

# Chapter 1

## Introduction

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California WaterFix adds flexibility to how we divert water from the Sacramento-San Joaquin Delta. The Delta provides water for two-thirds of California's population and one-third of its irrigated farmland. California WaterFix will allow for more natural flows in the Delta to benefit salmon, smelt, and other species. It will increase water supply reliability by giving the water projects that divert from the Delta more flexibility to move water without harming fish. In addition, California WaterFix will guard the Delta water diversion point from natural disaster disruption, such as earthquake or flood.

California WaterFix involves construction of three new intakes, each with a maximum diversion capacity of 3,000 cubic feet per second, on the east bank of the Sacramento River between Clarksburg and Courtland in the north Delta. Each intake site will employ state-of-the-art on-bank fish screens and, although the diversions will be located outside of the main range for delta and longfin smelt, the fish screens will be designed to meet delta smelt criteria. Two 40-foot-wide underground pipelines will carry the diverted water by gravity flow approximately 30 miles to the existing State Water Project (SWP) and Central Valley Project (CVP) pumping facilities where existing pumps lift the water into the canals that flow hundreds of miles to supply San Joaquin Valley farms and cities as far away as San Diego.

The California Department of Water Resources (DWR) approved the California WaterFix on July 21, 2017 and, as part of the project approval, certified the *Bay Delta Conservation Plan/California WaterFix Final Environmental Impact Report/Environmental Impact Statement (Final EIR/EIS)* on July 21, 2017. This California WaterFix Draft Supplemental EIR/EIS (Draft Supplemental EIR/EIS) has been prepared to meet the requirements of the California Environmental Quality Act (CEQA) and National Environmental Policy Act (NEPA) in connection with proposed changes to the California WaterFix project as approved on July 21, 2017<sup>1</sup>. To address the environmental consequences of these proposed changes this Draft Supplemental EIR/EIS describes additions and changes to the Final EIR/EIS as certified on July 21, 2017. The proposed changes are summarized in Section 1.2, *Supplemental EIR/EIS*. Virtually all of proposed changes to the approved project reduce the environmental effects of Alternative 4A as already approved by further addressing localized issues associated with footprint components of Alternative 4A. The changes are generally environmentally beneficial in character and are seen as optimizing the approved project to further reduce activities in wetlands and other waters of the United States.

For two reasons, this Draft Supplemental EIR/EIS uses the same format as the previous multiple volume environmental document. First, continuity in formatting facilitates the ongoing usefulness of the certified Final EIR/EIS during the public review and decision-making process for the proposed project changes. The Final EIR/EIS includes a wealth of technical information, a great deal of which remains directly relevant to the consideration of the proposed project changes. And second, under Section 15163[b] of the State CEQA Guidelines, a Supplemental EIR “need contain only the information necessary to make the previous EIR adequate for the project as revised.” This

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<sup>1</sup> The U.S. Bureau of Reclamation has not yet issued a Record of Decision as part of the federal decision making consistent with the requirements of NEPA; therefore, the project is not considered “approved” by the federal agency.

1 requirement is best met by building directly on the discussions and analyses already included within  
2 the certified Final EIR. Redundancy is minimized, and the analysis in the Supplemental EIR/EIS  
3 appropriately focuses on the reasonably foreseeable effects of the approved project as it would be  
4 modified by the proposed changes. The analysis focuses on the incremental differences between the  
5 environmental effects of the California WaterFix (Final EIR/EIS Alternative 4A) as approved by DWR  
6 in July 2017 and the effects that would result if the proposed project changes are approved.<sup>2</sup>

7 This introduction provides:

- 8 • A brief discussion of the previous CEQA and NEPA compliance prepared for the approved  
9 project (presented in the July 2017 certified Final EIR/EIS) with links to those previous  
10 documents.
- 11 • An overview of the Draft Supplemental EIR/EIS content and process.
- 12 • A summary of some of the other discretionary actions and permitting processes currently  
13 underway for California WaterFix that will rely on both the Final and Supplemental EIR/EIS for  
14 discretionary actions.
- 15 • An overview of the Draft Supplemental EIR/EIS organization.

## 16 1.1 Previous CEQA/NEPA Compliance

17 The proposed Final EIR/EIS was posted online December 22, 2016. On December 30, 2016, the U.S.  
18 Bureau of Reclamation (Reclamation), in coordination with the DWR, issued a Notice of Availability  
19 (see 81 Federal Register 251 (30 December 2016) pp. 96485–96486), as required by the Council on  
20 Environmental Quality’s (CEQ’s) NEPA regulations (see 40 Code of Federal Regulations [CFR]  
21 Sections 1506.9 and 1506.10) stating that the Final EIR/EIS was made available to the public. The  
22 Final EIR/EIS was prepared jointly by DWR and Reclamation (together referred to as lead agencies)  
23 and presented potentially feasible alternatives, potential environmental impacts, and mitigation  
24 measures that would avoid or minimize significant or adverse impacts where feasible. It also  
25 provided responses to all substantive comments received on the [2013 Draft EIR/EIS](#) and [2015](#)  
26 [Partially Recirculated Draft EIR/Supplemental Draft EIS \(RDEIR/SDEIS\)](#). All of these documents  
27 were prepared as joint federal and state environmental documents intended to satisfy both NEPA  
28 and CEQA.

29 Following posting of the December 2016 Final EIR/EIS and prior to DWR certifying the Final EIR,  
30 DWR published additional information and Final EIR corrections in *Developments after Publication*  
31 *of the Proposed Final Environmental Impact Report* (July 2017). This document was developed by  
32 DWR in compliance with CEQA and addressed developments that had occurred between the posting  
33 of the proposed Final EIR/EIS on December 22, 2016 and July 21, 2017, when DWR certified the  
34 Final EIR, which included the *Developments after Publication of the Proposed Final Environmental*  
35 *Impact Report*, and approved the California WaterFix (Final EIR/EIS Alternative 4A). In preparing

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<sup>2</sup> See *Temecula Band of Luiseño Mission Indians v. Rancho Cal. Water Dist.* (1996) 43 Cal.App.4th 425, 434-439; *Communities for a Better Environment v. South Coast Air Quality Management District* (2010) 48 Cal.4th 310, 326, fn. 11; *Friends of the College of San Mateo Gardens v. San Mateo County Community College District* (2016) 1 Cal.5th 937, 949 (“[t]he purpose behind the requirement of a ... supplemental EIR ... is to explore environmental impacts not considered in the original environmental document”; “[t]he event of a change in a project is not an occasion to revisit environmental concerns laid to rest in the original analysis”; “[o]nly changed circumstances ... are at issue”).

1 the *Developments after Publication of the Proposed Final Environmental Impact Report*, DWR worked  
2 with Reclamation and other cooperating and responsible agencies to identify and correct errors in  
3 the proposed Final EIR/EIS, and to assess and consider comments received on that document As  
4 explained in *Developments after Publication of the Proposed Final Environmental Impact Report*, none  
5 of the timely comments on the proposed Final EIR/EIS or the subsequent correspondence submitted  
6 to DWR identified issues that triggered an additional round of recirculation under Section 15088.5of  
7 the State CEQA Guidelines. The proposed Final EIR published December 22, 2016 and *Developments*  
8 *after Publication of the Proposed Final Environmental Impact Report* issued July 17, 2017 are  
9 considered the full Final EIR as certified. On July 21, 2017, DWR not only certified the Final EIR, it  
10 also adopted Findings and a Statement of Overriding Considerations, adopted the Mitigation  
11 Monitoring and Reporting Program, approved California WaterFix (Alternative 4A) and filed a  
12 [Notice of Determination](#) (NOD) with the Governor’s Office of Planning and Research (OPR).  
13 Reclamation has not yet adopted a Record of Decision (ROD) for the Final EIS or approved a project.

14 In an effort to further refine a facility element of California WaterFix following the July 21, 2017  
15 NOD, DWR decided to improve the approved northern transmission lines that were identified in the  
16 certified Final EIR. These changes were made to utilize an existing Sacramento Municipal Utility  
17 District (SMUD) transmission line right-of-way and reduce the effects of constructing the approved  
18 transmission lines. On January 23, 2018, DWR approved these transmission line changes and filed  
19 an NOD with OPR for the [California WaterFix Addendum to the Final EIR](#) (Addendum). The  
20 Addendum summarized the transmission line refinements, the design of facilities, the need for the  
21 refinements, expected benefits of the modifications, and potential environmental effects compared  
22 with Alternative 4A described in the Final EIR/EIS. As directed in CEQA Guidelines Section  
23 15164(a), a lead agency or responsible agency shall prepare an addendum to a previously certified  
24 EIR if some changes or additions are necessary but none of the conditions described in Section  
25 15162 calling for preparation of a subsequent EIR have occurred. DWR complied with this  
26 requirement. The Addendum to the Final EIR is now considered a part of the certified Final EIR  
27 which, as noted above, already includes *Developments after Publication of the Proposed Final*  
28 *Environmental Impact Report*.

## 29 **1.2 Supplemental EIR/EIS**

30 DWR, as lead agency under CEQA, and Reclamation, as lead agency under NEPA, (lead agencies),  
31 have prepared this Draft Supplemental EIR/EIS to meet the requirements of CEQA and NEPA. This  
32 supplement to an EIR has been prepared according to CEQA’s requirements when conditions for  
33 preparing additional environmental review exist and “only minor additions or changes would be  
34 necessary to make the previous EIR adequately apply to the project in the changed situation” (CEQA  
35 Guidelines Section 15163 [a]). CEQA Guidelines Sections 15162 and 15163 help provide criteria for  
36 determining whether preparation of a supplemental or subsequent EIR is appropriate (see also  
37 Public Resource Code Section 21166). In this case, DWR is preparing a supplement to the approved  
38 project’s Final EIR (certified July 17, 2017 and as updated with the January 2018 Addendum)  
39 because of the relatively minor changes and additions proposed to the California WaterFix facilities.  
40 The approved project is the California WaterFix as described in the July 17, 2017 Notice of  
41 Determination for the Final EIR/EIS. Similarly, under NEPA Regulations (40 CFR Section 1502.9), a  
42 supplement to a draft or final EIS may be prepared “when the agency determines that the purposes  
43 of NEPA would be furthered by doing so” or if 1) the agency makes substantial changes in the  
44 proposed action that are relevant to environmental concerns, or 2) there are significant new

1 circumstances or information relevant to environmental concerns and bearing on the proposed  
2 action or its impacts”. Because Reclamation has not yet adopted a ROD for the Final EIS or approved  
3 a project, this supplemental document is effectively considered a Supplemental EIS to the proposed  
4 Final EIS (published December 22, 2016) and it is noted that reference to an “approved project” to  
5 describe the California WaterFix throughout this document refers to approval of the project under  
6 CEQA only.

7 As described in greater detail in Chapter 3, *Project Description*, the following proposed changes to  
8 the California WaterFix approved project necessitate preparation of this Draft Supplemental  
9 EIR/EIS.

- 10 ● Changing the locations of reusable tunnel material (RTM) storage sites near the intermediate  
11 forebay, on Zacharias Island, on Bouldin Island, and near the relocated Byron Tract Forebay to  
12 improve project work areas, avoid Stone Lakes National Wildlife Refuge property, and reduce  
13 effects on wetlands.
- 14 ● Relocating the tunnel boring machine (TBM) launch shaft and barge landing location on Bouldin  
15 Island to a more suitable site on Bouldin Island to reduce effects on wetlands.
- 16 ● Create a new Byron Tract Forebay (eliminating the extensive modifications to Clifton Court  
17 Forebay) and relocate the consolidated pumping plant to a site adjacent to the northwest corner  
18 of existing Clifton Court Forebay to avoid construction or other effects on Clifton Court Forebay,  
19 improve facility design, and reduce effects on wetlands and other waters of the United States.
- 20 ● Realigning the 40-foot diameter tunnels slightly to accommodate the relocated Bouldin Island  
21 TBM launch shaft and Byron Tract Forebay consolidated pumping plant relocation.
- 22 ● Relocating or eliminating appurtenant facilities such as barge landing sites, concrete batch  
23 plants, and construction access roads to improve facility design.
- 24 ● Realign the 40-foot diameter tunnels to avoid the town of Hood and municipal water wells.

25 For the purposes of this Supplemental EIR/EIS and for the reasons discussed above, these proposed  
26 changes to the approved California WaterFix project are the focus of the impact analyses contained  
27 in Chapters 5–28. Please refer to Chapter 3, *Project Description*, for a detailed discussion of the  
28 proposed modifications and to Chapter 4, *Approach to the Environmental Analysis*, for an explanation  
29 of the proposed project construction analyses.

30 As directed by State CEQA Guidelines Section 15163, this Supplemental EIR/EIS is focused on  
31 disclosing the impacts associated with the changes made to the California WaterFix approved  
32 project (Alternative 4A) as described in the Final EIR/EIS and contains only the information  
33 necessary to make the Final EIR/EIS adequate for the project as revised (Section 15163[b]). Because  
34 no changes to conveyance facility operations would occur under the proposed project compared  
35 with the approved project, this Draft Supplemental EIR/EIS does not address California WaterFix  
36 operations or operations-related impacts. Similarly, the Environmental Commitments proposed to  
37 mitigate for habitat effects of the conveyance facility would be approximately the same under the  
38 approved project and proposed project. Therefore, the effects of Environmental Commitments are  
39 not addressed because resource effects would be similar or would not substantially increase under  
40 the proposed project.

41 This Draft Supplemental EIR/EIS will be circulated for public review and the same notices of  
42 availability as provided for the Draft EIR/EIS and RDEIR/SDEIS will be provided. The lead and

1 cooperating agencies will consider the 2016 Final EIR/EIS, the 2017 certified Final EIR, the 2018  
2 Addendum, and this Supplemental EIR/EIS in their project and permit decisions. Only comments on  
3 the Supplemental EIR/EIS will be considered and responded to accordingly.

4 The publication of this Supplemental EIR/EIS does not provide commenters an occasion to revisit  
5 the legal adequacy of the certified Final EIR. As of the date of publication of this Supplemental  
6 EIR/EIS, the certified Final EIR and DWR's approval based thereon were subject to the policies set  
7 forth in a CEQA provision that takes effect when an approved project is challenged in court due to  
8 alleged CEQA violations, as is the case for the California WaterFix, This CEQA statute is Public  
9 Resources Code Section 21167.6. Subdivision (b) thereof provides that, where a project is subject to  
10 a pending CEQA EIR challenge but the petitioners therein have not sought and obtained injunctive or  
11 similar relief, responsible agencies "shall assume" that the EIR complies with CEQA and "shall  
12 approve or disapprove the project" according to applicable statutory timetables. "Such approval  
13 shall constitute permission to proceed with the project at the applicant's risk pending final  
14 determination of such action or proceeding."

## 15 **1.3 Discretionary Approvals and Permits**

16 This Supplemental EIR/EIS together with the 2016 proposed Final EIR/EIS, the 2017 certified Final  
17 EIR and 2018 Addendum is intended to provide sufficient CEQA and NEPA support for approval of  
18 the California WaterFix with the modifications addressed in this document. Because implementation  
19 of the proposed project will require permits and approvals from public agencies other than the lead  
20 and cooperating agencies, the CEQA and NEPA documents are prepared to support the various  
21 public agency permit approvals and other discretionary decisions. Since December 2016, when the  
22 proposed Final EIR/EIS was published, and July 2017, when DWR certified the Final EIR, a number  
23 of approvals and permits that will use the CEQA and NEPA documents have progressed. This  
24 discussion provides brief updates of some of these processes that have progressed since  
25 certification of the Final EIR. Other required permits or approvals that may be needed to implement  
26 the changes to the approved project are identified in Final EIR/EIS Chapter 1, *Introduction*, Section  
27 1.6, *Intended Uses of this EIR/EIS and Agency Roles and Responsibilities*.

### 28 **1.3.1 Federal Endangered Species Act and California** 29 **Endangered Species Act Compliance**

30 In April 2015 the state and federal lead agencies announced a change in their approach to seeking  
31 permits from the U.S. Fish and Wildlife Service (USFWS), National Marine Fisheries Service (NMFS)  
32 and California Department of Fish and Wildlife (CDFW) for a project to improve, protect, and  
33 maintain ecosystem health, water quality, and water supplies. Rather than pursue the project as a  
34 Habitat Conservation Plan (HCP), under Section 10 of the federal Endangered Species Act (ESA), and  
35 a Natural Community Conservation Plan (NCCP), under the state's Natural Community Conservation  
36 Planning Act, the state and federal agencies chose to study additional alternatives to achieve the  
37 dual goals through implementation of new water conveyance facilities that would be built in  
38 compliance with Section 7 of the ESA and Section 2081(b) of the California Endangered Species Act  
39 (CESA). As the state permitting agency for CESA, CDFW must ensure issuance of the 2081(b) permit  
40 will not jeopardize the continued existence of state-listed species and potential impacts of incidental  
41 take are minimized and fully mitigated. Similarly, a federal agency that authorizes, funds, or carries  
42 out an action must ensure the action is not likely to jeopardize the continued existence of any

1 federally endangered or threatened species or result in the destruction or adverse modification of  
2 species critical habitat.

3 In January 2016, DWR and Reclamation released a draft Biological Assessment, which included a  
4 species-by-species analysis and proposed mitigation to offset and avoid potential project impacts. In  
5 August 2016, DWR and Reclamation submitted a revised Biological Assessment to USFWS and NMFS  
6 to initiate formal consultation under Section 7 of the ESA and begin the process of obtaining  
7 incidental take authorization for federally listed species. The Biological Assessment and 2081(b)  
8 application included revisions based on agency input and recommendations from Phase 1A of the  
9 Delta Science Program's Aquatic Science Peer Review Panel on the draft Biological Assessment and  
10 2081(b) analyses. Consistent with the changed approach, in October 2016, DWR submitted a  
11 2081(b) application to CDFW to address incidental take of state-listed species for CESA compliance.  
12 The incidental take analysis included in the 2081(b) application analyzes take and impacts of the  
13 taking as a result of Project construction and operations on CESA listed or candidate species and  
14 provides minimization and mitigation measures necessary to ensure project impacts are fully  
15 mitigated. In January 2017, NMFS, USFWS, and CDFW submitted draft California WaterFix Biological  
16 Opinion (BiOp) and 2081(b) analyses to the Delta Science Program's Aquatic Science Peer Review  
17 Panel. The Aquatic Science Peer Review Panel reviewed the BiOp and 2081(b) documents and  
18 provided recommendations to improve the impact analyses and mitigation approaches. In June  
19 2017, USFWS and NMFS issued final BiOps on construction and operations of the California  
20 WaterFix, which include project commitments and updates based on recommendations from the  
21 Aquatic Science Peer Review and DWR/Reclamation consultation with NMFS, USFWS, and CDFW.  
22 CDFW issued a final incidental take permit on July 26, 2017.

### 23 **1.3.2 Clean Water Act and Rivers and Harbors Act**

24 On August 24, 2015, DWR filed Form 4345 with USACE requesting a permit under Section 404 of the  
25 federal Clean Water Act and Section 10 of the Rivers and Harbors Act. USACE deemed the  
26 application complete and posted a Public Notice on September 9, 2015. After an extension of the  
27 public comment period, USACE received comments and closed the comment period on November 9,  
28 2015. Subsequent to the filing of this permit application, DWR requested certification under Section  
29 401 of the federal Clean Water Act on September 24, 2015. The Section 401 (of the Clean Water Act)  
30 certification application was resubmitted on October 19, 2016 and again on October 17, 2017. The  
31 current application is complete and pending before the State Water Resources Control Board (State  
32 Water Board).

33 USACE has regulatory authority over activities within certain waters within the California WaterFix  
34 project area. Depending on the activity and the location of that activity in relation to particular  
35 resources, USACE may be required to issue an authorization for that activity under the following  
36 statutes.

- 37 ● Section 404 of the Clean Water Act (discharge of dredged or fill material into waters of the  
38 United States).
- 39 ● Section 10 of the Rivers and Harbors Act (activities in, under, or over navigable waters of the  
40 United States).
- 41 ● Section 14 of the Rivers and Harbors Act (activities that have the potential to affect USACE civil  
42 works projects, including project levees).

1 Activities that would result in the discharge of dredged or fill materials into “waters of the United  
2 States” must obtain authorization from USACE pursuant to Section 404 of the Clean Water Act (33  
3 United States Code [USC] 1251 et seq.). Individual Permits are designed for activities that have the  
4 potential to have more than a minimal effect on jurisdictional waters or that otherwise do not  
5 qualify to proceed under a General Permit. The discharge activities that would occur in connection  
6 with California WaterFix and proposed changes to the approved project require an Individual  
7 Permit.

8 Activities that would involve the construction of any structure in or over any navigable water of the  
9 United States must obtain authorization from USACE pursuant to Section 10 of the Rivers and  
10 Harbors Act of 1899 (33 USC Section 403 et seq.; 33 CFR Sections 322 et seq.). Structures or work  
11 outside the limits defined for navigable waters of the United States require a Section 10 permit if  
12 “the structure or work affects the course, location, or condition of the water body” (33 CFR Section  
13 322.3[a]). The law applies to any dredging or disposal of dredged materials, excavation, filling,  
14 rechannelization, or any other modification of a navigable water of the United States, and applies to  
15 all structures. (33 CFR Section 322.2[b]).

16 Section 14 of the Rivers and Harbors Act (33 USC Section 408) requires permission from the  
17 Secretary of the Army, acting through USACE to alter an existing USACE civil works project. To grant  
18 permission under Section 408, USACE must determine that the proposed alteration does not impair  
19 the usefulness of the USACE project, and would not be injurious to the public interest. This is  
20 generally referred to as “Section 408 permission.” Section 408 permission would be required for  
21 alteration and/or modification of federally constructed levees associated with the proposed project.  
22 The informational requirements under the Section 408 process necessarily includes a detailed level  
23 of engineering design, as well as a detailed level of analysis related to effects to the USACE civil  
24 works projects and indirect hydraulic effects. The information contained in the previously prepared  
25 NEPA documents (e.g. the December 2016 proposed Final EIR/EIS) may not have fully met this level  
26 of detail, so when certain design aspects related to effects to civil works projects are completed,  
27 additional informational submittals and analysis will be necessary.

28 For this Supplemental EIR/EIS, USACE is a cooperating agency with Reclamation for NEPA  
29 compliance. Consequently, this document has been prepared to meet USACE’s NEPA requirements  
30 to address potential effects related to discharge of dredge or fill material into waters of the U.S. and  
31 navigation. USACE’s Section 408 permission may require additional NEPA compliance.

### 32 **1.3.3 Change in Point of Diversion Hearing**

33 In August 2015, DWR and Reclamation submitted to the State Water Board a Petition for changes to  
34 points of diversion to their water right permits necessary for the then proposed California WaterFix.  
35 In October 2015, the State Water Board noticed the hearing on the Petition, identified key hearing  
36 issues, and stated that the hearing would be conducted in two parts. Part I addressed effects of the  
37 Petition on municipal, industrial, and agricultural uses of water, including associated legal users of  
38 water and whether the petitioned project will injure other legal users of water. Part II addresses  
39 effects of the petitioned project on fish and wildlife and recreational uses, including appropriate  
40 Delta flow criteria, public interest considerations, and consideration of a final CEQA document. More  
41 than 70 parties are participating in the hearing.

1 During 2016 and 2017, in Part I of the hearing, DWR and Reclamation presented and submitted  
2 expert witness testimony and exhibits on the petitioned project, California WaterFix, which  
3 demonstrate that the petitioned project protects beneficial uses and will not result in injury to other  
4 legal users of water. Part II of the hearing began in February 2018. The State Water Board will use  
5 this Supplemental EIR/EIS and the previous CEQA documents prepared by DWR as lead agency for  
6 CEQA compliance as part of the administrative record informing its water rights decision for  
7 California WaterFix.

### 8 **1.3.4 Delta Plan Consistency**

9 DWR has determined that California WaterFix is a covered action as defined in the Delta Reform Act  
10 and is preparing a written submittal of project consistency with the Delta Plan to the Delta  
11 Stewardship Council (DSC). This submittal will address consistency with Delta Plan related to Delta  
12 flow criteria, adaptive management, reduced reliance on the Delta for water supply, use of best  
13 available science in CEQA, NEPA and permitting analyses, and restoration and habitat policies  
14 among other Delta Plan policies. DWR has coordinated with DSC during the submittal development  
15 process to ensure the information is accurate and adequately addresses Delta Plan consistency  
16 factors. DWR will submit its consistency certification to the DSC on a timeline consistent with public  
17 review of the Draft Supplemental EIR/EIS. DSC serves as an appellate body for DWR's determination  
18 and will oversee the consistency certification appeals process. Appeals must be heard by DSC within  
19 60 days of the date of the filing of the appeal, unless DSC, or by delegation the executive officer,  
20 determines that the issue raised on appeal is not within DSC's jurisdiction or does not raise an  
21 appealable issue. DSC shall make its decision on the appeal within 60 days of hearing the appeal.  
22 DSC, or by delegation the executive officer, may also dismiss the appeal for failure of the appellant to  
23 provide information requested by DSC within the period provided that the information requested is  
24 in the possession or under the control of the appellant.

25 After a hearing on an appealed action, DSC must make specific written findings either denying the  
26 appeal or remanding the matter to the state or local public agency for reconsideration of the covered  
27 action based on the finding that the certification of consistency is not supported by substantial  
28 evidence in the record. Upon remand, the state or local agency may determine whether to proceed  
29 with the covered action. If the agency decides to proceed with the action or with the action as  
30 modified, the agency must file a revised certification of consistency that addresses each of DSC's  
31 findings prior to proceeding with the action.

## 32 **1.4 Draft Supplemental EIR/EIS Organization**

33 This Draft Supplemental EIR/EIS is organized as shown below.

34 **Executive Summary.** Provides an overview of the proposed project, changes and alternatives  
35 considered, summarizes impacts and mitigation measures, identifies areas of known controversy,  
36 and compares the effects of the proposed project with effects of the approved project (draft  
37 pending).

38 **Chapter 1: Introduction.** Contains a summary of the previous environmental documents and  
39 proposed project changes, related discretionary actions and organization of the Draft Supplemental  
40 EIR/EIS.



- 1        **Chapter 2: Project Objectives and Purpose and Need.** States that the proposed project objectives  
2        and the purpose of and need for the project are the same as described in the Final EIR/EIS.
- 3        **Chapter 3: Project Description.** Describes the changes to the California WaterFix approved project  
4        and a discussion of the alternatives considered in the Draft Supplemental EIR/EIS.
- 5        **Chapter 4: Approach to Supplemental Analysis.** Summarizes the approach to the supplemental  
6        analyses.
- 7        **Chapters 5 through 28:** Where appropriate, each of these chapters includes a summary  
8        comparison of the proposed project changes compared to the approved project, updates to the  
9        environmental setting/affected environment, if needed, environmental consequences and mitigation  
10       measures associated with the approved project modifications, including cumulative effects.
- 11       • Chapter 5: Water Supply
  - 12       • Chapter 6: Surface Water
  - 13       • Chapter 7: Groundwater
  - 14       • Chapter 8: Water Quality
  - 15       • Chapter 9: Geology and Seismicity
  - 16       • Chapter 10: Soils
  - 17       • Chapter 11: Fish and Aquatic Resources
  - 18       • Chapter 12: Terrestrial Biological Resources
  - 19       • Chapter 13: Land Use
  - 20       • Chapter 14: Agricultural Resources
  - 21       • Chapter 15: Recreation
  - 22       • Chapter 16: Socioeconomics
  - 23       • Chapter 17: Aesthetics and Visual Resources
  - 24       • Chapter 18: Cultural Resources
  - 25       • Chapter 19: Transportation
  - 26       • Chapter 20: Public Services and Utilities
  - 27       • Chapter 21: Energy
  - 28       • Chapter 22: Air Quality and Greenhouse Gases
  - 29       • Chapter 23: Noise
  - 30       • Chapter 24: Hazards and Hazardous Materials
  - 31       • Chapter 25: Public Health
  - 32       • Chapter 26: Mineral Resources
  - 33       • Chapter 27: Paleontological Resources
  - 34       • Chapter 28: Environmental Justice (NEPA only)

1 **Chapter 29: Climate Change.** Discusses changes in climate change resiliency associated with  
2 proposed project construction modifications.

3 **Chapter 30: Growth Inducement and Other Indirect Effects.** Describes the potential for the  
4 changes to the California WaterFix to either promote or remove obstacles related to growth in the  
5 project area and describes the possible impacts of such growth. Also, discusses the potential for  
6 effects associated with long-term water transfers in south of the Delta service areas.

7 **Chapter 31: Other CEQA/NEPA Required Sections.** Discusses the relationship between short-  
8 term uses of the environment, maintenance, and enhancement of long-term productivity, the  
9 irreversible and irretrievable commitment of resources, and potential environmental effects  
10 associated with environmental commitments and recommended mitigation measures.

11 **Chapter 32: Public Involvement, Consultation, and Coordination.** Describes the consultation  
12 and outreach activities that occurred during the document preparation process.

13 **Chapter 33: List of Preparers.** Identifies the individuals who prepared this document.

14 **Chapter 34: References Cited.** Lists all sources cited in the text. References are also included at the  
15 end of each chapter.

16 **Chapter 35: Glossary.** Provides definitions for specialized terms related to the project and effects  
17 analyses.

18 This EIR/EIS contains reference to appendices prepared to support the various chapters. The  
19 appendices are organized as shown below.

- 20 • Appendix 3B, *Environmental Commitments, AMMs, and CMs*
- 21 • Appendix 17A, *Scenic Quality Rating Forms*
- 22 • Appendix 18A, *Identified Cultural Resources Potentially Affected by the Project*
- 23 • Appendix 19A, *California WaterFix Supplemental EIR/EIS Proposed Project Traffic Impact*  
24 *Analysis*
- 25 • Appendix 22A, *Air Quality Analysis Methodology*
- 26 • Appendix 22B, *Air Quality Assumptions*
- 27 • Appendix 22C, *General Conformity Determination*
- 28 • Appendix 23A, *Noise Contours—Construction*
- 29 • Appendix 23B, *Noise Contours—Operations*

## 30 **1.5 References Cited**

31 None.