

1.0 Introduction

This final program environmental impact report (FPEIR) has been prepared by the California Department of Water Resources (DWR) to evaluate the potential environmental impacts of the 2012 Central Valley Flood Protection Plan (CVFPP). Under the California Environmental Quality Act (CEQA), following completion of a draft EIR (DEIR), the lead agency is required to consult with and obtain comments from public agencies that have jurisdiction by law or discretionary approval power with respect to the proposed project and to provide the general public with opportunities to comment on the DEIR. DWR has completed its responsibilities in this regard (as described further below) and prepared this FPEIR, which includes the draft program EIR (DPEIR) (it is incorporated by reference) and this response to comments document.

In 2007, the California Legislature passed a package of several related flood bills, which included a requirement to prepare a CVFPP. Additional requirements for the CVFPP were added in the Central Valley Flood Protection Act of 2008 (Senate Bill 5). After extensive outreach to stakeholders and the public, a draft CVFPP was released to the public on December 30, 2011. Pursuant to Section 9612 of the California Water Code (CWC), the Central Valley Flood Protection Board (Board) will adopt the CVFPP by July 1, 2012.

The CVFPP is a critical document, intended to guide California's participation (and to influence federal and local participation) in managing flood risk along the Sacramento and San Joaquin river systems. The CVFPP proposes a State Systemwide Investment Approach (SSIA) as its proposed program for sustainable, integrated flood management in areas currently protected by facilities of the State Plan of Flood Control (SPFC). The CVFPP is a long-term planning document. It articulates programs to further flood risk reduction in the Central Valley and suggests a range of potential future projects at a conceptual level that could help meet that goal. The CVFPP will be updated every 5 years, with each update providing the opportunity to update existing policies, programs, and suggested projects, or to add new ones.

DWR, as the State of California (State) lead agency under CEQA and pursuant to a lead agency agreement with the Board, has prepared this FPEIR to inform itself, in developing the CVFPP, and the Board, which will consider adopting the CVFPP, about potential program-level environmental effects and mitigation measures related to the components of

the proposed program. The FPEIR is written so that DWR and the Board will be able to rely on this document for future planning and feasibility studies pertinent to implementation.

This FPEIR, which includes the entirety of the DPEIR made available for public comment on March 6, 2012, has been prepared in accordance with the requirements of CEQA to respond to comments received during the agency and public review period for the DPEIR, and to present corrections, revisions, and other clarifications to the DPEIR.

The DPEIR evaluates potential direct, indirect, and cumulative impacts on the environment at a program level that could result from implementing the proposed program. In addition, the DPEIR includes feasible mitigation measures to avoid, minimize, rectify, reduce, or compensate for potentially significant and significant adverse impacts.

This FPEIR was prepared consistent with California Code of Regulations (CCR) Title 15, Division 6, Chapter 3 (CEQA Guidelines), Section 15132 (“Contents of Final Environmental Impact Report”).

1.1 Public Review Process for the DPEIR and Draft CVFPP

CEQA Guidelines Section 15132 only requires responses to comments received on the DPEIR. No comparable requirement exists for comments received on the draft CVFPP. However, because of the integrated nature of the two documents and the combined public hearing process, and to facilitate future public participation efforts, DWR decided at its discretion to provide written responses to all comments received before the end of the CEQA review period (by April 20, 2012), regardless of whether those comments were characterized as being on the DPEIR or the draft CVFPP. The comments received and responses to those comments on both documents are included in the FPEIR.

1.1.1 DPEIR Review

The public comment period for the DPEIR began March 6, 2012, and ended April 20, 2012. On March 6, 2012, the DPEIR and notice of completion were provided to the State Clearinghouse for distribution to interested State agencies. In addition, a notice of availability was filed in Alameda, Alpine, Amador, Butte, Calaveras, Colusa, Contra Costa, El Dorado, Fresno, Glenn, Imperial, Kern, Kings, Lake, Lassen, Los Angeles, Madera, Mariposa, Merced, Modoc, Napa, Nevada, Orange, Placer, Plumas, Riverside, Sacramento, San Benito, San Bernardino, San Diego,

San Joaquin, San Luis Obispo, Santa Barbara, Santa Clara, Santa Cruz, Shasta, Sierra, Siskiyou, Solano, Stanislaus, Sutter, Tehama, Tulare, Tuolumne, Ventura, Yolo, and Yuba counties, California. The DPEIR was made available on the following Web site:

www.water.ca.gov/cvfmp/documents.cfm. In addition, hard copies of the DPEIR were made available at MWH (3321 Power Inn Road, Suite 300, Sacramento, California), DWR–Main Office (1416 Ninth Street, Sacramento, California), DWR–Northern District Office (2440 Main Street, Red Bluff, California), DWR–Central Valley Flood Planning Office (3464 El Camino Avenue, Suite 150, Sacramento, California), and at public libraries in Sacramento, Stanislaus, Butte, and Sutter counties. In addition, hard copies of the DPEIR were made available at the University of California, Merced and University of California, Davis libraries.

1.1.2 Draft CVFPP Review

The Board provided various opportunities for members of the public and agencies to comment throughout communications and engagement activities during the planning process and eventually on the draft CVFPP document, released in December 2011. The Board solicited comments on the draft CVFPP at public hearings, regular Board meetings, and special Board meetings (see Section 1.1.3, below), and accepted written comments on the draft plan through May 4, 2012. The Board also solicited public comments on draft errata for the CVFPP, which were accepted through May 26, 2012. Later, the Board released Draft Resolution 2012-25 to support its adoption of the proposed CVFPP and accepted public comments on the draft resolution through Friday, June 8, 2012, at 5:00 p.m. Pacific Daylight Time. The draft resolution described the Board’s vision for and adoption of the 2012 CVFPP, including a framework for interpretation and implementation of the plan. The Board held a special meeting on June 15, 2012, to authorize the proposed CVFPP adoption package, which was posted on the Board’s public Web site for a 2-week period, per CWC Section 9612(d).

1.1.3 DPEIR and Draft CVFPP Public Hearings and Meetings

Four public hearings were held at the following times and locations to receive oral and written comments on the DPEIR and draft CVFPP:

- Resources Building Auditorium, 1416 Ninth Street, Sacramento:
9 a.m.–5 p.m., April 5, 2012
- Yuba County Government Office, Board of Supervisors Boardroom,
915 8th Street, Marysville:
9 a.m.–5 p.m., April 6, 2012

- San Joaquin County Robert J. Cabral Agricultural Center, 2101 E. Earhart Avenue, Stockton: 1–9 p.m., April 9, 2012
- Yolo County Board of Supervisors Building, 625 Court Street, Woodland: 1–9 p.m., April 11, 2012

In addition, oral and written comments were received only on the draft CVFPP at regular Board meetings, held at the following times and locations:

- Resources Building Auditorium, 1416 Ninth Street, Sacramento: 8:30 a.m., January 27, 2012
- Resources Building Auditorium, 1416 Ninth Street, Sacramento: 8:30 a.m., February 24, 2012

DWR received comments on the DPEIR and draft CVFPP by mail, fax, and e-mail, and through transcripts of comments made at the public hearings. More than 4,000 comments were received during the public comment period. These comments were considered in the preparation of this FPEIR.

1.2 FPEIR Organization

In addition to the DPEIR, which is included in its entirety as part of this FPEIR, this FPEIR also includes the following chapters and appendices:

- **Chapter 1.0, “Introduction”**—This chapter describes the public review process for the DPEIR and CVFPP, the content and organization of this FPEIR, CEQA requirements, a summary of responses to comments, and future CEQA actions.
- **Chapter 2.0, “Master Responses”**—This chapter presents 24 master responses that were prepared to address numerous similar comments on several specific issue areas in the DPEIR and CVFPP.
- **Chapter 3.0, “Individual Comments and Responses”**—This chapter presents the list of persons, organizations, and public agencies that commented on the DPEIR and CVFPP; the comments and recommendations received by DWR and the Board on the DPEIR and CVFPP, including those received at the four public hearings and two Board meetings; and individual responses to significant environmental issues raised during the public review of the DPEIR and CVFPP.
- **Chapter 4.0, “Errata”**—This chapter presents errata and revisions/clarifications to the DPEIR.

- **Chapter 5.0, “References”**—This chapter contains references to documents used to support the responses to comments.
- **Chapter 6.0, “List of Preparers”**—This chapter lists individuals involved in preparing and reviewing this document.
- **Appendix A, “Mitigation Monitoring or Reporting Plan”**—This appendix contains the mitigation monitoring or reporting plan for the FPEIR.
- **Appendix B, “Central Valley Flood Protection Plan Errata”**—This appendix contains the CVFPP errata.

1.3 Responses to Comments

CEQA Section 21091(d) and CEQA Guidelines Section 15088 require the lead agency to evaluate comments received during the noticed comment period and prepare a written response for each comment relating to any significant environmental issues raised regarding the DPEIR.

This FPEIR contains responses to comments on both the DPEIR and draft CVFPP from elected officials, federal agencies, State agencies, regional and local governments or agencies, special interest groups, and individuals. Chapter 2.0, “Master Responses,” contains master responses that address numerous similar comments received on specific topics in the DPEIR, as well as the draft CVFPP. Many comment letters contained similar, if not identical, comments. The master responses supplement related individual responses to comments that are presented in Chapter 3.0, “Individual Comments and Responses.”

1.4 Future CEQA Actions

CEQA Guidelines Section 15088 requires the lead agency to provide a written response to a public (State or local) agency on comments made by that public agency at least 10 days before certifying the FPEIR. DWR has met this requirement by providing written responses to public agencies on June 18, 2012, 10 days before proposed certification of the FPEIR on June 28, 2012. After the 10-day period, DWR will consider certification of the FPEIR before considering approval of the proposed program. The Board, as a responsible agency under CEQA, also will review and consider the information in the FPEIR before formal adoption of the CVFPP. DWR and the Board also will need to make written findings for each significant environmental effect of the proposed program, accompanied by a brief

explanation of the rationale for each finding (CEQA Guidelines Section 15091); make a statement of overriding considerations (CEQA Guidelines 15093); adopt an MMRP (CEQA Guidelines Section 15097); file a notice of determination (CEQA Guidelines Section 150940); and comply with other CEQA requirements for certifying the FPEIR and approving the proposed program.

Under the programmatic approach used for this FPEIR, additional feasibility studies, technical analyses, project-level CEQA environmental compliance documents, permitting, and MMRPs may be necessary before implementation of some future projects.