

MINUTE ITEM

This Calendar Item No. 27

only, if being necessary.

INFORMATIVE ITEM

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11/21/85  
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DEPARTMENT OF WATER RESOURCES -  
NOTICE OF PROPOSED MONTEZUMA SLOUGH, SOLANO COUNTY

BACKGROUND:

On September 26, 1979, the State Lands Commission approved a Memorandum of Understanding, effective October 19, 1979, between the Department of Water Resources (DWR) and State Lands Commission. It provides for use of State lands for either the Central Valley Project or the State Water Resources Development System. Under the Memorandum of Understanding, the DWR provides State Lands Commission with a "Notice of Proposed Use of State Lands".

CURRENT SITUATION:

Based on the Memorandum of Understanding, the DWR has submitted a "Notice of Proposed Use of State Lands" to staff, advising of their intent to construct a control structure facility in tide and submerged lands of Montezuma Slough, Solano County. The project will include three radial gates, a concrete boat lock, a flashboard structure, and appurtenant recreational structures. Limited dredging will be necessary for access to the site. This project will be a part of the State Water Resources Development System. Staff has reviewed the project and determined that no restrictions or limitations are needed from State Lands Commission. An Environmental Impact Report was prepared for the total project by DWR and a Notice of Determination was filed on April 11, 1984. An Addendum was completed on July 1, 1985 to cover minor project changes.

In accordance with the Memorandum of Understanding, staff will acknowledge the "Notice of Proposed Use of State Lands."

AB 884: N/A.

- EXHIBITS:
- A. Land Description.
  - B. Location Map.
  - C. Notice of Determination.

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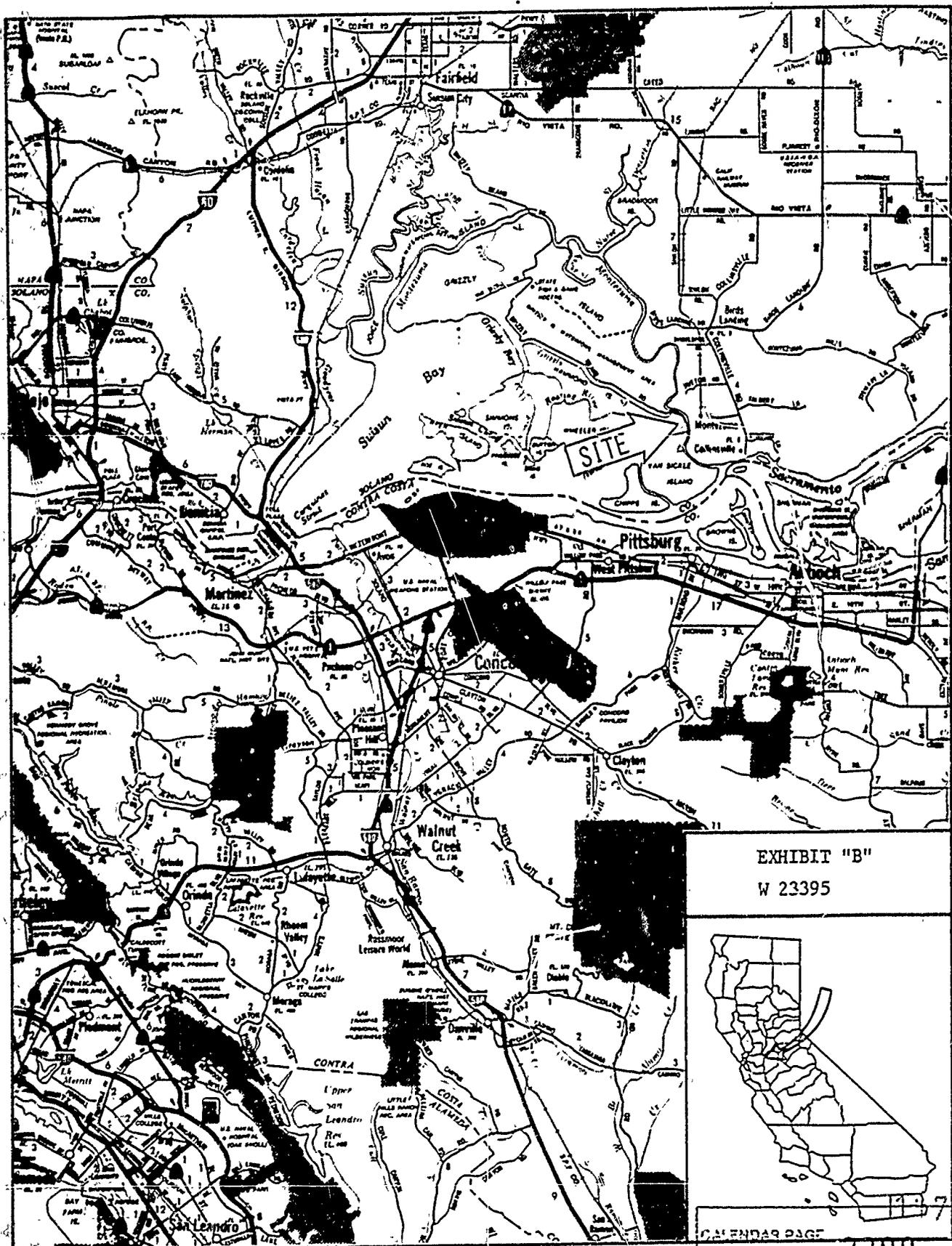


EXHIBIT "B"  
W 23395



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EXHIBIT "C"

NOTICE OF DETERMINATION  
CERTIFICATION OF FINAL EIR AND NOTICE OF DETERMINATION

TO: Honorable Gordon K. Van Vleet      FROM: Department of Water Resources  
Secretary for Resources                      1416 Ninth Street  
1416 Ninth Street                              Sacramento, CA 95814  
Sacramento, CA 95814

SUBJECT: Certification of Final EIR and Filing of Notice of Determination in compliance with Section 21108 of the Public Resources Code

Project Title

Montezuma Slough Control Structure and Access Road.

State Clearinghouse Number

80092322

Contact Person

James U. McDaniel, Chief  
Central District

Project Location

Solano County, Suisun Marsh

Project Description

A concrete control structure with three radial gates would be constructed at Montezuma Slough about 1.5 miles from its eastern end to take advantage of a relatively good marsh foundation. The structure would include both a boat lock 70 feet long and 20 feet wide and a 60-foot-wide flashboard opening for emergency access. The control structure, to be built in the dry land east of Montezuma Slough, would include approach channels and a closure of the existing slough. Economic reasons and the need to keep normal flows in Montezuma Slough during construction have dictated this method of construction. The closure would be located where best foundation conditions are found. Public recreation facilities are proposed at the structure.

A 30-foot-wide access road would be constructed from Collinsville Road to the location of the Montezuma Slough Control Structure. A new roadway with two 12-foot lanes and two 3-foot shoulders would be constructed over 1.6 miles of existing roadway from Collinsville Road to the east levee of Montezuma Slough and over 0.5 mile of existing pasture land. The road will provide access to the control structure site for construction equipment and later for operation and maintenance purposes and for recreational use.

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The Montezuma Slough Control Structure and Access Road are a portion of a Plan of Protection for the Suisun Marsh, developed in response to Decision 1495 of the State Water Resources Control Board. The Plan of Protection will be implemented in phases. The later phases are indefinite at this time, and their implementation will depend on the resolution of a number of issues and on the monitoring and evaluation of the early phases.

The Department of Water Resources, acting as lead agency, has decided to construct the Montezuma Slough Control Structure and Access Road and has made the following Determinations concerning that decision:

1. Building the control structure and access road will be a key step toward implementing the Suisun Marsh Plan of Protection.
2. The Montezuma Slough Control Structure and Access Road itself will not have a significant adverse effect on the environment.
3. A program EIR was prepared and certified for the Plan of Protection pursuant to the provisions of the California Environmental Quality Act. The Overall Plan of Protection will have a significant effect on the environment, namely the conversion of up to 437 acres of marsh wetlands to uplands and open water channels.
4. The Department has found that the decision to phase implementation of the project represents a change in the project that will substantially mitigate the significant effect of converting up to 437 acres of marshland to uplands and open water channels. The phasing will allow the habitat and the wildlife populations to adjust to incremental changes before additional changes are made. Further, the phasing will involve monitoring the results of early phases and possibly altering plans to lessen the quantity of marshland to be converted. The Plan was developed using a conservative mathematical model of water flows and conditions in the Marsh. The monitoring may show that some later phases of the Plan will not be needed so that some of the planned construction and marsh conversion can be eliminated.
5. Specific mitigation measures are discussed in the Plan of Protection but were not made a condition of the approval of the Montezuma Slough Control Structure and Access Road because:
  - a. The Montezuma Slough Control Structure will have no significant effect on the environment. The control structure includes many mitigation measures among its design features in order to avoid any significant effect;
  - b. The access road will not cause a significant effect on the environment; and
  - c. The Department has found that it is infeasible, as a part of the decision to approve the control structure and access road, to adopt specific alternatives or mitigation measures that could substantially lessen the significant environmental effect of the future phases of the Plan of Protection. Adopting alternatives or mitigation measures is made infeasible by timing problems. The Department does not yet know

with certainty which features of the Plan it will implement or what form or design the chosen features will take. As a result, predictions of the effects of those features are imprecise at this time. Mitigation measures or alternative approaches to lessen the effects can be chosen as part of the decisions to implement specific features of the Plan that cause the effects. At that time, the probable effects can be predicted more accurately and alternatives or mitigation measures can be chosen or tailored to the specific effects. The Department will address specific alternatives and mitigation measures when making decisions on future phases of the Plan of Protection.

6. A statement of overriding considerations was prepared for the Plan of Protection.

A copy of the program EIR and the record of project approval may be examined at the Department's Central Records, Room 388, 1416 Ninth Street, Sacramento.

Date received for filing:  
OFFICE OF THE SECRETARY

APR 11 1984

Resources Agency of California

  
Director

Date April 7 1984

SUISUN MARSH PLAN OF PROTECTION  
STATEMENT OF OVERRIDING CONSIDERATIONS.

Although the project plans call for a number of measures to be implemented to reduce the severity of the effects of converting marshlands to open water channels and upland habitat, the conversion of up to 437 acres of marshlands would still be a significant effect of the project on the environment.

The Department believes that the environmental and other benefits of the project are so great that the conversion of up to 437 acres of marshland as mitigated is an acceptable cost of proceeding with the project. The Plan of Protection and the construction and operation of its facilities are designed to protect the brackish nature of the Marsh, thus protecting the high biological productivity and the existing biological communities in the Marsh. The conversion of up to 437 acres will assure the long-term productivity of the remaining wetlands affected by the project, approximately 45,000 acres.

The Department believes that the conversion of up to 437 acres is a small price to pay for being able to protect the Marsh in response to Decision 1485 of the State Water Resources Control Board while continuing to export water from the Delta for agricultural, municipal, and industrial use in many parts of the State. The exports will enable the affected areas to remain in production, to continue their economic and social viability, and to contribute to the economy of the State as a whole.

If the State Water Project had to curtail its export of water from the Delta, the project would have to curtail its deliveries to the contracting water districts. The districts in turn would curtail their deliveries to the water users. The districts that use water payments from the users to pay the State under their contracts would find their revenues curtailed and could be unable to make their payments under their contracts and may be forced to default on the water districts' bonds.

If the districts were unable to make payments under their water contracts with the State, part of the funds for payments on the State Water Project bonds would have to be taken from the already overburdened State General Fund. This would require either a reduction in expenditures for other State programs or a tax increase, neither of which is desirable. Defaulting on the bonds would cause severe disruption within the districts. Other governmental agencies would find that their cost of financing new projects through bonds would increase as investors would regard bonds in California as more risky and would invest in the bonds only if a higher interest rate were offered. Continuing the exports will avoid defaults on bonds and the severe financial dislocations and fiscal difficulties that would follow.