](http://www.waterboards.ca.gov/water_issues/programs/stormwater/constpermits.shtml).

KARL E. LONGLEY ScD, P.E., CHAIR | PAMELA C. CREEDON P.E., BCEE, EXECUTIVE OFFICER

11020 Sun Center Drive #200, Rancho Cordova, CA 95670 | [www.waterboards.ca.gov/centralvalley](http://www.waterboards.ca.gov/centralvalley)



CVRWQCB 2 **Phase I and II Municipal Separate Storm Sewer System (MS4) Permits<sup>1</sup>**

The Phase I and II MS4 permits require the Permittees reduce pollutants and runoff flows from new development and redevelopment using Best Management Practices (BMPs) to the maximum extent practicable (MEP). MS4 Permittees have their own development standards, also known as Low Impact Development (LID)/post-construction standards that include a hydromodification component. The MS4 permits also require specific design concepts for LID/post-construction BMPs in the early stages of a project during the entitlement and CEQA process and the development plan review process.

For more information on which Phase I MS4 Permit this project applies to, visit the Central Valley Water Board website at:  
[http://www.waterboards.ca.gov/centralvalley/water\\_issues/storm\\_water/municipal\\_permits/](http://www.waterboards.ca.gov/centralvalley/water_issues/storm_water/municipal_permits/).

For more information on the Phase II MS4 permit and who it applies to, visit the State Water Resources Control Board at:  
[http://www.waterboards.ca.gov/water\\_issues/programs/stormwater/phase\\_ii\\_municipal.shtml](http://www.waterboards.ca.gov/water_issues/programs/stormwater/phase_ii_municipal.shtml)

CVRWQCB 3 **Industrial Storm Water General Permit**

Storm water discharges associated with industrial sites must comply with the regulations contained in the Industrial Storm Water General Permit Order No. 97-03-DWQ.

For more information on the Industrial Storm Water General Permit, visit the Central Valley Water Board website at:  
[http://www.waterboards.ca.gov/centralvalley/water\\_issues/storm\\_water/industrial\\_general\\_permits/index.shtml](http://www.waterboards.ca.gov/centralvalley/water_issues/storm_water/industrial_general_permits/index.shtml).

CVRWQCB 4 **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 (USACOE). If a Section 404 permit is required by the USACOE, 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 USACOE at (916) 557-5250.

<sup>1</sup> Municipal Permits = The Phase I Municipal Separate Storm Water System (MS4) Permit covers medium sized Municipalities (serving between 100,000 and 250,000 people) and large sized municipalities (serving over 250,000 people). The Phase II MS4 provides coverage for small municipalities, including non-traditional Small MS4s, which include military bases, public campuses, prisons and hospitals.

CVRWQCB 5 **Clean Water Act Section 401 Permit – Water Quality Certification**

If an USACOE 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 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.

CVRWQCB 6 **Waste Discharge Requirements**

If USACOE 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 will 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 Water Quality Certification and WDR processes, visit the Central Valley Water Board website at:  
[http://www.waterboards.ca.gov/centralvalley/help/business\\_help/permit2.shtml](http://www.waterboards.ca.gov/centralvalley/help/business_help/permit2.shtml).

CVRWQCB 7 **Regulatory Compliance for Commercially Irrigated Agriculture**

If the property will be used for commercial irrigated agricultural, the discharger will be required to obtain regulatory coverage under the Irrigated Lands Regulatory Program. There are two options to comply:

1. **Obtain Coverage Under a Coalition Group.** Join the local Coalition Group that supports land owners with the implementation of the Irrigated Lands Regulatory Program. The Coalition Group conducts water quality monitoring and reporting to the Central Valley Water Board on behalf of its growers. The Coalition Groups charge an annual membership fee, which varies by Coalition Group. To find the Coalition Group in your area, visit the Central Valley Water Board’s website at:  
[http://www.waterboards.ca.gov/centralvalley/water\\_issues/irrigated\\_lands/app\\_approval/index.shtml](http://www.waterboards.ca.gov/centralvalley/water_issues/irrigated_lands/app_approval/index.shtml); or contact water board staff at (916) 464-4611 or via email at [IrrLands@waterboards.ca.gov](mailto:IrrLands@waterboards.ca.gov).
2. **Obtain Coverage Under the General Waste Discharge Requirements for Individual Growers, General Order R5-2013-0100.** Dischargers not participating in a third-party group (Coalition) are regulated individually. Depending on the specific site conditions, growers may be required to monitor runoff from their property, install monitoring wells, and submit a notice of intent, farm plan, and other action plans regarding their actions to comply with their General Order. Yearly costs would include State administrative fees (for example, annual fees for farm sizes from 10-100 acres are currently \$1,084 + \$6.70/Acre); the cost to prepare annual monitoring reports; and water quality monitoring costs. To enroll as an Individual Discharger under the Irrigated Lands Regulatory

17 December 2014

Program, call the Central Valley Water Board phone line at (916) 464-4611 or e-mail board staff at [IrrLands@waterboards.ca.gov](mailto:IrrLands@waterboards.ca.gov).

CVRWQCB 8

**Low or 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 *Dewatering and Other Low Threat Discharges to Surface Waters* (Low Threat General Order) or the General Order for *Limited Threat Discharges of Treated/Untreated Groundwater from Cleanup Sites, Wastewater from Superchlorination Projects, and Other Limited Threat Wastewaters to Surface Water* (Limited Threat General Order). A complete application must be submitted to the Central Valley Water Board to obtain coverage under these General NPDES permits.

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/centralvalley/board\\_decisions/adopted\\_orders/general\\_orders/r5-2013-0074.pdf](http://www.waterboards.ca.gov/centralvalley/board_decisions/adopted_orders/general_orders/r5-2013-0074.pdf)

For more information regarding the Limited Threat General Order and the application process, visit the Central Valley Water Board website at:  
[http://www.waterboards.ca.gov/centralvalley/board\\_decisions/adopted\\_orders/general\\_orders/r5-2013-0073.pdf](http://www.waterboards.ca.gov/centralvalley/board_decisions/adopted_orders/general_orders/r5-2013-0073.pdf)

If you have questions regarding these comments, please contact me at (916) 464-4684 or [tcleak@waterboards.ca.gov](mailto:tcleak@waterboards.ca.gov).



Trevor Cleak  
Environmental Scientist

cc: State Clearinghouse unit, Governor's Office of Planning and Research, Sacramento

**CVRWQCB 1 Comment:** CVRWQCB comments that projects that disturb 1 or more acres or are a part of a larger common plan of development that in total disturbs 1 or more acres, are required to

obtain coverage under the Construction General Permit, which requires the development and implementation of a Storm Water Pollution Prevention Plan (SWPPP).

**Response:** The proposed project is subject to regulation under the Construction General Permit, and consistent with Mitigation HYD-1, DWR will prepare a SWPPP to implement Best Management Practices (BMPs) for the prevention of erosion and transport of soil, sand, and silt offsite during runoff events. Furthermore, consistent with Mitigation Measure BIO-8, “All permits, regulatory approvals, and permit conditions for impacts on wetland habitats shall be secured before implementation of any construction activities within waters of the United States or wetland habitats, including waters of the state.”

**CVRWQCB 2 Comment:** CVRWQCB comments that Phase I and II Municipal Separate Storm Sewer System permits that require the Permittee to reduce pollutants and runoff flows from new development and redevelopment using Best Management Practices may be required for the proposed project.

**Response:** Mitigation Measure HYD-1 includes best management practices to minimize water quality impacts and contaminated runoff, which includes preventing and containing spills from in-water construction equipment. Furthermore, consistent with Mitigation Measure BIO-8, “All permits, regulatory approvals, and permit conditions for impacts on wetland habitats shall be secured before implementation of any construction activities within waters of the United States or wetland habitats, including waters of the state.” If Phase I and/or II MS4 permits are found to be applicable to the proposed project, DWR will submit applications for and obtain appropriate MS4 permits prior to project implementation.

**CVRWQCB 3 Comment:** CVRWQCB comments that storm water discharges associated with industrial sites must comply with the regulations contained in the Industrial Storm Water General Permit Order No. 97-03-DWQ.

**Response:** Mitigation Measure HYD-1 already includes best management practices to minimize water quality impacts and contaminated runoff, which includes preventing and containing spills from in-water construction equipment. Furthermore, consistent with Mitigation Measure BIO-8 “All permits, regulatory approvals, and permit conditions for impacts on wetland habitats shall be secured before implementation of any construction activities within waters of the United States or wetland habitats, including waters of the state.” The proposed project is classified as an emergency use facility and is therefore not required to submit an application for the Industrial Storm Water General Permit. DWR will comply with regulations contained in the noted Industrial Storm Water General Permit.

**CVRWQCB 4 Comment:** CVRWQCB comments that a Clean Water Act Section 404 permit may be required for the proposed project if dredged or fill material is discharged into navigable waters or wetlands.

**Response:** The proposed project would be subject to regulation under the Clean Water Act Section 404. DWR will obtain a Section 404 Clean Water Act permit from USACE prior to project implementation. Consistent with Mitigation Measure BIO-8, “Before the start of any ground-disturbing activity associated with the construction of any project feature that would affect waters of the United States, including wetlands, or waters of the state, DWR will obtain all necessary permits under Sections 404 and 401 of the Clean Water Act or the State’s Porter-Cologne Act for the proposed project and project refinements at the Stockton West Weber

and Rio Vista sites, and Section 10 authorization under Rivers and Harbors Act for work within the Stockton Deep Water Ship Channel at the Stockton West Weber site.”

**CVRWQCB 5 Comment:** CVRWQCB comments that a Clean Water Act Section 401 permit may be required for the proposed project if a USACE, or any other federal, permit is required for the proposed project due to the disturbance of waters of the United States.

**Response:** The proposed project would be subject to regulation under Section 401 of the Clean Water Act. DWR will obtain a Section 401 Water Quality Certification for project activities affecting waters of the United States prior to project implementation. Consistent with Mitigation Measure BIO-8, “Before the start of any ground-disturbing activity associated with the construction of any project feature that would affect waters of the United States, including wetlands, or waters of the state, DWR will obtain all necessary permits under Sections 404 and 401 of the Clean Water Act or the State’s Porter-Cologne Act for the proposed project and project refinements at the Stockton West Weber and Rio Vista sites, and Section 10 authorization under Rivers and Harbors Act for work within the Stockton Deep Water Ship Channel at the Stockton West Weber site.”

**CVRWQCB 6 Comment:** CVRWQCB comments that the proposed project may require a Waste Discharge Requirement (WDR) permit from the CVRWQCB if USACE determines that only nonjurisdictional waters of the state are present in the proposed project area.

**Response:** It is anticipated that a WDR permit will be unnecessary for the proposed project because the proposed project would be subject to regulation under Section 404 and Section 401 of the Clean Water Act.

**CVRWQCB 7 Comment:** CVRWQCB comments that the project proponent may be required to obtain regulatory coverage under the Irrigated Lands Regulatory Program if the property will be used for commercial irrigated agriculture.

**Response:** The proposed project would not involve property that would be used for commercially irrigated agriculture, and therefore project-related discharge would not be subject to regulation under the Irrigated Lands Regulatory Program.

**CVRWQCB 8 Comment:** CVRWQCB comments if the proposed project includes construction dewatering and it is necessary to discharge the groundwater to waters of the United States, the proposed project the project will require coverage under a NPDES permit. A complete application must be submitted to the CVRWQCB to obtain coverage under the General NPDES permits.

**Response:** Consistent with Mitigation Measure BIO-8, “Before the start of any ground-disturbing activity associated with the construction of any project feature that would affect waters of the United States, including wetlands, or waters of the state, DWR will obtain all necessary permits under Sections 404 and 401 of the Clean Water Act or the State’s Porter-Cologne Act for the proposed project and project refinements at the Stockton West Weber and Rio Vista sites, and Section 10 authorization under Rivers and Harbors Act for work within the Stockton Deep Water Ship Channel at the Stockton West Weber site.”

## 2.4 Letter 4: Letter from United States Coast Guard

U.S. Department of  
Homeland Security

United States  
Coast Guard



Commander  
Eleventh District

U.S. Coast Guard Island,  
Building 50-2  
Alameda, CA 94501-5100  
Staff Symbol: (dpw)  
Phone: (510) 437-3514  
Fax: (510) 437-5836

16590  
Sac & SJ Delta  
November 25, 2014

CA Department of Water Resources,  
Division of Flood Management  
Attn: Mr. John Paasch  
3310 El Camino Ave. Suite 200  
Sacramento, CA 95821

Dear Sir:

Please refer to the Initial Study/ Proposed Mitigated Negative Declaration, Delta Flood Emergency Facilities Improvement Project and Delta Flood Emergency Preparedness Response, and Recovery Program, dated November 2014.

Waterway traffic has the right of way over all other forms of transportation, including rail, highway, pedestrian, pipeline and others. The Coast Guard permits and regulates all bridges in, over or on navigable waters of the U.S., under the provisions of the General Bridge Act of 1946 (previously Section 9 of the River & Harbor Act of 1899). Bridges are considered legally permitted obstructions to navigation, allowed to exist so long as they provide sufficient clearance for the safe, unimpeded passage of vessels on the waterway, and are used for the intended purpose of land transportation.

As part of our bridge regulatory function (33 CFR 114-118), the Commander, Eleventh Coast Guard District works closely with many federal, state and local agencies, in addition to waterway users and bridge owners, to ensure existing and proposed bridges do not interfere with navigation. We have included the CA Department of Water Resources in our list of customers relative to bridge related projects in California.

USCG 1 Please include my office as your point of contact for the USCG bridge regulatory function in the Eleventh Coast Guard District (CA, AZ, NV & UT). We will ensure your existing and future bridge navigational clearance needs are met in support of emergency and other levee and infrastructure maintenance operations in the California.

I can be contacted by telephone at (510) 437-3516 if additional information is needed. You may also refer to our website at <http://www.uscg.mil/hq/cg5/cg551/>

Sincerely,

A handwritten signature in black ink, appearing to read "D. Sulouff".

DAVID H. SULOUFF  
Chief, Bridge Section  
Eleventh Coast Guard District  
By direction of the District Commander

Copy: USACE Sacramento & San Francisco Districts

**USCG 1 Comment:** USCG identifies itself as the entity responsible for permitting and regulating all bridges in, over, or on navigable waters of the U.S., under the provisions of the General Bridge Act, to ensure existing and proposed bridges do not interfere with navigation. USCG also identifies the Commander, Eleventh Coast Guard District as the appropriate office point of contact for bridge-related projects in California.

**Response:** The proposed project does not involve any bridge-related work; however, the project will request Section 10 authorization from USACE.

## 2.5 Letter 5: Letter from San Joaquin Valley Air Pollution Control District



December 19, 2014

Mr. John Paasch  
Division of Flood Management  
California Department of Water Resources  
3310 El Camino Avenue, Suite 200  
Sacramento, CA 95821

**Project: Notice of Intent to Adopt an Initial Study/Mitigated Negative Declaration (IS/MND) for the Delta Emergency Rock and Transfer Facilities Refinements**

**District CEQA Reference No: 20140936**

Dear Mr. Paasch:

The San Joaquin Valley Unified Air Pollution Control District (District) has reviewed the Draft IS/MND for the above referenced project proposing to acquire long-term access and improve up to three sites in the Delta including the following: Stockton, Rio Vista, and Brannan-Andrus. The purpose of the proposed project is to ensure that the State of California has the appropriate infrastructure and supplies in the Delta to respond to and recover quickly and effectively from major flood or earthquake disasters in the Delta. The primary objective is to improve three transfer facilities sites where quarry rock, sand, soil, and other flood-fight materials can be effectively transferred from trucks to barges to expedite levee repairs and facilitate channel closures in the event of Delta levee breaches. In addition, the proposed project sites would serve other emergency response functions needed by the California Department of Water Resources (DWR) to respond rapidly and effectively to significant emergencies in the Delta, including storage of repair materials and flood-fight supplies, and Incidental Command Posts. DWR would use existing improvements and construct additional improvements as needed to support the proposed emergency response functions. The District offers the following comments:

- SJAPCD 1 1. Based on the District's review of the Draft IS/MND, project specific emissions of criteria pollutants are not expected to exceed District significance thresholds of 10 tons/year NOX, 10 ton/year ROG, and 15 tons/year PM10. Therefore, the District concludes that project specific criteria pollutant emissions would have no significant adverse impact on air quality.

**Sayed Sadredin**  
Executive Director/Air Pollution Control Officer

**Northern Region**  
4800 Enterprise Way  
Modesto, CA 95358-8718  
Tel: (209) 557-6400 FAX: (209) 557-6475

**Central Region (Main Office)**  
1990 E. Gettysburg Avenue  
Fresno, CA 93726-0244  
Tel: (559) 230-6000 FAX: (559) 230-6061

**Southern Region**  
34946 Flyover Court  
Bakersfield, CA 93308-9725  
Tel: 661-392-5500 FAX: 661-392-5585

[www.valleyair.org](http://www.valleyair.org) [www.healthyairliving.com](http://www.healthyairliving.com)

Printed on recycled paper. ♻️

SJAPCD 2 2. Based on the District's review of the Draft IS/MND, the proposed project is not subject to District Rule 9510 (Indirect Source Review).

SJAPCD 3 3. The proposed project may be subject to District Rules and Regulations, including: Regulation VIII (Fugitive PM10 Prohibitions), Rule 4102 (Nuisance), Rule 4601 (Architectural Coatings), and Rule 4641 (Cutback, Slow Cure, and Emulsified Asphalt, Paving and Maintenance Operations). In the event an existing building will be renovated, partially demolished or removed, the project may be subject to District Rule 4002 (National Emission Standards for Hazardous Air Pollutants). The above list of rules is neither exhaustive nor exclusive. To identify other District rules or regulations that apply to this project or to obtain information about District permit requirements, the applicant is strongly encouraged to contact the District's Small Business Assistance Office at (559) 230-5888. Current District rules can be found online at: [www.valleyair.org/rules/1ruleslist.htm](http://www.valleyair.org/rules/1ruleslist.htm).

SJAPCD 4 4. The District recommends that a copy of the District's comments be provided to the project proponent.

If you have any questions or require further information, please call Mark Montelongo, at (559) 230- 5905.

Sincerely,

Arnaud Marjollet  
Director of Permit Services



For: Chay Thao  
Program Manager

AM: mm

**SJVAPCD 1 Comment:** The SJVAPCD review concurs that project specific emissions of criteria pollutant are not expected to exceed its significance thresholds and would have not significant impact on air quality.

**Response:** Comment noted, no response required.

**SJVAPCD 2 Comment:** SJVAPCD has determined that the project is not subject to its Rule 9510 (Indirect Source Review).

**Response:** Comment noted, no response required.

**SJVAPCD 3 Comment:** SJVAPCD notes that the proposed project may be subject to other district rules and regulations and suggest that the applicant contact its Small Business Assistance Office.

**Response:** Comment noted, DWR will contact the SJVAPCD's Small Business Assistance Office.

**SJVAPCD4 Comment:** SJVAPCD requests that a copy of its comments be provided to the project proponent.

**Response:** Comment noted, no response required, as the SJVAPCD comment letter was sent directly to and reviewed the project proponent, Division of Flood Management (DFM) of the California Department of water Resources (DWR).

2.6 Letter 6: Letter from Maria Rea, National Marine Fisheries Service

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UNITED STATES DEPARTMENT OF COMMERCE  
National Oceanic and Atmospheric Administration  
NATIONAL MARINE FISHERIES SERVICE  
West Coast Region  
650 Capitol Mall, Suite 5-100  
Sacramento, California 95814-4700

THIS IS BEING SENT  
TO REPLACE  
THE INITIAL MAILING  
WITH THE WRONG  
DATE STAMP (2014).





UNITED STATES DEPARTMENT OF COMMERCE  
National Oceanic and Atmospheric Administration  
NATIONAL MARINE FISHERIES SERVICE  
West Coast Region  
650 Capitol Mall, Suite 5-100  
Sacramento, CA 95814-4700

January 14, 2015

Mr. John Paasch  
Division of Flood Management  
California Department of Water Resources  
3310 El Camino Avenue, Suite 200  
Sacramento, CA 95821

Dear Mr. Paasch:

This letter responds to your November 24, 2014, request for comments regarding the California Department of Water Resources' (DWR) *Notice of Intent to Adopt an Initial Study/ Mitigated Negative Declaration for the Delta Emergency Rock and Transfer Facilities Project Refinements (IS/MND)*, prepared by AECOM, Incorporated. These comments are not to be considered a consultation under section 7 of the Endangered Species Act.

#### **Project Background**

DWR has stated that the purpose of the Delta Flood Emergency Facilities Improvement Project (Project), a component of the Delta Flood Emergency Preparedness, Response, and Recovery Program, is to ensure that the State has the appropriate infrastructure and supplies in the Delta to respond to and recover quickly and effectively from major flood or earthquake disasters in the Sacramento-San Joaquin River Delta. Detailed information and a comprehensive Project description is contained in the IS/MND.

The primary objective of the proposed Project is to improve three transfer facilities sites where quarry rock, sand, soil, and other flood-fight materials can be efficiently transferred from trucks to barges to expedite levee repairs and facilitate channel closures in the event of Delta levee breaches. These locations are the Stockton West Weber Avenue site (Stockton West Weber site), the Rio Vista site, and the Brannan Island State Recreation Area site (BISRA site). In addition, the proposed Project sites would serve other emergency response functions needed by DWR to respond rapidly and effectively to significant emergencies in the Delta, including storage of repair materials and flood-fight supplies, and as locations of Incident Command Posts.

The Project will entail clearing, grubbing, and leveling of the project sites to accommodate new structures, flood fight material storage areas, roadways and parking facilities, and utilities. In-water work will occur at the Stockton West Weber site, situated on the Stockton Deep Water Ship Channel (SDWSC). The Rio Vista site is located in an upland area that does not drain to the Sacramento River or surrounding waterways. It is located behind the protective levee adjacent to the Sacramento River. The BISRA site does not include any changes to the actions that have previously been the subject of environmental review and the current IS/MND does not address this site further.



### Specific Comments to proposed Project

NMFS makes these specific comments to the proposed construction and operations at the Stockton West Weber site that may affect adjacent water bodies (*i.e.*, SDWSC).

- NMFS 1 1) DWR has indicated that it will attempt to avoid and minimize the effects of underwater sound pressure (*i.e.*, underwater noise) during the installation of the 8 spud pilings and 33 dolphin piles by implementing mitigation measure Biol-7 and conducting the in-water pile driving activities during the period between August 1 and November 30 to avoid listed aquatic species. DWR has identified the following methods to minimize or mediate the magnitude of the noise generated during pile driving: (a) use of impact hammer cushion blocks; (b) day time pile driving; (c) de-watered pipe caissons or bubble curtains to surround the pile and contain the noise source, thereby reducing its transmission to the surrounding water column; or (d) gradually increasing the power and frequency of the pile strikes as the pile is driven into the substrate. While these can be effective tools to reduce the noise energy generated by pile driving in some instances, NMFS recommends that a vibratory pile driving hammer be used to drive the piles to approximately their final design depth and then use the impact pile driver to set each individual pile to its final depth and load design. Vibratory hammers generate sound energy which has better characteristics for the safety of exposed fish in comparison to the characteristics of sound energy generated by impact pile driving hammers. This becomes particularly relevant during the later portion of DWR's proposed work window (*i.e.*, October and November) when listed adult California Central Valley steelhead (*Oncorhynchus mykiss*) may be present in the proposed Project's action area. Furthermore, there is always the potential that Southern Distinct Population Segment green sturgeon (*Acipenser medirostris*) may be in the vicinity of the pile driving activity in the SDWSC at any time of the year, as juvenile sturgeon rear in Delta waters for up to the first three years of their life.
- NMFS 2 2) As part of the proposed Project, DWR intends to remove 12 wooden pilings that are currently located in the SDWSC adjacent to the Stockton West Weber site and are interfering with the placement of the piles for one of the rock conveyors. DWR has not indicated whether these piles are treated wood, and if so, whether they are treated with creosote. Assuming that the piles are creosote treated, what methods are being considered by DWR for the safe removal of these piles? NMFS recommends that the piles be removed using a vibratory pile driver to remove the entire piling in one piece. Each pile should be disposed of in an appropriate upland disposal site that is designated to receive hazardous materials such as creosote treated lumber. If the pile breaks off while being extracted, attempts should be made to remove the remaining section of piling from the channel bottom in its entirety. If such attempts fail to remove the piling, the piling should be cut off below the mudline and the hole covered in clean sand or fill. NMFS recommends applying one of the best management practices (BMP) guidelines from the United States Environmental Protection Agency or the United States Army Corps of Engineers for piling removal from aquatic sites (or any similar BMPs with equivalent protective attributes). Useful information can be obtained from the following sites:

<http://www.nwp.usace.army.mil/Missions/Environment/SLOPES.aspx>

[http://www.nws.usace.army.mil/Portals/27/docs/regulatory/forms/Revised\\_EPA\\_Piling\\_Removal\\_BMP's\\_3\\_01\\_07.pdf](http://www.nws.usace.army.mil/Portals/27/docs/regulatory/forms/Revised_EPA_Piling_Removal_BMP's_3_01_07.pdf)

- NMFS 3 3) DWR intends to place approximately 3,600 ft<sup>2</sup> (400 lineal feet of shoreline with an effective width of 9 feet below the OHWM) of rock rip rap below the OHWM in the SDWSC at the Stockton West Weber site. Rock riprap is known to negatively impact intertidal and riparian habitat. DWR has not explained how the placement of this rock riprap impacts aquatic habitat below the OHWM. Given the loss of this intertidal and riparian habitat by permanently armoring the bank with riprap, DWR should indicate how it will compensate for the loss of this habitat in the Delta.
- NMFS 4 4) While DWR has indicated that it will implement BMPs for the construction phase of the project to control stormwater runoff, the lack of stormwater control management plans for the ongoing operations of the Stockton West Weber site needs to be addressed. On page 3-37 of the IS/MND, section 3.6 Hydrology and Water Quality, the Stockton West Weber site is described as having:

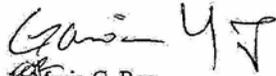
“existing drainage facilities including storm drain inlets and a detention pond on the parcel south of West Weber Avenue; and the parcel north of West Weber has a small network of storm drain pipes that will discharge directly into the Stockton Deep Water Ship Channel. Site drainage facilities would likely require improvements on both parcels, with more drainage facility improvements likely required on the north parcel.”

Although DWR has acknowledged that there are likely to be improvements made to the drainage facilities at the Stockton West Weber site, it provided no details of what these may be or to what extent the future stormwater runoff from the site will be treated. This is a concern for NMFS given the proposed use of the site for the storage of flood fight materials such as sand, gravel, and rocks in stockpiles exposed to the elements and the high potential for heavy equipment operation in the Stockton West Weber site to move and load flood fight materials. At a minimum, DWR should provide information regarding the proposed treatment train for controlling surface runoff from the site and how silt and suspended materials will be managed in that runoff. DWR should indicate whether stormwater will be discharged to the surrounding waterways or will be held in retention ponds on site. If DWR decides to construct retention ponds to hold stormwater runoff, what will be the design volume for the ponds and the period of retention for this runoff before discharge to surrounding waterways? In addition, DWR should describe how any contaminants contained in the surface runoff from the Stockton West Weber site will be treated and if this runoff will be eventually discharged to the surrounding waterways. The final disposition of the stormwater runoff, *i.e.*, whether it is held on site in retention ponds or discharged to surface waters, will determine the appropriate design for the stormwater treatment train. Similar concerns regarding stormwater management plans for continuing operations also apply to the additional flood materials storage sites described by DWR in its IS/MND document (*i.e.*, Rio

Vista and BISRA sites), and DWR should elaborate on their plans for long term management of stormwater runoff at these sites.

NMFS appreciates the opportunity to offer comments and suggestions on this IS/MND for the Delta Flood Emergency Facilities Improvement Project. Please contact Jeffrey Stuart at (916) 930-3607, or via email at J.Stuart@noaa.gov, if you have any questions regarding this letter.

Sincerely,



Maria C. Rea  
Assistant Regional Administrator

cc: Copy to File – ARN151422WCR2014SA00313

**UNITED STATES DEPARTMENT OF COMMERCE**  
**National Oceanic and Atmospheric Administration**  
**NATIONAL MARINE FISHERIES SERVICE**  
West Coast Region  
650 Capitol Mall, Suite 5-100  
Sacramento, CA 95814-4700

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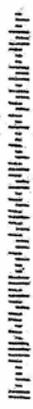
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Mr. John Paasch  
Division of Flood Management  
California Department of Water Resources  
3310 El Camino Avenue, Suite 200  
Sacramento, CA 95821



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**NMFS 1 Comment:** NMFS recommends using a vibratory pile driving hammer to drive spud piles and dolphin piles into the Stockton Deep Water Ship Channel and an impact hammer to set each individual pile to its final depth and load design. NMFS makes this recommendation based on the potential presence of listed Central Valley Steelhead in the Stockton Deep Water Ship Channel during the later portion of DWR's work window (i.e., October and November) and the potential presence of the Southern Distinct Population Segment of green sturgeon in the Ship Channel year round.

**Response:** Mitigation Measure Bio-7 requires that a biological construction monitor be present to monitor construction activities and compliance with terms and conditions of permits, including threshold sound levels established by USFWS and NMFS. Further, DWR is currently preparing a biological assessment to address potential adverse impacts to special-status fish species and anticipated Section 7 ESA consultation with both USFWS and NMFS. DWR will incorporate and implement all practicable best management practices obtained through ESA consultation. Clarifying language has been added to Section 3.4, "Errata and Text Changes."

**NMFS 2 Comment:** NMFS requests clarification on the removal methods of the 12 existing wooden pilings currently located adjacent to the Stockton West Weber site and adjacent to the Stockton Deep Water Ship Canal.

**Response:** DWR assumes that the 12 existing wooden pilings are creosote treated and will therefore be handled appropriately and disposed of in a landfill authorized for receiving hazardous materials. DWR is pursuing a Section 404 Clean Water Act and Section 10 River and Harbors Act Authorization from USACE. DWR is also preparing a biological assessment to address adverse impacts to special-status fish species as part of Section 7 ESA consultation with USFWS and NMFS. DWR will incorporate and implement all practicable best management practices obtained through ESA consultation.

**NMFS 3 Comment:** NMFS requests clarification on how DWR will compensate for the loss of intertidal and riparian habitat as a result of development of the northern shore along the Stockton Deep Water Ship Channel, including placement of rock rip rap along 400 linear feet of shoreline.

**Response:** The existing conditions along the north shore of the Stockton Deep Water Ship Channel are characterized by large pieces of broken concrete and broken brick masonry. Nonnative giant reed is abundant along the eastern portion of the northern shore. The northern shore is also characterized by a narrowleaf willow thicket adjacent to the monoculture stand of giant reed. In addition, approximately three mature non-native Siberian elm trees would be removed to develop the north shore. Placement of riprap along the northern shore will not substantially alter the intertidal habitat; however, DWR will mitigate for the loss of waters of the United States and for impacts to species habitat. Specific compensatory mitigation, if needed, will be determined through the Section 404 Clean Water Act and Section 10 River and Harbors Act Authorization from USACE, and the ESA permitting processes.

**NMFS 4 Comment:** NMFS requests clarification on the drainage facilities proposed for the northern parcel of the Stockton West Weber Rio Vista and BISRA sites.

**Response:** As mentioned in the IS/MND, DWR will use the existing storm drain systems on both parcels at the Stockton West Weber site to the maximum extent feasible. The south parcel will use

the existing storm drain pipes and detention pond system. If feasible, the north parcel will tie into the City of Stockton's storm drain system, but will still likely require improvements. If tying into the City's storm drain system is not feasible, alternate design options such as detention basins and drainage ditches will be evaluated. The amount and type of improvements pertaining to the North parcel are still being determined by DWR, and the level of design is too premature and speculative to evaluate in the IS/MND. However, DWR is currently developing a biological assessment as part of required Section 7 ESA consultation, and the biological assessment will address long-term stormwater runoff management plans for the West Weber site in greater detail. Furthermore, mitigation for stormwater runoff and contaminants is covered in Mitigation Measure HYD-1, "Institute Construction Best Management Practices (BMPs) for the Prevention of Erosion and Transport of Soil, Sand, and Silt Offsite During Runoff Events."

The Rio Vista site does not have an existing storm drain pipe system. The site is physically separated from the Sacramento River by more than 1,000 linear feet, and sits behind multiple levees. Current stormwater runoff settles in adjacent areas, and no alternative plan has been proposed for this project. Should stormwater pollution concerns arise, DWR will likely explore re-vegetation measures such as incorporating native grass seed mixtures or willow pole cuttings in adjacent areas. Furthermore, mitigation for stormwater runoff and contaminants is covered in Mitigation Measure HYD-1, "Institute Construction Best Management Practices (BMPs) for the Prevention of Erosion and Transport of Soil, Sand, and Silt Offsite During Runoff Events."

At this time, the Brannan Island site is anticipated to be the final project to be completed. An inaugural design date has yet to be scheduled. As such, DWR has yet to determine specific long-term stormwater management needs, and is unable to provide details within the current IS/MND.

### 3.0 ERRATA AND TEXT CHANGES

Errata and text changes are shown below in strikethrough and underlined text. For changes to mitigation measures that already have strikethrough and underlined text as part of the original text in the subsequent IS/MND, the text changes are highlighted in gray.

#### 3.1 Air Quality

Per an informal comment received from SMAQMD, there was an error in the units reported in Table 3.2-5 (pages 3-14 and 3-15).

Table 3.2-5. Summary of Modeled Project-Generated Construction-Related Emissions of Criteria Air Pollutants and Precursors <sup>1</sup> NO <sub>x</sub> Emissions	Pollutant		
	Sites and Parameters	ROG	NO <sub>x</sub>
<b>Emissions in San Joaquin Valley-SJVAPCD (Tons/Year)</b>			
Stockton West Weber Avenue			
Site Preparation Emissions	0.01	0.14	0.01
Stockpiling On-Site Emissions	0.01	0.08	0.21
On-road Emissions - Rock delivered from Jackson Valley Quarry	0.17	2.73	0.12
On-road Emissions - Rock delivered from Hogan Quarry	0.19	2.97	0.13
<b>Rio Vista</b>			
None	0.00	0.00	0
<b>Brannan Island</b>			
On-road Emissions - Rock delivered from Jackson Valley Quarry	0.14	1.85	0.09
On-road Emissions - Rock delivered from Hogan Quarry	0.15	1.99	0.10
<b>Total Unmitigated (Tons/Year)-Worst Case</b>	<b>0.36</b>	<b>5.18</b>	<b>0.44</b>
<b>SJVAPCD Thresholds (Tons/Year)</b>	<b>10</b>	<b>10</b>	<b>-</b>
<b>Significant?</b>	<b>No</b>	<b>No</b>	<b>No</b>
<b>Emissions in Sacramento Valley-SMAQMD(lb./day)</b>			
<b>Rio Vista</b>			
None	0.00	0.00	0.00
<b>Brannan Island</b>			
Site Preparation Emissions	0.22	2.41	45.16
Stockpiling On-Site Emissions	0.07	0.35	11.31
On-road Emissions - Rock delivered from Jackson Valley Quarry	1.45	18.80	0.94

<b>Table 3.2-5. Summary of Modeled Project-Generated Construction-Related Emissions of Criteria Air Pollutants and Precursors<sup>1</sup> NO<sub>x</sub> Emissions</b>			
Sites and Parameters	Pollutant		
	ROG	NO <sub>x</sub>	PM <sub>10</sub>
On-road Emissions - Rock delivered from Hogan Quarry	1.29	16.70	0.83
<b>Total Unmitigated (lb./day Tons/Year)-Worst Case</b>	<b>1.45</b>	<b>18.80</b>	<b>45.16</b>
<b>SMAQMD Thresholds(lb./day)</b>	<b>-</b>	<b>85</b>	<b>-</b>
<b>Significant?</b>	<b>No</b>	<b>No</b>	<b>No</b>
<b>Emissions in Solano County-YSAQMD</b>			
<b>Rio Vista</b>	<b>ROG (tons/year)</b>	<b>NO<sub>x</sub> (tons/year)</b>	<b>PM<sub>10</sub> (lb./day)</b>
Site Preparation Emissions	0.04	0.44	45.16
<b>Total Unmitigated (Tons/Year)-Worst Case</b>	<b>0.04</b>	<b>0.44</b>	<b>45.16</b>
<b>YSAQMD Thresholds(tons/year and lb./day)</b>	<b>10</b>	<b>10</b>	<b>80</b>
<b>Significant?</b>	<b>No</b>	<b>No</b>	<b>No</b>
<b>Emissions in Amador County-ACAPCD (lb./day)</b>			
Stockton West Weber Avenue			
On-Road Emissions-Rock Delivered from Jackson Valley Quarry	1.25	19.73	0.87
<b>Brannan Island</b>			
On-Road Emissions-Rock Delivered from Jackson Valley Quarry	1.45	18.80	0.94
<b>Total Unmitigated (Tons/Year)-Worst Case</b>	<b>1.45</b>	<b>19.73</b>	<b>0.94</b>
<b>ACAPCD Thresholds(lb./day)</b>	<b>274</b>	<b>274</b>	<b>383</b>
<b>Significant?</b>	<b>No</b>	<b>No</b>	<b>No</b>
<b>Emissions in Calaveras County - CCAPCD (Tons/Year)</b>			
Stockton West Weber Avenue			
On-Road Emissions-Rock Delivered from Hogan Quarry	0.19	2.97	0.13
<b>Brannan Island</b>			
On-Road Emissions-Rock Delivered from Hogan Quarry	0.15	1.99	0.10
<b>Total Unmitigated (Tons/Year)-Worst Case</b>	<b>0.34</b>	<b>4.96</b>	<b>0.23</b>
<b>CCAPCD Thresholds (Tons/Year)</b>	<b>10</b>	<b>10</b>	<b>-</b>
<b>Significant?</b>	<b>No</b>	<b>No</b>	<b>No</b>
Notes:			
<sup>1</sup> Based on EMFAC2007 and OFFROAD2007 emission factors contained in URBEMIS V. 9.2.2, using general information provided in the project description (e.g., equipment list, stockpiling volumes and area, number of truck trips), and default model settings and parameters. Stockpiling is assumed to take place at one site at a time, i.e., trucks deliver the rock to only one site at a given time.			

### 3.2 Biological Resources

Per CDFW 1, text of Mitigation Measure BIO-1 (pages MND-6, 3-29, and B-3) have been clarified so that the reference to standard guidelines has been changed from The California Burrowing Owl Consortium (CBOC, 1993) to Staff Report on Burrowing Owl Mitigation dated March 7, 2012. Mitigation Measure BIO-1 has been clarified as follows in gray-highlighted text:

#### BIO-1: Conduct Burrowing Owl Surveys at all Three of the Project Sites Prior to Development.

Prior to any land clearing operations, a burrowing owl survey following standard guidelines developed by the staff of the California Burrowing Owl Consortium (March 7, 2012) (The California Burrowing Owl Consortium, CBOC, 1993) shall be conducted by a qualified biologist. The survey shall entail walking throughout the entire site, including a 500-foot buffer, to identify adjacent suitable habitat that could be affected by noise and vibration from heavy equipment operation. If no burrows are observed, no impact is expected and results of the survey shall be submitted to the California Department of Fish and Wildlife (DFW). If burrows or owls are observed, a nesting season (15 April – 15 July) survey shall also be conducted, the results of which shall determine whether a winter survey will be further required or whether the results of the survey can be submitted to the DFW following the nesting survey. If the surveys confirm occupied burrowing owl habitat, the Incidental Take Minimization Measure for Burrowing Owls (Measure 5.2.4.15) in the San Joaquin County Multi-Species Habitat Conservation and Open Space Plan (November 14, 2000) will be implemented.

Per CDFW 3, text of Mitigation Measure Bio-4 (pages MND-7, 3-30, and B-5) contained a spelling error of Brannan Island (e.g., Brennan Island). Mitigation Measure BIO-4 has been clarified as follows in gray-highlighted text:

#### Mitigation Measure BIO-4: Conduct Pre-Construction Riparian Habitat Surveys at All Three of the Project Sites Prior to Development.

Prior to any land clearing operations, riparian habitat surveys shall be conducted by a qualified biologist. ~~to confirm that construction activities will not impact riparian habitat.~~ The survey shall entail walking throughout the entire site, including a 100-foot buffer, to identify adjacent suitable riparian habitat that could be affected by construction activities, particularly along the top of waterside banks or slopes. ~~or low-lying areas.~~ Riparian habitat shall be avoided, if feasible. If it is determined that construction would result in the removal of The riparian habitat, surveys shall be submitted to DFW, along with each of the site development plans ~~to confirm that isolated project activities, inclusive of piling installations, utility installations and road/ramp improvements near or adjacent to riparian habitat or other sensitive natural communities will not result in a significant impact to riparian habitat or other sensitive natural community identified in local or regional plans, policies, or regulations or by the California Department of Fish and Wildlife or the U.S. Fish and Wildlife Service.~~ DWR will mitigate for impacts through restoration of riparian habitat on the Brennan Brannan Island, similar of other state-owned property, or a mitigation bank based on a replacement ratio of 1:1.

Per CDFW 5, Section 3.4.2, second paragraph under “Special-status Birds” (page. 3-25), size classes of trees to be removed on the Stockton West Weber site have been added.

Implementation of the proposed project and project refinements at the Stockton West Weber site would result in the removal of at least 14 trees, with the possibility of removing up to approximately 20 trees. Tree removal within the interior portion of the site would result in the

loss of 10 Siberian elm (*Ulmus pumilia*), three pecan (*Carya illinoensis*), and one California black walnut (*Juglans hindsii*). These species have trunks ranging from approximately 10 to 24 inches at diameter breast height (dbh). A grove of Chinaberry (*Melia azedarach*) trees would also be removed along the northeastern portion of the project site. The trunks of the Chinaberry measure approximately 4 to 8 inches in diameter at dbh. With the exception of the California black walnut, all trees proposed for removal within the interior portion of the site are not native. Tree removal within the interior portion of the project site is required for the placement of the rock stockpile and haul road.

Per CDFW 5, Section 3.4.2, last paragraph on page 3-25, size classes of trees to be removed on the Rio Vista site have been added.

Approximately 13.37 acres of trees are present within the Rio Vista project site. Tree species common within the Rio Vista site include valley oak, Fremont's cottonwood (*Populus fremontii*), Oregon ash (*Fraxinus latifolia*), Gooding's black willow (*Salix gooddingii*), and red willow (*S. laevigata*). The majority of the trees present within the Rio Vista site range between 8 and 24 inches dbh based on previous site reconnaissance. Shrubs including arroyo willow (*S. lasiolepis*) and narrowleaf willow are common at the site. Implementation of the proposed project and project refinements at the Rio Vista site would result in the removal of up to approximately 4.0 acres of trees. Tree removal would be required for project refinements such as the expansion of the rock stockpile, and widening the access road to 28 feet.

### 3.3 Cultural Resources

Per CSLC 3, text of Mitigation Measure CUL-3 (pages MND-10, 3-34, and B-9) states that CSLC Assistant Chief Counsel Pam Griggs will be notified should any reportable cultural resources be discovered on State lands during construction. Mitigation Measure CUL-3 has been clarified as follows in gray-highlighted text:

**CUL-3: Immediately Halt Construction if any Cultural Resources are Discovered.**

DWR shall implement the following mitigation measure to reduce the potential impacts to buried historic cultural resources to a less-than-significant level. If cultural materials (e.g., unusual amounts of shell, animal bone, glass, ceramics, etc.) are discovered during project-related construction activities, ground disturbances in the area of the find shall be halted and a qualified professional archaeologist shall be notified regarding the discovery. The archaeologist, to be retained by DWR, shall determine whether the resource is potentially significant per the CRHR and develop appropriate mitigation. Mitigation may include, but not be limited to, in-field documentation, archival research, archaeological testing, data recovery excavations, or recordation, and shall be implemented before resuming construction in the immediate vicinity. DWR will contact Pam Griggs at (916) 574-1854 or via email at Pamela.Griggs@slc.ca.gov should any reportable cultural resources be discovered on State lands during construction of the proposed project.

### 3.4 Noise

Per CSLC 6, Table 3.13-3 (page 3-77) has been augmented to include an impact or vibratory pile driver with associated typical noise levels (dBA) at 50 feet from source of 95 dBA according to the Federal Highway Administration Construction Noise Handbook.

**Table 3.13-3. FHA Construction Equipment Noise Emission Levels**

Equipment	Typical Noise Level (dBA) 50 ft. from Source*
Air Compressor	81
Backhoe	80
Compactor	82
Concrete Mixer	85
Concrete Pump	82
Concrete Vibrator	76
Crane Derrick	88
Crane Mobile	83
Dozer	85
Generator	81
Grader	85
<u>Impact Pile Driver</u>	<u>95</u>
Impact Wrench	85
Jack Hammer	88
Loader	85
Paver	89
Pneumatic Tool	85
Pump	76
Rail Saw	90
Rock Drill	98
Roller	74
Saw	76
Scarifier	83
Scraper	89
Shovel	82
Spike Driver	77
Tie Cutter	84
Tie Handler	80
Tie Inserter	85
Truck	88
<u>Vibratory Pile Driver</u>	<u>95</u>

Page MND-3 states that “Pile driving would be conducted with an impact hammer and is anticipated to occur from a barge”. DWR has indicated, however, that they may use an impact or vibratory type hammer for in-water construction at the Stockton West Weber site.

Pages MND-3 and 2-5 have been modified as follows:

- ▶ Install up to 11 dolphin pile clusters for mooring of up to three transport barges during rock-loading operations. The dolphin pile clusters would likely be constructed with three 24-inch-diameter steel pipe piles each (one vertical and two battered) for a total of about 33 piles in the Stockton Deep Water Ship Channel. Each dolphin pile cluster affects approximately 12 square feet at the bottom of the channel. Pile driving would be conducted with an impact hammer or vibratory type hammer and is anticipated to could occur from a barge or land. An impact cushion shall be installed on the top of piles prior to impact driving.

Page 3-76, first sentence of the first paragraph, has been modified to specify pile driving as follows:

Project-generated noise levels would be primarily associated with construction activities including site preparation, installation of concrete pads and foundations, material transport (e.g., hauling of riprap to the stockpile areas), stockpile construction, pile driving, and other miscellaneous construction activities.

Page 3-76, second paragraph, first sentence has been corrected to identify the correct upper range of noise levels generated by construction equipment and additional analysis regarding construction related noise levels at Stockton West Weber has been added to address “noise levels in excess of standards established in the local general plan or noise ordinance, or in other applicable local, state, or federal standards:

According to the Federal Highway Administration, the noise levels typically associated with the activities above can range from 79 to ~~91~~95 dBA at 50 feet (Table 3.13-3). The simultaneous operation of on-site construction equipment associated with the proposed project and project refinements could result in combined intermittent noise levels higher than the noise level of the individual pieces of equipment. However, the noise levels would be expected to be below the thresholds set by both the City of Rio Vista and by Solano County for the sensitive receptors located along the waterfront south of the Dutra Group’s dock facilities. Construction of site improvements ~~at the Stockton West Weber site would temporarily and operation of the Stockton West Weber site would not~~ increase noise levels above current uses. The Stockton West Weber site is located near the intersection of Interstate 5 and State Route 4 and near the Port of Stockton, ~~these areas experience of significant truck and transportation traffic within the City of Stockton. ; and San Joaquin County experiences significant noise levels from heavy vehicular and truck traffic passing through the Delta along Scenic SR 160.~~ Construction-related noise associated with pile driving at the Stockton West Weber site would be 85 dBA at 50 feet (with impact cushion block that provides a minimum of 10 dB reduction [Caltrans 2009]), and by reducing 6 dB per doubling of the distance, this noise level would reach 65 dB at a distance of 600 feet, and 75 dB at a distance of 200 feet. There are no commercial uses within 200 feet of the pile driving location, and also there are no residential uses within 600 feet of pile driving location. Therefore, noise levels from pile driving would be less than significant within 200 feet of commercial uses (based on the threshold of 75 dB for commercial and industrial uses), and within 600 feet of residential uses (based on the threshold of 65 dB for residential uses). Thus, construction of site improvements at both Rio Vista and Stockton West Weber sites would be **less than significant**.

Per CSLC 6, (page 3-78) analysis of “excessive ground borne vibration or ground borne noise levels” has been clarified with respect to an impact or vibratory pile driver analysis at Stockton West Weber as follows:

With respect to the proposed project and project refinements, impact pile driving at the Stockton West Weber site would generate the maximum ground borne vibration in comparison to the other equipment mentioned. According to the Federal Transit Administration (FTA), vibration levels associated with impact pile driving is 0.644 inch per second (in/sec) peak particle velocity (PPV) and 104 vibration decibels VdB referenced to 1 microinch per second ( $\mu$ in/sec) and based on the root mean square (RMS) velocity amplitude] at 25 feet (FTA 2006). Vibration levels decrease with distance from the source to receptor. Vibration levels from pile driving up to a distance of 300 feet would exceed Caltrans' recommended standards with respect to the prevention of structural building damage (0.2 and 0.08 in/sec PPV for normal and historical buildings) or FTA's maximum acceptable vibration standard with respect to human response (80 VdB for residential uses) at nearby existing vibration-sensitive land uses. However, there are no vibration sensitive uses (structures or residences) within 300 feet from the Stockton West Weber project site. In addition, the long-term operation of the proposed project and project refinements would not include any major sources of vibration. Thus, project implementation would not result in the exposure of persons to or generation of excessive ground borne vibration or ground borne noise levels. Therefore, vibration and noise levels from the proposed project and project refinements would be **less than significant**.

In Section 3.14.2 (page 3-78) the phrase "analysis of a substantial temporary or periodic increase in ambient noise level in the project vicinity above levels existing without the project" has been clarified to include an impact pile driver or vibratory pile driver analysis at the Stockton West Weber site as follows:

Ambient noise levels at the nearest noise sensitive uses in the project vicinity would be influenced by freeway traffic noise. Typically, freeway traffic noise would be 70 dB to 80 dB at 50 feet (FHWA 2003). The nearest residences to the project site are located to the east of Interstate 5 (I-5), approximately 1,200 feet from the project site, and 550 feet from (I-5). Assuming (conservatively) minimum noise level of 70 dB at 50 feet from the freeway, and a 3 dB reduction per doubling of the distance from line source or highway (FHWA 2011), the ambient noise level at 550 feet would be 60 dBA. This level of ambient noise would be a conservative assumption, because in addition to the freeway traffic noise, there would also be other noise source such as industries and commercial uses in the area. Project noise level of 95 dBA at 50 feet would reach 68 dBA at a distance of 1,200 feet (assuming a 6 dB reduction per doubling of the distance from a point source or construction site [FHWA 2011]), which would be above the ambient noise level of 60 dBA. Therefore, temporary increase of noise level above ambient due to the construction activities at Stockton West Weber would be potentially significant without mitigation. Implementation of construction Best Management Practices (BMPs) described in Mitigation Measure NOI-1 in Section 4.0, "Mitigation Monitoring and Reporting Program," would mitigate short-term construction noise impacts at Stockton West Weber to **less than significant with mitigation incorporated**.

Per modification of Section 3.14.2, (page 3-78), Mitigation Measure NOI-1 has been clarified as follows:

#### **Mitigation Measure NOI-1: Implement Measures to Control Construction Equipment Noise Levels.**

The contractor and/or DWR shall properly maintain construction equipment and equip it with noise control devices, such as exhaust mufflers or engine shrouds, in accordance with manufacturers' specifications. For pile driving, acoustical blanked shrouds will be used to enclose the hammer, pile, and engines, when feasible. Noise monitoring during pile driving shall be conducted at 50 to 100 feet from pile driving locations and at the closest noise sensitive use during pile driving to ensure project noise would not exceed 65 dB at the property lines of the

nearest noise sensitive uses. For non-emergency activities such as site construction and stockpiling quarry rock, operations will be limited to the periods 7:00 AM to 7:00 PM, Mondays through Saturdays.

## **4.0 MITIGATION MONITORING AND REPORTING PROGRAM**

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### **4.1 Introduction**

In accordance with the California Environmental Quality Act (CEQA), the California Department of Water Resources (DWR) has prepared an initial study/proposed mitigated negative declaration (IS/MND) that identifies potential adverse environmental impacts related to the Delta Flood Emergency Facilities Improvement Project (proposed project) and project refinements. The IS/MND also identifies mitigation measures that would be implemented to reduce potential significant impacts to a less-than-significant level.

Section 21081.6 of the California Public Resources Code, and Sections 15091(d) and 15097 of the State CEQA Guidelines, require public agencies “to adopt a reporting and monitoring program for changes to the project which it has adopted or made a condition of project approval in order to mitigate or avoid significant effects on the environment.” A Mitigation Monitoring and Reporting Program (MMRP) is required for the proposed project refinements because the IS/MND identifies potentially significant adverse impacts related to the proposed project refinements, and mitigation measures have been identified to mitigate those impacts.

DWR is the lead agency that must adopt the MMRP for the proposed project refinements. Adoption of this MMRP would occur along with approval of the proposed project refinements.

### **4.2 Purpose of Mitigation Monitoring and Reporting Program**

This MMRP has been prepared to ensure that all required mitigation measures are implemented and completed according to schedule and maintained in a satisfactory manner during implementation of the proposed project and project refinements. The MMRP may be modified by DWR during project implementation, as necessary, in response to permit conditions by regulatory and permitting agencies, changing conditions, or other refinements. Table 4.0 has been prepared to assist the responsible parties in implementing the MMRP. The table identifies individual mitigation measures, the person and/or agency responsible for implementing the measure, and monitoring and mitigation timing.

### **4.3 Roles and Responsibilities**

DWR is responsible for taking all actions necessary to implement the mitigation measures according to the specifications provided for each measure and for demonstrating that the action has been successfully completed. DWR, at its discretion, may delegate implementation responsibility or portions thereof to a licensed contractor or other designated agent as long as DWR maintains final responsibility for ensuring that the actions are taken.

DWR will be responsible for overall administration of the MMRP and for verifying that DWR staff members and/or the construction contractor has completed the necessary actions for each measure.

### **4.4 Reporting**

DWR staff or assigned personnel shall prepare a monitoring report upon completing construction of the proposed project and project refinements addressing compliance with the required mitigation measures.

Information regarding inspections and other requirements shall be compiled and explained in the report. The report shall be designed to simply and clearly describe whether mitigation measures have been adequately implemented. At a minimum, the report shall identify the mitigation measures or conditions monitored for implementation, whether compliance with the mitigation measures or conditions has occurred, the procedures used to assess compliance, and whether further action is required.

Table 4.0 presents the final MMRP for the Delta Flood Emergency Facilities Improvement Project and project refinements. This MMRP updates and replaces the MMRP adopted by DWR in June 2013 for the original proposed project, addresses the original proposed project and project refinements, and incorporates all clarifications to mitigation measures presented in Section 3.0, "Errata."

Mitigation Measure(s)	Mitigation Description	Timing, Milestone	Responsible Entity	Monitoring and Enforcement Responsibility
<b>AES-1:</b> Design BISRA Joint Use Facility with DPR Incorporating Architectural and Landscaping Technics to Minimize Impacts to Scenic Vistas and Visual Resources.	DWR will consult and coordinate with DPR staff and architect to facilitate the location and design of the joint use facility and steel warehouse within the BISRA so as not to harm the natural aesthetics, scenic vistas, and visual character available within the BISRA and from the nearby Scenic SR 160. Potential design measures may include utilizing natural earth tones for building exteriors, incorporating earthen berms and planting native plants to help screen project building features from recreational areas and from Scenic SR 160.	Design, Pre-construction	DWR	DPR
<b>AES-2:</b> Locate and Design Quarry Rock Stockpile(s) at BISRA to Minimize Impacts to Scenic Vistas and Visual Resources.	DWR will consult and coordinate with DPR staff to facilitate the location, placement, shape, and visual treatment of quarry rock stockpile(s) that will be located near the southern tip of the BISRA peninsula. The quarry rock stockpiles will be located and configured so as not to harm the natural aesthetics, scenic vistas, and visual character available within and adjacent to the BISRA and from the nearby river, sloughs and Scenic SR 160. Potential visual treatments may include screening by natural, native vegetation of trees and shrubs, utilizing natural berms, or covering the rock stockpiles with a layer of native soil and sand materials from nearby within the BISRA.	Pre-construction	DWR	DPR
<b>AES-3:</b> Locate and Treat Exterior of Warehouse and Cargo Storage Containers at BISRA to Minimize Light and Glare Impacts to Day and Nighttime Views.	DWR will consult and coordinate with DPR staff to facilitate the location and exterior visual treatment of the project warehouse on BISRA to minimize light and glare impacts to day and nighttime views, and not to harm the natural aesthetics, scenic vistas, and visual character available within and adjacent to the BISRA and from Scenic SR 160. Potential visual treatments may include treating the exterior of the warehouse walls and roof in natural earth tones and screening by natural, native vegetation of trees and shrubs.	Design, Pre-construction	DWR	DPR
<b>BIO-1:</b> Conduct Burrowing Owl Surveys at all Three of the Project Sites Prior to Development.	Prior to any land clearing operations, a burrowing owl survey following standard guidelines <u>developed by the staff of the California Burrowing Owl Consortium</u> (March 7, 2012) shall be conducted by a qualified biologist. The survey shall entail walking	Pre-construction	DWR	DFW

Mitigation Measure(s)	Mitigation Description	Timing, Milestone	Responsible Entity	Monitoring and Enforcement Responsibility
	throughout the entire site, including a 500-foot buffer, to identify adjacent suitable habitat that could be affected by noise and vibration from heavy equipment operation. If no burrows are observed, no impact is expected and results of the survey shall be submitted to the California Department of Fish and Wildlife (DFW). If burrows or owls are observed, a nesting season (15 April – 15 July) survey shall also be conducted, the results of which shall determine whether a winter survey will be further required or whether the results of the survey can be submitted to the DFW following the nesting survey. If the surveys confirm occupied burrowing owl habitat, the Incidental Take Minimization Measure for Burrowing Owls (Measure 5.2.4.15) in the San Joaquin County Multi-Species Habitat Conservation and Open Space Plan (November 14, 2000) will be implemented.			
<b>BIO-2:</b> Retain all Mature Trees on the Proposed Brannon Island State Recreation Area Project Sites.	Mature trees that are potential nest trees and native oak trees greater than 8 inches diameter at breast height will not be removed at the proposed Brannon Island State Recreation Area project site. If a nest tree becomes occupied during stockpiling and site development activities, then depending upon the bird species involved, appropriate monitoring and mitigation measures as specified by the California Department of Fish and Wildlife will be instituted. At a minimum, all construction activities shall remain a distance of at least two times the drip line radius of active nest trees, as measured from the nest.	Pre-construction, Construction	DWR	DFW
<b>BIO-3:</b> Conduct Special Status Surveys.	DWR will consult with DFW prior to project construction to determine the extent for pre-construction sensitive species survey on the proposed project sites. For those sites determined for specific surveys, a qualified biologist shall conduct the sensitive species survey on the sites and within buffer areas of the sites. Special status bird species that could potentially nest in trees in or near the project area include Swainson's hawk, tricolored blackbird, white-tailed kite, double-crested cormorant, California black rail, saltmarsh common yellowthroat, song sparrow, Cooper's	Pre-construction	DWR	DFW

Mitigation Measure(s)	Mitigation Description	Timing, Milestone	Responsible Entity	Monitoring and Enforcement Responsibility
	hawk, ferruginous hawk, merlin, yellow-headed blackbird, and western yellow-billed cuckoo. Potential habitat for special status reptiles/amphibians including the giant garter snake (GGS) and the western pond turtle exists at all three sites necessitating the need to conduct pre-construction surveys at all three sites. In addition, the western red bat could potentially roost in trees in or near the Rio Vista site and the Brannan Island site. The surveys shall be conducted no more than two weeks prior to the start of operations and depending on the expected duration of the activities a follow-up survey may also be required. All observed sensitive species shall be reported to the DFW. The proposed project will be adjusted to avoid impacting these species, or to relocate the individuals under the guidance of the DFW. Preconstruction surveys will also include botanical survey to identify the presence of elderberry shrubs and Antioch dunes evening primrose.			
<b>BIO-4:</b> Conduct Pre-Construction Riparian Habitat Surveys at All Three of the Project Sites Prior to Development.	Prior to any land clearing operations, riparian habitat surveys shall be conducted by a qualified biologist. The survey shall entail walking throughout the entire site, including a 100-foot buffer, to identify riparian habitat that could be affected by construction activities, particularly along the top of waterside banks or slopes. Riparian habitat shall be avoided, if feasible. If it is determined that construction would result in the removal of riparian habitat, surveys shall be submitted to DFW, along with the site development plan. DWR will mitigate for impacts through restoration of riparian habitat on the Brannan Island, other state-owned property, or mitigation bank based on a replacement ratio of 1:1.	Pre-construction	DWR	DFW
<b>BIO-5:</b> Conduct Pre-Design Wetlands and Riparian Habitat Surveys for each of the Sites and Install and Maintain Exclusionary Fencing at the Sites to Ensure Full Avoidance of Seasonal and Permanent Wetlands and Jurisdictional Riparian Habitat.	<p>a) DWR shall retain a qualified biologist to conduct a wetland delineation of the project sites. This delineation shall be submitted to the Corps, and verification received prior to any ground disturbing activities beyond the existing on-site roadways.</p> <p>b) DWR, will preserve, and not disturb the existing wetlands, and wherever possible, establish 25-foot minimum buffers around all</p>	Predesign, Pre-construction	DWR	DFW

Table 4.0. Mitigation Monitoring and Reporting Program: Delta Flood Emergency Facilities Improvement Project				
Mitigation Measure(s)	Mitigation Description	Timing, Milestone	Responsible Entity	Monitoring and Enforcement Responsibility
	<p>sides of these features. In addition, the final project design shall not cause significant changes to the pre-project hydrology, water quality or water quantity in any wetland that is to be retained on site.</p> <p>c) DWR, prior to construction activities, shall install silt fence or exclusion fencing around wetlands to be retained on-site where wetlands are adjacent to construction activities. Wherever possible, a 25-foot buffer adjacent to seasonal and permanent wetlands shall be established. The fencing shall be maintained for the duration of the site work.</p>			
<b>BIO-6:</b> Secure Section 1600 Lake or Streambed Alteration (LSA) Agreement from DFW.	Prior to any ground-disturbing site improvements, DWR shall consult with DFW and secure any applicable Section 1600 Lake or Streambed Alteration (LSA) agreement(s) for any permanent site improvements waterward of the top of bank at Threemile Slough for the BISRA site or at the Stockton Deep Water Ship Channel or Mormon Slough at the Stockton West Weber Avenue site.	Predesign, Pre-construction,	DWR	DFW
<b>BIO-7:</b> Avoid and Minimize Underwater Sound Pressure due to Pile Driving	<p>Underwater sound monitoring shall be performed during pile-driving activities. A qualified biologist/natural resource specialist shall be present during such work to monitor construction activities and compliance with terms and conditions of permits.</p> <p>Underwater sound reduction measures shall be employed, as needed, to ensure that levels do not exceed the threshold levels established by USFWS and NMFS (for fish greater than 2 grams):</p> <ul style="list-style-type: none"> <li>• Peak Pressure – 206 decibels</li> <li>• Accumulated Sound Exposure Level (SEL) – 187 decibels</li> </ul> <p>These underwater sound reduction measures shall include use of an impact hammer cushion block. Additionally, hammers shall be used only during daylight hours and initially shall be used at low energy levels and reduced impact frequency. Applied energy and frequency shall be gradually increased until necessary full force and frequency are achieved.</p> <p>If necessary, one or more of the following shall be implemented to</p>	Pre-construction	DWR	DFW

Table 4.0. Mitigation Monitoring and Reporting Program: Delta Flood Emergency Facilities Improvement Project				
Mitigation Measure(s)	Mitigation Description	Timing, Milestone	Responsible Entity	Monitoring and Enforcement Responsibility
	<p>further reduce sound:</p> <ul style="list-style-type: none"> <li>• Pipe caissons shall be used to isolate the piles from waters to buffer underwater sound pressure levels if underwater sound monitoring indicates that underwater sound levels exceed threshold levels. The caissons shall be driven below the mud line using vibratory or hydraulic methods and the interior area dewatered before pipe piles are installed using impact methods.</li> <li>• The use of a bubble curtain surrounding the pile to be driven.</li> </ul>			
<b>BIO-8:</b> Ensure No Net Loss of Functions and Values of Wetlands, other Waters of the United States, and Waters of the State at the Stockton West Weber and Rio Vista sites.	<p>Before the start of any ground-disturbing activity associated with the construction of any project feature that would affect waters of the United States, including wetlands, or waters of the State, DWR will obtain all necessary permits under Sections 404 and 401 of the Clean Water Act or the State’s Porter-Cologne Act for the proposed project and project refinements at the Stockton West Weber and Rio Vista sites, and Section 10 authorization under Rivers and Harbors Act for work within the Stockton Deep Water Ship Channel at the Stockton West Weber site.</p> <p>All permits, regulatory approvals, and permit conditions for impacts on wetland habitats shall be secured before implementation of any construction activities within waters of the United States or wetland habitats, including waters of the State. DWR will commit to replace, restore, or enhance on a “no net loss” basis, in accordance with U.S. Army Corps of Engineers (USACE) and the Central Valley Regional Water Quality Control Board (RWQCB), the acreage of all wetlands and other waters of the United States that would be removed, lost, and/or degraded with implementation of project plans. Wetland habitat shall be restored, enhanced, and/or replaced at an acreage and location and by methods agreeable to USACE and the Central Valley RWQCB, as determined during the Section 404 and Section 401 permitting processes. Final mitigation ratios will be determined during the permitting process.</p>	Pre-construction	DWR	DFW

Mitigation Measure(s)	Mitigation Description	Timing, Milestone	Responsible Entity	Monitoring and Enforcement Responsibility
<b>CUL-1:</b> Pre-construction Field Survey.	Prior to ground disturbing activities, a field survey will be conducted by a qualified archeologist to identify any prehistoric or historic cultural resources within the project site areas. The survey may reveal a lack of resources. No further identification effort will need to be made. If resources are found in one of the selected sites during the survey, it will be necessary to determine whether the resource is an important resource. This determination will be made by a qualified archeologist based upon surface evidence, if possible. If surface evidence is not conclusive, additional studies, including archival research or subsurface testing, will be conducted. If the additional studies are undertaken and a resource is found to be important under the criteria of the California Register of Historical Resources (CRHR), avoidance will be the preferred method of mitigation. The use of the site with the significant resource might need to be limited to a smaller portion of the site, with protective measures designed for the resource, such as fencing or monitoring site use. The determination of appropriate mitigation will be made by DWR.	Pre-construction	DWR	DWR
<b>CUL-2:</b> Worker Cultural Resource Awareness.	Construction personnel will be informed of the potential for encountering significant archaeological resources and instructed in the identification of artifacts, bone, and other potential resources. All construction personnel will be informed of the need to stop work on the project site if cultural resources are found, and until a qualified archaeologist has been provided the opportunity to assess the significance of the find and implement appropriate measures to protect or scientifically remove the find. Construction personnel will also be informed of the requirement that unauthorized collection of cultural resources is prohibited.	Pre-construction, Construction	DWR	DWR
<b>CUL-3:</b> Immediately Halt Construction if any Cultural Resources are Discovered.	DWR shall implement the following mitigation measure to reduce the potential impacts to buried historic cultural resources to a less-than-significant level. If cultural materials (e.g., unusual amounts of shell, animal bone, glass, ceramics, etc.) are discovered during project-related construction activities, ground disturbances in the	Construction	DWR	DWR

Table 4.0. Mitigation Monitoring and Reporting Program: Delta Flood Emergency Facilities Improvement Project				
Mitigation Measure(s)	Mitigation Description	Timing, Milestone	Responsible Entity	Monitoring and Enforcement Responsibility
	<p>area of the find shall be halted and a qualified professional archaeologist shall be notified regarding the discovery. The archaeologist, to be retained by DWR, shall determine whether the resource is potentially significant per the CRHR and develop appropriate mitigation. Mitigation may include, but not be limited to, in-field documentation, archival research, archaeological testing, data recovery excavations, or recordation, and shall be implemented before resuming construction in the immediate vicinity. DWR will contact Pam Griggs at (916) 574-1854 or via email at Pamela.Griggs@slc.ca.gov should any reportable cultural resources be discovered on State lands during construction of the proposed Project.</p>			
<p><b>CUL-4:</b> Immediately Halt Construction if any Human Remains are Discovered.</p>	<p>DWR shall implement the following mitigation measure to reduce the potential impacts to human remains to a less-than-significant level. In accordance with the California Health and Safety Code, if human remains are uncovered during ground-disturbing activities, the contractor and/or DWR shall immediately halt potentially damaging excavation in the area of the burial and notify the County Coroner and a professional archaeologist to determine the nature of the remains. The coroner is required to examine all discoveries of human remains within 48 hours of receiving notice of a discovery on private or State lands (Health and Safety Code Section 7050.5[b]).</p> <p>If the coroner determines that the remains are those of a Native American, he or she must contact the Native American Heritage Commission (NAHC) by phone within 24 hours of making that determination (Health and Safety Code Section 7050[c]). Following the coroner's findings, DWR, an archaeologist, and the NAHC designated Most Likely Descendent (MLD) shall determine the ultimate treatment and disposition of the remains and take appropriate steps to ensure that additional human interments are not disturbed. The responsibilities for acting upon notification of a discovery of Native American human remains are identified in California Public Resources Code Section (PRC) 5097.9.</p>	Construction	DWR	DWR

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Mitigation Measure(s)	Mitigation Description	Timing, Milestone	Responsible Entity	Monitoring and Enforcement Responsibility
<b>CUL-5:</b> Determination of Significance of Cultural Resources.	If previously unknown cultural resources are discovered during project construction, all work in the area of the find should cease and a qualified archaeologist should be retained by DWR or consultant to assess the significance of the find, make recommendations on its disposition, and prepare appropriate field documentation, including verification of the completion of required mitigation. If archaeological or paleontological resources are discovered during earth moving activities, all construction activities within 50 feet of the find should cease until the archaeologist evaluates the significance of the resource. In the absence of a determination, all archaeological and paleontological resources should be considered significant. If the resource is determined to be significant, the archaeologist, as appropriate, should prepare a research design for recovery of the resources in consultation with the State Office of Historic Preservation that satisfies the requirements of Public Resources Code, Section 21083.2. The archaeologist should complete a report of the excavations and findings. Upon approval of the report, the project proponent should submit the report to the regional office of the California Historic Resources Information System.	Construction	DWR	DWR
<b>HYD-1:</b> Institute Construction Best Management Practices (BMPs) for the Prevention of Erosion and Transport of Soil, Sand, and Silt Offsite During Runoff Events.	DWR shall implement construction Best Management Practices (BMPs) for all land clearing, land leveling, excavation, and fill operations associated with site preparations at the three sites. These measures will be incorporated into the construction plans and specifications. They include avoidance of existing wetlands, including placement of exclusion fencing, creating on site catchments for surface runoff, using coir logs to intercept drainage, and hydroseeding slopes, as appropriate.  Before the start of any construction work, clearing, or site grading associated with preparation, or any stockpiling activities at the sites, measures to control soil erosion and waste discharges will be prepared in accordance with BMPs. DWR will require all contractors conducting work at the sites to implement BMPs to control soil erosion and waste discharges of other construction-	Pre-construction, Construction	DWR, Contractor	County of Record

**Table 4.0. Mitigation Monitoring and Reporting Program: Delta Flood Emergency Facilities Improvement Project**

Mitigation Measure(s)	Mitigation Description	Timing, Milestone	Responsible Entity	Monitoring and Enforcement Responsibility
	<p>related contaminants. The general contractor(s) and subcontractor(s) conducting the work will be responsible for constructing or implementing, regularly inspecting, and maintaining the BMPs in good working order. In addition, the contractors will be required to submit and adhere to the applicable Storm Water Pollution Prevention Plan (SWPPP) associated with site development, preparation, and improvements.</p> <p>Sufficient buffers from wetlands, riparian habitat, and/or other sensitive areas shall be maintained throughout the construction improvement period(s) of the project.</p> <p>The plans developed by DWR or its contractor(s) will identify the grading, erosion, and tracking control BMPs and specifications that are necessary to avoid and minimize water quality impacts to the extent practicable. Standard erosion control measures (e.g., management, structural, and vegetative controls) will be implemented for all construction activities that expose soil. Grading operations will be conducted to eliminate direct routes for conveying potentially contaminated runoff to drainage channels. Erosion control barriers such as silt fences and mulching material will be installed, and disturbed areas will be reseeded with native grasses or other plants where necessary. Tracking controls shall be required throughout the construction period, as needed, to reduce the tracking of sediment and debris from the construction site.</p> <p>At a minimum, entrances and exits shall be inspected daily, and controls implemented as needed. The following specific BMPs will be implemented, as described in the California BMP Handbook (<a href="http://www.cabmphandbook.com">www.cabmphandbook.com</a>):</p> <ul style="list-style-type: none"> <li>• Conduct all work according to site-specific construction plans that identify areas for clearing and grading so that ground disturbance is minimized.</li> <li>• Avoid riparian vegetation, cover cleared areas with mulches, and install silt fences near riparian areas or streams to control erosion and trap sediment, and reseed cleared areas with native</li> </ul>			

**Table 4.0. Mitigation Monitoring and Reporting Program: Delta Flood Emergency Facilities Improvement Project**

Mitigation Measure(s)	Mitigation Description	Timing, Milestone	Responsible Entity	Monitoring and Enforcement Responsibility
	<p>vegetation. Sufficient buffers (minimum 20 feet when possible) from wetlands and/or other sensitive areas shall be maintained throughout the life of the project.</p> <ul style="list-style-type: none"> <li>• Stabilize disturbed soils before the onset of the winter rainfall season.</li> <li>• Stabilize and protect stockpiles from exposure to erosion and flooding.</li> <li>• Stabilize all construction access by providing a point of entrance/exit to the construction sites that is stabilized to reduce the tracking of mud and dirt onto public roads by construction vehicles.</li> <li>• Grade each construction entrance/exit to prevent runoff from leaving the construction site, and ensure that all runoff from the stabilized entrances/exits are routed through a sediment-trapping device before discharge.</li> <li>• Ensure that entry/exit ways are able to support the heaviest vehicles and equipment that will use them.</li> </ul> <p>BMPs will also specify appropriate hazardous materials handling, storage, and spill response practices to reduce the possibility of adverse impacts from use or accidental spills or releases of contaminants. Specific measures applicable to the project include, but are not limited to, the following:</p> <ul style="list-style-type: none"> <li>• Develop and implement strict onsite handling rules to keep construction and maintenance materials out of drainages and waterways.</li> <li>• Conduct all refueling and servicing of equipment with absorbent material or drip pans underneath to contain spilled fuel. Collect any fluid drained from machinery during servicing in leak-proof containers and deliver to an appropriate disposal or recycling facility.</li> <li>• Maintain controlled construction staging, site entrance, concrete washout, and fueling areas at least 100 feet away from</li> </ul>			

<b>Table 4.0. Mitigation Monitoring and Reporting Program: Delta Flood Emergency Facilities Improvement Project</b>				
Mitigation Measure(s)	Mitigation Description	Timing, Milestone	Responsible Entity	Monitoring and Enforcement Responsibility
	<p>stream channels or wetlands to minimize accidental spills and runoff of contaminants in storm water.</p> <ul style="list-style-type: none"> <li>Prevent raw cement; concrete or concrete washings; asphalt, paint, or other coating material; oil or other petroleum products; or any other substances that could be hazardous to aquatic life from contaminating the soil or entering watercourses.</li> </ul> <p>Maintain spill cleanup equipment in proper working condition. Clean up all spills immediately according to the spill prevention and response plan, and immediately notify DFW and the Regional Water Quality Control Board (RWQCB) of any spills and cleanup procedures.</p>			
<b>HAZ-1:</b> Develop and Implement Environmental Remediation Plans	DWR has entered into an interagency agreement with the State Department of Toxic Substances Control (DTSC) and has conducted applicable supplemental site investigations (SSIs), and has developed Soil Management Plans (SMPs) and Health and Safety Plans (HASPs) approved by DTSC for the Stockton West Weber site parcels. The noted SMPs and HASPs must be implemented prior to and during any ground-disturbing activities that may pose a toxic substance hazardous risk during construction of site improvements and subsequent ground-disturbing operations that will remain consistent with current commercial and industrial zoning land uses.	Pre-construction	DWR	DTSC
<b>NOI-1:</b> Implement Measures to Control Construction Equipment Noise Levels	The contractor and/or DWR shall properly maintain construction equipment and equip it with noise control devices, such as exhaust mufflers or engine shrouds, in accordance with manufacturers' specifications. For pile driving, acoustical blanked shrouds will be used to enclose the hammer, pile, and engines, when feasible. Noise monitoring during pile driving shall be conducted at 50 to 100 feet from pile driving locations and at the closest noise sensitive use during pile driving to ensure project noise would not exceed 65 dB at the property lines of the nearest noise sensitive uses. For non-emergency activities such as site construction and stockpiling	Construction	Contractor	DWR

<b>Table 4.0. Mitigation Monitoring and Reporting Program: Delta Flood Emergency Facilities Improvement Project</b>				
Mitigation Measure(s)	Mitigation Description	Timing, Milestone	Responsible Entity	Monitoring and Enforcement Responsibility
	quarry rock, operations will be limited to the periods 7:00 AM to 7:00 PM, Mondays through Saturdays.			
<b>REC-1:</b> Implement Measures to Minimize Impacts on Recreation within Brannan Island State Recreation Area (BISRA)	DWR shall enter into a Memorandum of Understanding with the State Department of Parks and Recreation (DPR) to design project elements in coordination with DPR to minimize impacts on recreational quality and visual resources within the BISRA, and to improve facilities that could jointly benefit recreational services and emergency response capabilities. These include potential features such as developing architectural treatments to blend new structures (multi-use and warehouse facilities) within the park setting, screening the placement and storage of quarry rock stockpiles with vegetation, earthen berms, and/or placing a layer of sand over the quarry rock stockpile, planting native plants to help screen project features, improving service facilities such as restrooms and roads, and collectively implement a 2,500-5,000 sf. joint use facility within the BISRA that could serve as Multi-Agency Center (MAC).	Pre-construction	DWR	DPR
<b>TRANS-1:</b> DWR, in Consultation with Caltrans Regional Offices, will Prepare a Traffic Management Plan (TMP) to Guide Activities during Construction Phase and Restocking Phase of the Proposed Project.	This plan will be prepared and support procurement of necessary Caltrans permits for the transport of heavy construction equipment and/or materials to/from the projects site, or any movement of oversized or excessive load vehicles on the State Highway System. At a minimum this plan shall define how to minimize the amount of time spent on construction transportation activities; how to minimize disruption of vehicle and alternative modes of traffic at all times, but particularly during periods of high traffic volumes; adequate signage and other controls, including flag persons, to ensure that traffic can flow adequately during construction; the identification of alternative routes that can meet the traffic flow requirements of a specific area, including communication (signs, webpages, etc.) with drivers and neighborhoods where construction activities will occur; and at the end of each construction day roadways shall be prepared for continued utilization without any significant roadway hazards remaining.	Pre-construction	DWR	Caltrans

**For additional information, contact:**

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