

# 1 INTRODUCTION

The Yolo Basin Foundation (YBF), in close collaboration with the Solano County Water Agency (SCWA) and the Lower Putah Creek Coordinating Committee (LPCCC), has prepared this Program Environmental Impact Report (PEIR) as part of the *Lower Putah Creek Restoration Project, California Department of Fish and Wildlife Ecosystem Restoration Program (ERP Grant No E1183015)*, which proposes to restore and enhance geomorphic and ecological function of approximately 24.2 miles of Putah Creek below the Putah Diversion Dam. The ERP grant was awarded to YBF to fund preparation of the PEIR.

This PEIR analyzes a program of restoration actions proposed for the Lower Putah Creek Restoration Project Upper Reach—the portion of Putah Creek between the Putah Diversion Dam (PDD) and the western boundary of the Yolo Bypass Wildlife Area (YBWA). This reach of Putah Creek crosses a combination of privately (primarily) and publically owned lands over two counties. The restoration efforts described in this PEIR are planned by the Solano County Water Agency (SCWA) and the Lower Putah Creek Coordinating Committee (LPCCC) for implementation over the next 5 to 15 years.

This PEIR is intended to provide the public, responsible agencies, and trustee agencies with information about the potential environmental effects of the proposed Upper Reach Program of the Putah Creek Restoration Project. The Upper Reach Program, hereinafter referred to as the “Program” is, for purposes of CEQA, the proposed Project. YBF and SCWA have prepared this PEIR in compliance with the California Environmental Quality Act (CEQA) of 1970 (as amended) and the State CEQA Guidelines (14 California Code of Regulations [CCR] section 15000 et seq.).

SCWA is the lead agency under CEQA, and will be responsible for certifying the Final EIR and issuing findings for the Putah Creek Restoration Upper Reach Program. SCWA, and its project partner the LPCCC, will be responsible for planning, design, environmental review, securing permits, construction management, monitoring, and maintenance for all of the activities that collectively form the Program described herein.

## 1.1 GENERAL BACKGROUND

SCWA is responsible for water supply, flood protection, and stream stewardship in Solano County, California. SCWA manages streams, canals, and dams throughout the

county to fulfill its responsibilities. SCWA acts not only as Solano County's water wholesaler but also has a limited flood protection role in the county. SCWA's stream stewardship includes creek restoration and wildlife habitat projects, mitigation monitoring, and pollution prevention efforts. SCWA approves LPCCC restoration activities on Putah Creek and acts as LPCCC's fiscal agent. SCWA is the CEQA lead agency for preparation of the PEIR.

The LPCCC was formed by a settlement agreement (the Putah Accord<sup>1</sup>) between Solano County water users and Yolo County environmental advocates concerning operations of the Solano Project, as related to adequacy of in-stream flows to sustain native fish and wildlife resources of Putah Creek. The LPCCC consists of representatives of the Boards of Supervisors of Solano and Yolo counties; Cities of Davis, Fairfield, Suisun, Vacaville, Vallejo, and Winters; SCWA; Solano Irrigation District; Maine Prairie Water District; University of California, Davis; Putah Creek Council; and landowners along Putah Creek. The LPCCC serves as the watershed group joining several primary stakeholders together to oversee implementation of the Putah Accord, and to undertake maintenance, restoration, enhancement, and protection of Putah Creek's natural resources between the Putah Diversion Dam and the Yolo Bypass.

Implementation of the Program described herein would be a continuation of restoration and enhancement activities that have been conducted by SCWA and the LPCCC on Putah Creek since 2002. Documents prepared in support of restoration and enhancement activities conducted to date include:

- Lower Putah Creek Watershed Management Action Plan, Phase I – Resource Assessments (EDAW, 2005).
- Lower Putah Creek Watershed Management Action Plan – Proposed Projects (EDAW/AECOM, 2008).
- CEQA Initial Study and Mitigated Negative Declaration (IS-MND) for Winters Putah Creek Nature Park/Floodplain Restoration and Recreational Access Project (Wallace-Kuhl, 2008).

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<sup>1</sup> Second Amended Judgement, Putah Creek Council v. Solano Water Agency and Solano Irrigation District, Sacramento County Superior Court Case Number 515766, October 30, 2002.

Additional funding would be needed to implement restoration work described in this PEIR, and is anticipated to come from a combination of local, state, and/or federal sources.

All Program activities would be performed on properties of *willing landowners* only. More details regarding the proposed Upper Reach Program are provided in Chapter 2, Project Description.

## **1.2 INTENDED USES OF THE ENVIRONMENTAL IMPACT REPORT**

This chapter discusses CEQA requirements for the Program, public involvement in the CEQA process, and organization of the PEIR.

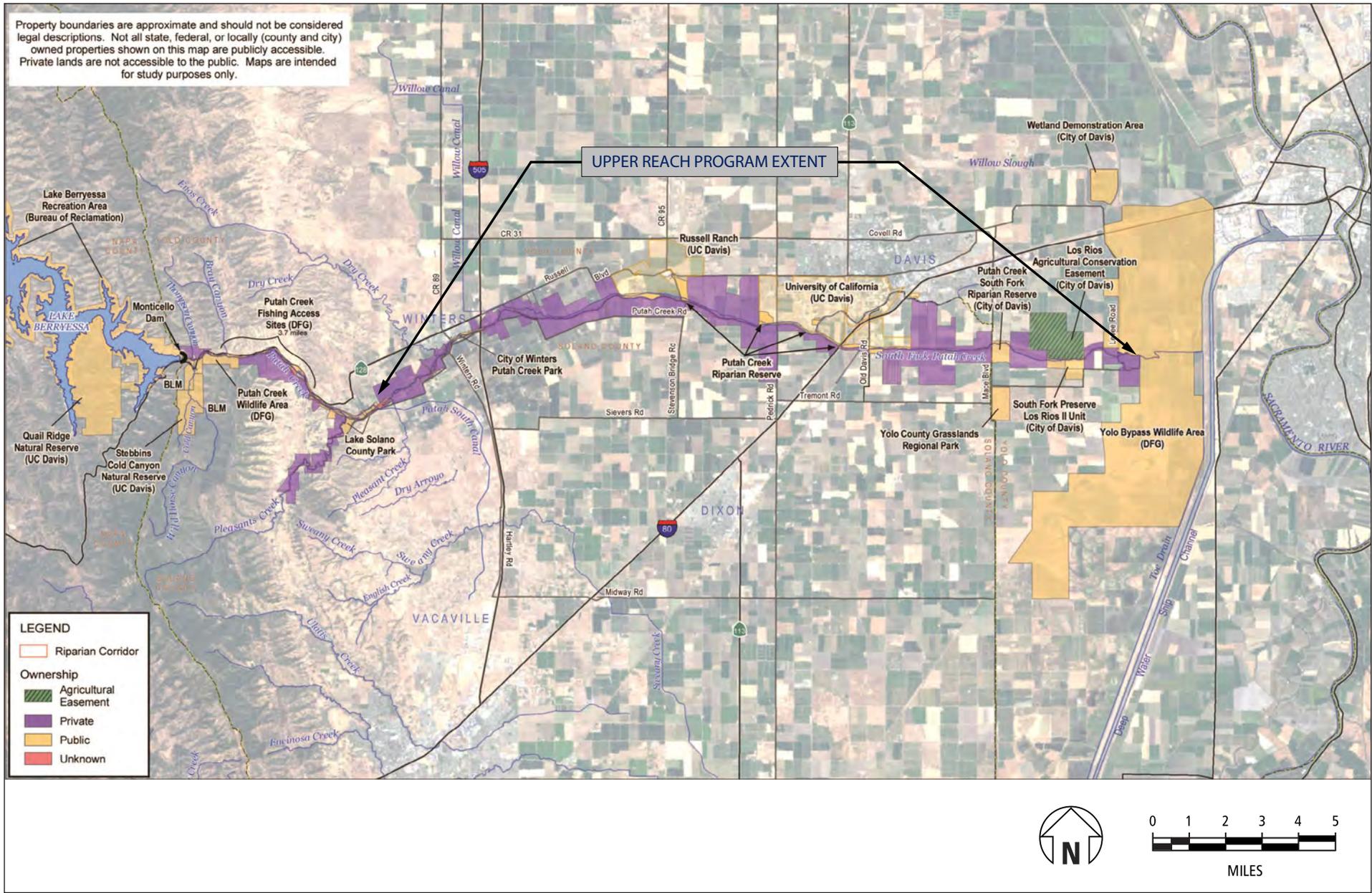
As described in Section 15121(a) of the State CEQA Guidelines, an EIR is a public information document that assesses potential environmental effects of a proposed project and identifies mitigation measures and alternatives to the Project that could reduce or avoid adverse environmental impacts (14 CCR Section 15121[a]).

The purpose of this PEIR is to analyze the environmental impacts of implementing the Upper Reach Program of proposed activities over a period from approximately 2015 to 2030. The proposed Program consists of the implementation of a combination of stream restoration and habitat enhancement activities along approximately 24 miles of Lower Putah Creek, extending from the downstream face of the PDD to the western boundary of the YBWA, as shown on Figures 1-1 and 1-2.

The lead agency has determined that a PEIR is the appropriate CEQA document to comprehensively address short- and long-term activities planned for the Putah Creek Upper Reach. A PEIR reviews the environmental impacts “of a series of actions that can be characterized as one large project” and that are related geographically, as logical parts in a chain of proposed actions, in connection with general criteria to govern the conduct of a continuing program, and/or “as individual activities carried out under the same authorizing statutory or regulatory authority and having generally similar environmental effects which can be mitigated in similar ways” (CEQA Guidelines, Section 15168, subd. [a]). A PEIR offers several advantages over multiple separate project-level CEQA documents, including providing for a more exhaustive consideration of cumulative effects and alternatives, avoiding duplicate consideration of cumulative impacts and policy issues, reducing paperwork, and allowing the lead agency to consider program-wide mitigation measures “at an early time when the agency has greater flexibility to deal with basic problems or cumulative impacts” (CEQA Guidelines, Section 15168, subd. [b]).



**Figure 1-1**  
Project Location



**Figure 1-2**  
Regional Vicinity Map

Sources: USGS 2003, Yolo County 2002, Solano County 2002, UC Davis 2005

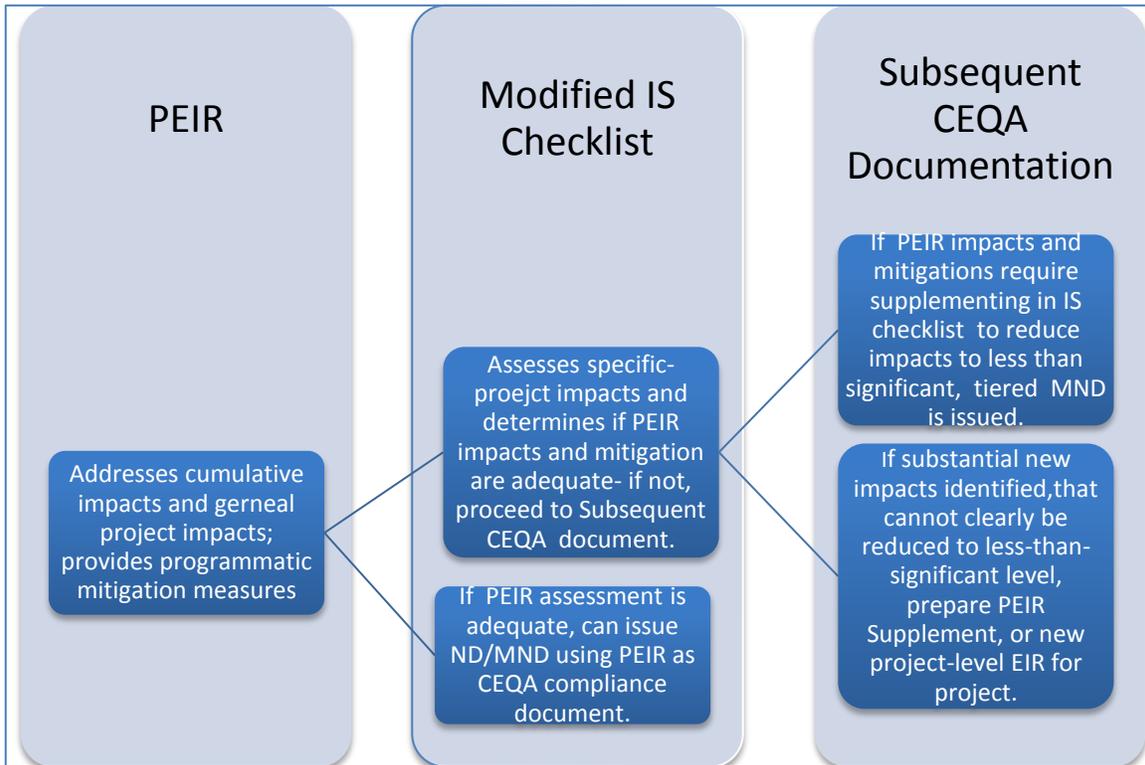
This PEIR discloses relevant information about the proposed Program and alternatives being considered, and invites all interested agencies, organizations, and individuals to play a role in both the decision-making process and implementation of the decision. The document provides federal, state, and local decision makers with detailed information concerning the environmental effects and the significance of these impacts. Further information on the federal, state, and local environmental permits and regulating (responsible) agencies is provided below.

This PEIR is intended to meet CEQA requirements and to integrate CEQA review with related consultations and anticipated programmatic and project-level permit requirements. SCWA, in its role as the CEQA lead agency, will use the PEIR to comply with CEQA review requirements for its approval of each of the restoration activities described herein. Program-level documentation may provide sufficient CEQA analysis to meet site-specific, project-level analysis for future projects, or additional documentation may be needed to fulfill CEQA compliance. This determination will be made by the lead agency on a case-by-case basis, typically with preparation of an Initial Study.

The procedure for conducting the CEQA review for projects addressed at a program level in this EIR is as follows:

1. The specific project design proposed will be evaluated to determine if it may result in any different or greater impacts than described in this EIR. That assessment will be documented in either a standard (CEQA Guidelines Appendix G) Initial Study checklist or a modified version of that checklist that focuses on impacts associated with this type of project.
2. If it is determined, on the basis of substantial evidence, that the analysis performed in this program EIR adequately assesses project-specific impacts, then the lead agency for the specific project may approve that project using this EIR as the CEQA review.
3. If, on the basis of the checklist review, it is determined that new or more severe impacts than described in this EIR may result from a specific project, but that those impacts clearly can be reduced to a less-than-significant level with the application of additional mitigation measures, then a tiered Initial Study/Mitigated Negative Declaration may be used in conjunction with this EIR as the CEQA documentation for that project.

**Figure 1-3 CEQA Review for Projects under the Upper Reach Program**



4. If, on the basis of the checklist review, a fair argument remains that any project-specific impacts may still be significant after mitigation, then a focused EIR would be prepared. This may be in the form of either a new EIR tiered off of this EIR or a supplement to this EIR.

The Responsible Agencies may use this PEIR for their respective permit approvals. A list of possible state and local permit approvals that the PEIR may be used to support is described in Section 1.4, below.

### 1.3 RESPONSIBLE AND TRUSTEE AGENCIES

The PEIR is being circulated to responsible agencies, trustee agencies, and interested stakeholders. The following responsible, permitting, and trustee agencies have been identified:

- Office of Historic Preservation
- California Department of Fish and Wildlife
- California Department of Transportation
- California Regional Water Quality Control Board

- California State Lands Commission
- Central Valley Regional Water Quality Control Board
- Central Valley Flood Protection Board
- Yolo County
- Solano County
- University of California, Davis

Federal agencies that also may review this document and utilize portions of it in their permitting include:

- U.S. Army Corps of Engineers
- U.S. Fish and Wildlife Service
- National Marine Fisheries Service

#### **1.4 ANTICIPATED PERMITS AND APPROVALS**

Implementation of the Lower Putah Creek Restoration Upper Reach Program will require compliance with multiple federal, state, and local laws and regulations. This section identifies the permits or approvals that may be needed for the implementation of Program activities. Discussions of applicable laws, regulations, and policies are provided in the resource sections of Chapter 3. Other agencies may use the information provided in this PEIR for their permitting and approval processes.

##### **1.4.1 Anticipated Permits and Approvals for Program Implementation**

###### **Federal Agency Permits**

- U.S. Army Corps of Engineers (USACE)
  - Regional General Permit (RGP)
- U.S. Fish and Wildlife Service/National Marine Fisheries Services
  - Federal Endangered Species Act (ESA) Section 7 Consultation for the USACE RGP

###### **State and Local Agency Permits**

- Central Valley Regional Water Quality Control Board
  - Program 401 Water Quality Certification (following RGP)

## 1.4.2 Anticipated Permits and Approvals for Individual Project Implementation

### State and Local Agency Permits

- Solano County Water Agency (SCWA)
  - Discretionary Grading Permits, under Solano County authority pursuant to Solano County Code Sec. 31-22(i)
- California Department of Fish and Wildlife
  - 1600 Streambed Alteration Agreement
- California State Parks Office of Historic Preservation
  - Consultation with State Historic Preservation Officer (SHPO), if required for USACE permitting
- California State Water Resources Control Board
  - General Permit for Waste Discharge Requirements
- Central Valley Flood Protection Board
  - Encroachment Permit
- Central Valley Regional Water Quality Control Board
  - 401 Water Quality Certification (for projects not adequately covered by RGP)
  - National Pollutant Discharge Elimination System (NPDES) General Construction Stormwater Permit (requires applicant to develop and implement a Stormwater Pollution Prevention Plan [SWPPP])
- Solano County
  - Public Works Encroachment Permit (for ingress to and egress from individual project areas in cases where the project may impact public rights-of-way)
- Yolo County
  - Public Works Encroachment Permit (for ingress to and egress from individual project areas in cases where the project may impact public rights-of-way)
- Yolo-Solano Air Quality Management District
  - Permit to Operate
  - Portable Equipment Registration Program

## 1.5 CEQA PROCESS

### 1.5.1 Scoping Comment Period

Scoping refers to the public outreach process used under CEQA to determine the coverage and content of an Environmental Impact Report (EIR). The scoping comment period offers an opportunity for public review and comment in the early phases of a project. The formal scoping process for an EIR is initiated by publication of the Notice of Preparation (NOP) required by CEQA, which provides formal notice to the public and to interested agencies and organizations that a Draft EIR (DEIR) is in preparation. During the scoping period, agencies and the public are invited to comment on the Project, the approach to environmental analysis, and any issues of concern to be discussed in the DEIR. Scoping also can assist the lead agency with identification of project alternatives and mitigation measures.

In accordance with State CEQA Guidelines (14 CCR Section 15082[a], Section 15103, Section 15375), SCWA circulated a NOP for the proposed Program on January 30, 2015 (see **Appendix A**). The NOP, in which SCWA was identified as the lead agency for the proposed Program, was circulated to the public; to local, state, and federal agencies; and to other interested parties. The purpose of the NOP was to inform responsible agencies and the public that the proposed Program could have significant effects on the environment, and to solicit their comments so that any concerns raised could be considered during the preparation of the PEIR. In addition, SCWA held a public scoping meeting on February 12, 2015, to provide the public with another opportunity to comment. Comments received in response to the NOP and at the public scoping meeting are included in **Appendix B**, and the preparers of this PEIR considered these comments.

### 1.5.2 Draft PEIR Public Comment Period

When the Draft PEIR (DPEIR) is completed, SCWA will issue a notice of availability, providing agencies and the public with formal notification that the DPEIR document is available for review. The notice will be sent to the State Clearinghouse, all responsible and trustee agencies, any person or organization requesting a copy, and will be posted at the Solano County clerk's office. The notice also will be published in a general-circulation newspaper. These actions will trigger a 45-day public review period, during which SCWA will receive and collate public and agency comments on the Program and the DPEIR document. SCWA will host a public hearing approximately 30 days after release of the DPEIR. The purpose of public circulation and the public hearings are to

provide agencies and interested individuals with opportunities to comment on or express concerns regarding the contents of the DPEIR.

### **1.5.3 Preparation of Final PEIR and Public Hearing**

CEQA requires the lead agency to prepare a Final PEIR (FPEIR), addressing all substantive comments received on the Draft PEIR before approving a project. Written and oral comments received in response to the Draft PEIR will be addressed in the FPEIR. The FPEIR must include a list of all individuals, organizations, and agencies that provided comments on the Draft PEIR, and will contain copies of all relevant comments received during the public review period along with the lead agency's responses to those comments. After review of the FPEIR, SCWA staff will recommend to SCWA Board of Directors whether to approve or deny the proposed Program. This governing body then will review the FPEIR, consider SCWA staff recommendations and public testimony, and decide whether to certify the FPEIR and approve, modify, or deny the proposed Program.

If significant impacts are identified in the PEIR that cannot be mitigated, a statement of overriding considerations must be included in the record of the proposed Program approval and mentioned in the Notice of Determination, to be filed with the State Office of Planning and Research and at the office of the County Clerk (14 CCR Section 15093[c], Section 15094). Filing of the Notice of Determination starts a 30-day period for filing of any litigation challenging the PEIR.

If the Program is approved, SCWA will also adopt requisite CEQA findings and a Mitigation Monitoring and Reporting Program. After certification of the PEIR, at the close of the 30-day challenge period, CEQA responsible agencies may use this document in subsequent individual project approvals.

## **1.6 ORGANIZATION OF THIS PEIR**

This PEIR contains the information required by CEQA Guidelines (Sections 15120-15131). It is organized into the following chapters:

- **Executive Summary:** Summarizes the PEIR contents, includes a summary table of anticipated impacts and proposed mitigation measures, and briefly describes alternatives eliminated from further consideration, including the environmentally superior alternative.

- **Chapter 1. Introduction:** Provides an overview of the PEIR and the proposed Program, including background, an introduction to the CEQA process, and anticipated permits/approvals.
- **Chapter 2. Description of Project:** Describes the Project site, objectives, activities, and implementation and sequencing.
- **Chapter 3. Environmental Setting, Impacts, and Mitigation Measures:** Describes the affected environment, analyzes the environmental impacts, including site specific and cumulative effects, and identifies mitigation measures to reduce or avoid significant impacts.
- **Chapter 4. Alternatives:** Describes a range of reasonable alternatives and compares their impacts to those of the proposed Program.
- **Chapter 5. Other Statutory Considerations:** Discusses cumulative impacts, growth-inducing effects, irreversible and irretrievable commitments of resources, energy analysis, and significant and unavoidable impacts to comply with various requirements of CEQA.
- **Chapter 6. Consultation and Coordination:** Identifies agencies and individuals that contributed to the preparation of this document and are involved in ensuring compliance with other environmental laws.
- **Chapter 7. References:** Lists references cited in the PEIR, organized by chapter.
- **Appendices:** Provides scoping documents and technical studies and information supporting the PEIR analyses.