State Water Resources Control Board

NOTICE OF FILING

AND OF

PUBLIC COMMENT PERIOD AND HEARING ON THE ADEQUACY

OF THE

DRAFT SUBSTITUTE ENVIRONMENTAL DOCUMENT

IN SUPPORT OF

POTENTIAL CHANGES TO THE WATER QUALITY CONTROL PLAN FOR THE SAN FRANCISCO BAY-SACRAMENTO/SAN JOAQUIN DELTA ESTUARY: SAN JOAQUIN RIVER FLOWS AND SOUTHERN DELTA WATER QUALITY.

NOTICE IS HEREBY GIVEN that the State Water Resources Control Board (State Water Board) has completed a draft Substitute Environmental Document (SED) on the proposed update to the Water Quality Control Plan for the San Francisco Bay/Sacramento-San Joaquin Delta Estuary (Bay-Delta Plan). The proposed changes include revised Water Quality Objectives for the Protection of Southern Delta Agricultural Beneficial Uses, San Joaquin River Flow Objectives for the Protection of Fish and Wildlife Beneficial Uses, as well as a Program of Implementation for those Objectives. The State Water Board is proposing to update the Bay-Delta Plan in accordance with a regulatory program exempt under Section 21080.5 of the Public Resources Code from the requirement to prepare an environmental impact report (EIR) under the California Environmental Quality Act (CEQA) (Public Resources Code Section 21000 et seq.) and with other applicable laws and regulations.

BACKGROUND

The Porter-Cologne Water Quality Control Act and the federal Clean Water Act require the State Water Board to regularly review and update the Bay-Delta Plan. The Bay-Delta Plan, last updated in 2006 (the 2006 Bay-Delta Plan), identifies beneficial uses of water in the Bay-Delta estuary, water quality objectives to protect those uses, and a program of implementation to achieve the water quality objectives. In 2009 the State Water Board initiated review of the San Joaquin River flow and southern Delta water quality objectives and the program of implementation for those objectives included in the 2006 Bay-Delta.

CEQA authorizes the Secretary of Natural Resources to certify a regulatory program of a State agency as exempt from the requirements for preparing an EIR, negative declaration, and initial studies if certain criteria are met (Public Resources Code Section 21080.5). The State Water Board's regulations for adoption or revision for any water quality control planning program (23 CCR 3775 – 3781) are an exempt regulatory program and a SED, as required by 23 CCR 3777, is the appropriate document for assessing the environmental impacts of the State Water Board's proposed project, in lieu of an EIR. This SED is prepared in compliance with the State Water Board's regulations, analyzes a reasonable range of alternatives, and evaluates significant environmental impacts that may be associated with the potential changes to the San Joaquin River flow and southern Delta water quality objectives and the program of

implementation for these objectives. The SED also identifies possible ways to minimize significant impacts. The SED meets the requirements of the Porter-Cologne Water Quality Act including the requirement to consider economics when adopting changes to the Bay-Delta Plan.

SIGNIFICANT ENVIRONMENTAL EFFECTS ANTICIPATED AS A RESULT OF THE PLAN

As more fully described in the SED, adoption and implementation of the draft water quality objectives and the program of implementation would have significant environmental effects. Depending on actions taken by affected persons, adoption and implementation of the amendment to the plan could result in significant impacts to the following resources: water supply, surface hydrology, and water quality; flooding, sediment, and erosion; aquatic resources; terrestrial biological resources; groundwater resources; recreational resources and visual quality; agricultural resources; cultural resources; service providers; and energy resources and climate change.

DOCUMENT AVAILABILITY

The SED documents are available for public review during the comment period on week days (except for State Holidays on January 1, January 21, and February 18, 2013) from 8:30 a.m. to 5:00 p.m. at: Division of Water Rights Records Unit, State Water Resources Control Board, 1001 "I" Street, 2nd Floor, Sacramento, CA 95814.

The SED documents will also be available for public review after January 4, 2013, at the following public libraries in Calaveras, Contra Costa, Mariposa, Merced, Sacramento, San Joaquin, Stanislaus, Tuolumne, Alameda and San Francisco Counties:

Calaveras County Central Library, 1299 Gold Hunter Rd., San Andreas, CA 95249.
Pleasant Hill Library, 1750 Oak Park Blvd., Pleasant Hill, CA 94523.
Mariposa County Library, 4978 10th St., Mariposa, CA 95338.
Merced County Library, 2100 O St., Merced, CA 95340.
Sacramento Central Library, 828 "I" St., Sacramento, CA 95814.
Cesar Chavez Central Library, 605 N. El Dorado St., Stockton, CA 95202.
Stanislaus County Library, 1500 "I" St., Modesto, CA 95354.
Tuolumne County Library, 480 Greenley Rd., Sonora, CA 95370.
Alameda County Main Library, 2400 Stevenson Blvd., Fremont, CA 94538.
San Francisco County Library Main Branch, 100 Larkin St., San Francisco, CA 94102.

A link to electronic copies of the SED documents is available on the State Water Board's website at: http://www.waterboards.ca.gov. Alternatively, for a reasonable cost for copying, you may obtain an electronic copy of the documents on disk by contacting the Division of Water Rights Records Unit at (916) 341-5421 or at dwr@waterboards.ca.gov.

SUBMISSION OF WRITTEN COMMENTS

The State Water Board welcomes written comments on the content of the draft objectives, program of implementation, and on the adequacy of the SED and supporting technical documents. Please include the subject line, "**Comment Letter – Bay-Delta Plan SED.**" Written comments must be **received by 12 noon on March 5, 2013** and are to be addressed and submitted to:

Jeanine Townsend
Clerk to the Board
State Water Resources Control Board
P.O. Box 100
Sacramento, CA 95814-0100

You may also submit your comments to Ms. Townsend by fax at (916) 341-5620, by email at commentletters@waterboards.ca.gov, or by hand delivery to the following location:

Jeanine Townsend, Clerk to the Board
Executive Office
State Water Resources Control Board
Cal/EPA Headquarters
1001 "I" Street, 24th Floor
Sacramento, CA 95814

Couriers delivering comment letters must check in with lobby security and have them contact the Executive Office on the 24th floor at (916) 341-5600. Hand delivered submittals that do not have a timely date and time stamp will be considered late and may not be accepted for inclusion in the record of this proceeding. Electronic submission of comments and any supporting material is preferred.

PUBLIC HEARING FOR RECEIPT OF ORAL COMMENTS ON THE ADEQUACY OF THE SED

In accordance with California Code of Regulations, title 23, section 3779, the State Water Board will conduct a public hearing for the receipt of oral comments on the adequacy of the SED for the draft revised Bay-Delta Plan objectives and program of implementation. The Board will not consider adoption of the proposed Bay-Delta Plan update or the draft SED at this hearing. Oral comments should be submitted at this hearing. The board is not required to consider any oral comment that is received after the public hearing. Oral comments will be limited to **ten minutes** or as directed by the hearing officer. Although a quorum of the State Water Board may be present at the hearing, the State Water Board will not take an action during the hearing. Approval of the SED will take place at a future Board Meeting.

The **Public Hearing** will commence on
Wednesday, March 20, 2013
at 9:00 a.m.,
and continuing, if necessary, on
Thursday, March 21 and Friday, March 22, 2013
in
the Coastal Hearing Room
Joe Serna, Jr.-Cal/EPA Building
1001 "I" Street, Second Floor
Sacramento, CA

FUTURE NOTIFICATIONS

The State Water Board will consider approval of the SED and adoption of a revised Bay-Delta Plan at a future Board Meeting. Prior to that, a draft of the complete draft Bay-Delta Plan amendment will be released for public comment. A separate notification will be distributed detailing the date and time of the Board Meeting. To subscribe to an email list for future notifications about the SED and amendments to the Bay-Delta Plan, go to the State Water Board's website at:
http://www.waterboards.ca.gov/resources/email_subscriptions/swrcb_subscribe.shtml#rights
and choose "Bay-Delta Notices".

PARKING, ACCESSIBILITY AND SECURITY

The Cal/EPA Building is accessible to people with disabilities. Individuals who require special accommodations at the Cal/EPA Building are requested to contact Michele Villados, Office of Employee Assistance, at (916) 341-5881.

Due to enhanced security precautions at the Cal/EPA Building, all visitors are required to register with security staff prior to attending any meeting. To sign in and receive a visitor's badge, visitors must go to the Visitor and Environmental Services Center, located just inside and to the left of the building's public entrance. Depending on their destination and the building's security level, visitors may be asked to show valid picture identification. Valid picture identification can take the form of a current driver's license, military identification card, or state or federal identification card. Depending on the size and number of meetings scheduled on any given day, the security check-in could take up to fifteen minutes. Please allow adequate time to sign in before being directed to the hearing or to the Records Unit.

ADDITIONAL INFORMATION

Please direct questions about this notice to Mark Gowdy at (916) 341-5432 or by email at mgowdy@waterboards.ca.gov, or to Larry Lindsay at (916) 341-5358 or by email at llindsay@waterboards.ca.gov.

December 31, 2012
Date

Jeanine Townsend
Jeanine Townsend
Clerk to the Board