

## State Water Resources Control Board

**SECOND THIRD REVISED NOTICE  
COMMENT DEADLINE EXTENDED,  
AND-ADDITIONAL INFORMATION PROVIDED,  
AND-HEARING DATES CHANGED AND ADDITIONAL DATES ADDED, MERCED HEARING  
LOCATION CHANGED, AND LINKS TO LIVE WEBCASTS AND ARCHIVED VIDEOS ADDED**

**NOTICE OF FILING AND RECIRCULATION, NOTICE OF OPPORTUNITY FOR PUBLIC  
COMMENT AND NOTICE OF PUBLIC HEARING ON**

**AMENDMENT TO THE WATER QUALITY CONTROL PLAN FOR THE SAN FRANCISCO  
BAY/SACRAMENTO-SAN JOAQUIN DELTA ESTUARY  
AND SUPPORTING**

**DRAFT REVISED SUBSTITUTE ENVIRONMENTAL DOCUMENT**

**NOTICE IS HEREBY GIVEN** that the State Water Resources Control Board (State Water Board) has filed and is recirculating a draft revised Substitute Environmental Document (SED), on the proposed updates to the Water Quality Control Plan for the San Francisco Bay/Sacramento-San Joaquin Delta Estuary (Bay-Delta Plan). The proposed updates (Plan Amendment) include new and revised San Joaquin River flow objectives for the protection of fish and wildlife beneficial uses, a revised salinity water quality objective for the protection of southern Delta agricultural 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, § 21000 et seq.) and with other applicable laws and regulations.

**NOTICE IS ADDITIONALLY HEREBY GIVEN** that the State Water Board will receive public comments on the proposed Plan Amendment and the SED in accordance with this notice.

**NOTICE IS ADDITIONALLY HEREBY GIVEN** that the State Water Board will hold a public hearing to receive public comments on the proposed Plan Amendment and the SED. The hearing will begin ~~November 2, continue November 4, and conclude on November 10, 2016~~, on November 29, 2016, continue on December 16, 19, and 20, 2016, and conclude on January 3, 2017 ~~unless extended~~. The hearing will be held at the following locations:

**November ~~2 and 10~~ 29, 2016 – 9:00 a.m.**  
Joe Serna Jr. – CalEPA Headquarters Building  
Byron Sher Auditorium  
1001 I Street, Second Floor  
Sacramento, CA 95814

**November 4, 2016 – 9:00 a.m.**  
~~Modesto Centre Plaza  
Tuolumne River Room  
4000 L Street  
Modesto, CA 95354~~

**December 16, 2016 – 9:00 a.m.**  
Stockton Memorial Civic Auditorium  
Main Hall  
525 N Center Street  
Stockton, CA 95202

**December 19, 2016 – 9:00 a.m.**  
~~Multicultural Arts Center~~  
~~645 W. Main Street~~  
Merced Theatre  
301 W. Main Street  
Merced, CA 95340

**December 20, 2016 – 9:00 a.m.**  
Modesto Centre Plaza  
Tuolumne River Room  
1000 K Street  
Modesto, CA 95354

**January 3, 2017 – 9:00 a.m.**  
Joe Serna Jr. – CalEPA Headquarters Building  
Coastal Hearing Room  
1001 I Street, Second Floor  
Sacramento, CA 95814

~~Additional hearing dates may be scheduled and this notice will be further revised to provide notice of any additional hearing dates.~~

## **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. The proposed Plan Amendment would update the 2006 Bay-Delta Plan's San Joaquin River flow and southern Delta salinity water quality objectives and the program of implementation for those objectives. The proposed flow objectives would require increased flows from three eastside, salmon-bearing tributaries to the San Joaquin River: the Stanislaus, Tuolumne and Merced Rivers. The proposed Plan Amendment also includes non-regulatory updates.

The SED has been prepared in accordance with the State Water Board's certified regulatory program in lieu of an EIR (Cal. Code Regs., tit. 23, § 3777) and is being recirculated in its entirety. The SED includes an analysis of the environmental impacts of the proposed Plan Amendment, reasonable alternatives and mitigation measures to avoid or reduce significant impacts, and the reasonably foreseeable methods of compliance, among other requirements. In 2012, the State Water Board released a draft substitute environmental document (2012 Draft SED) in connection with the proposed Plan Amendment then under consideration. The SED makes substantial changes to the 2012 Draft SED in consideration of the large number of public comments and in light of additional information.

## **DOCUMENT AVAILABILITY**

The proposed Plan Amendment (included as Appendix K to the SED), the SED and references are available for public review during the comment period on weekdays 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, 2<sup>nd</sup> Floor, Sacramento, CA 95814.

The SED and its appendices (including the proposed Plan Amendment) will also be available for public review after September 19, 2016, at the following public libraries:

Markleeville Main Library and Archives, 270 Laramie St., Markleeville, CA 96120.  
Calaveras County Central Library, 1299 Gold Hunter Rd., San Andreas, CA 95249.  
Pleasant Hill Library, 1750 Oak Park Blvd., Pleasant Hill, CA 94523.  
Madera County Library – Madera Headquarters, 121 N G St., Madera, CA 93637.  
Mariposa County Library, 4978 10<sup>th</sup> 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.  
San Francisco County Library Main Branch, 100 Larkin St., San Francisco, CA 94102.  
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.

A link to electronic copies of the SED and proposed Plan Amendment is available on the State Water Board's website at: <http://www.waterboards.ca.gov/DeltaWQCP-Phase1>. 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](mailto:dwr@waterboards.ca.gov).

Additional information on the public hearing can be found at the State Water Board's website at [http://www.waterboards.ca.gov/board\\_info/calendar](http://www.waterboards.ca.gov/board_info/calendar).

### **SUBMISSION OF WRITTEN COMMENTS**

The State Water Board will accept both written and oral comments on the proposed Plan Amendment and the SED. Written comments must be **received no later than 12:00 noon on November 15, 2016/January 17, 2017**, and addressed and submitted to:

Jeanine Townsend, Clerk to the Board  
State Water Resources Control Board  
1001 I Street, 24th Floor  
Sacramento, CA 95814-0100

Comment letters may be submitted electronically, in pdf text format (if less than 15 megabytes in total size) to the Clerk to the Board via e-mail at [commentletters@waterboards.ca.gov](mailto:commentletters@waterboards.ca.gov). Please indicate in the subject line: "**Comment Letter – 2016 Bay-Delta Plan Amendment & SED.**" You may also submit your comments by fax at (916) 341-5620. Electronic submission is preferred, but not required.

Couriers delivering comment letters must check in with lobby security personnel, who can contact Jeanine Townsend at (916) 341-5600.

### **PROCEDURAL MATTERS**

Since the SED is being recirculated in its entirety, new oral and/or written comments must be made and submitted for the SED. Previous comments to the 2012 Draft SED will be part of the administrative record, but do not require a written response. The State Water Board will only respond to those timely comments made and submitted in response to the recirculated SED.

The State Water Board will conduct the public hearing on the proposed Plan Amendment and the SED in accordance with California Code of Regulations, title 23, section 649 et seq. and section

3779. There will be no sworn testimony or cross-examination of participants. Speakers will have an opportunity to provide oral comments during the ~~three-five~~-day hearing. In order to ensure a productive, efficient and fair hearing in which all participants have an opportunity to be heard, oral comments will be limited to **three minutes** per speaker or as otherwise directed by the hearing officer. Participants with similar comments are strongly encouraged to make joint presentations.

Joint presenters may request more than three minutes to present by submitting an email request to the State Water Board by no later than 12:00 noon on Friday, ~~October 14, 2016~~ **November 4, 2016**. Requests for additional time for a joint presentation shall include the name of each presenter, the individuals or entities being represented, the **one** date and location during the ~~three-five~~-day hearing where the comments are proposed to be presented, the total amount of time requested, and the justification for the time request. Requests shall be sent to Katheryn Landau via email at [Katheryn.Landau@waterboards.ca.gov](mailto:Katheryn.Landau@waterboards.ca.gov). If you have any questions, please contact her at (916) 341-5588. The State Water Board will respond to the requests by ~~October 24-Friday,~~ **November 18, 2016** and reserves the right to grant or modify requests for additional time and may schedule joint presentations for a time certain.

The Board is not required to consider any oral comment that is received after the public hearing. Although a quorum of the Board may be present at the hearing, the Board will not take an action at the conclusion of the hearing. Adoption of the proposed Plan Amendment and the SED will take place at a future Board meeting. Changes to the proposed Plan Amendment consistent with the general purpose of the amendment may be considered and adopted by the Board.

For presentation recommendations, please see information at the following link:  
[http://waterboards.ca.gov/board\\_info/meetings/board\\_presentations.shtml](http://waterboards.ca.gov/board_info/meetings/board_presentations.shtml)

#### **FUTURE NOTIFICATIONS**

The State Water Board will hold the public hearing at the times and places noted above. Any change in the date, time and place will be provided by notices sent via the Lyris e-mail list. Any person desiring to receive future notices concerning the proposed Plan Amendment and SED must sign up for the Lyris e-mail list. To sign up, access the E-mail List Subscription form, click on the "Water Rights" title bar, select the box for "Bay Delta Notices" and provide the required information. The form is located at:

[http://www.waterboards.ca.gov/resources/email\\_subscriptions/swrcb\\_subscribe.shtml#rights](http://www.waterboards.ca.gov/resources/email_subscriptions/swrcb_subscribe.shtml#rights)

#### **PARKING, ACCESSIBILITY AND SECURITY**

For directions to the Joe Serna, Jr. CalEPA Building and public parking information, please refer to: <http://www.calepa.ca.gov/EPABldg/location.htm>. The CalEPA is accessible to people with disabilities. Individuals requiring special accommodations are requested to call (916) 341-5880 at least five working days prior to the hearing. TDD users may contact the California Relay Service at (800) 735-2929 or voice line at (800) 735-2922. ~~An audio~~ broadcast of the meetings held at the CalEPA building will be available via the internet and can be accessed at <https://video.calepa.ca.gov/>. ~~A broadcast of the Stockton, Merced and Modesto hearing dates will be available via the internet and can be accessed at~~ [http://www.cal-span.org/State\\_Webcast/stream\\_index.php?agency=SWRCB&captioned=false&player=jwplayer](http://www.cal-span.org/State_Webcast/stream_index.php?agency=SWRCB&captioned=false&player=jwplayer). ~~Archived videos of the hearing will be available via the internet and can be accessed at~~ [http://www.waterboards.ca.gov/board\\_info/video.shtml](http://www.waterboards.ca.gov/board_info/video.shtml). ~~The archived video from the November 29, 2016, hearing date includes State Water Board staff's approximately two-hour presentation on the Plan Amendment and SED, which can be found at the beginning of the hearing video. Since an abridged version of the staff presentation will be presented during the remaining hearing dates, please view the archived video for more information.~~

All visitors to the CalEPA Building are required to sign in and obtain a badge at the Visitor Services Center located just inside the main entrance. Valid picture identification may be required. Please allow adequate time to sign in before being directed to the hearing room.

For information regarding the Stockton Memorial Civic Auditorium, please refer to: <http://www.stocktongov.com/government/departments/communityServices/specialEvent/facilities/stocktonCivic.html>.

For directions to the ~~Multicultural Arts Center~~-Merced Theatre and public parking information, please refer to: <http://www.multiculturalartscenter.org/contact/directions/> <http://www.mercedtheatre.org/location>.

For directions to the Modesto Centre Plaza and public parking information, please refer to: <https://www.modestogov.com/1163/Modesto-Centre-Plaza>.

On-site Spanish translation may be provided upon request. For more information, or to request translation accommodations, please contact Marina Perez at (916) 322-4265 no later than ~~Friday, October 14, 2016~~ November 4, 2016.

Para más información o para solicitar servicios de intérprete en español, puede contactar a Marina Perez (bilingüe) al (916) 322-4265 para el ~~Viernes, 14 de octubre del 2016~~ 4 de noviembre del 2016.

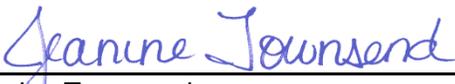
#### **ADDITIONAL INFORMATION**

An errata for the SED contains minor revisions to address typographical or clerical errors in the recirculated draft SED that were found after the SED was released for public comment. The errata may be periodically updated and can be found at: [www.waterboards.ca.gov/DeltaWQCP-Phase1](http://www.waterboards.ca.gov/DeltaWQCP-Phase1).

#### **CONTACT INFORMATION**

Please direct questions about this notice to Katheryn Landau at (916) 341-5588 or by email at [Katheryn.Landau@waterboards.ca.gov](mailto:Katheryn.Landau@waterboards.ca.gov), or to Timothy Nelson at (916) 445-5987 or by email at [Timothy.Nelson@waterboards.ca.gov](mailto:Timothy.Nelson@waterboards.ca.gov).

December 9, 2016  
Date

  
Jeanine Townsend  
Clerk to the Board