

## **6. COMPLIANCE REQUIREMENTS**

This EIS/EIR was prepared in compliance with the appropriate federal, state, and local requirements. A brief description of applicable compliance requirements is discussed in the sections of this chapter.

### **6.1 FEDERAL**

#### **6.1.1 Central Valley Project Improvement Act (CVPIA)**

As mentioned in Chapter 1, the CVPIA (Title XXXIV of Public Law 102-575) mandated changes in Central Valley Project management to protect, restore, and enhance fish and wildlife. The statutory obligations include increasing instream flows in Central Valley streams to provide for improved flow stability, and migration and attraction flow conditions for anadromous fish, in accordance with the fish, wildlife, and habitat restoration purposes and measures authorized by the CVPIA.

The CVPIA directs the Secretary of the Interior to develop and implement a program in coordination with the Anadromous Fish Restoration Program (AFRP) to acquire water to supplement the up to 800,000 acre-ft of CVP yield dedicated for fish and wildlife purposes by Section 3406(b)(2); to assist the State of California in its efforts to protect the waters of the Bay-Delta estuary; and to help meet such obligations as may be legally imposed upon the CVP under state or Federal law subsequent to enactment of the CVPIA. The prescription for the dedicated water, commonly called “(b)(2) water,” will vary depending on hydrologic conditions, and will be determined annually by the U.S. Fish and Wildlife Service (Service) through consultation with the U.S. Bureau of Reclamation (Reclamation). To the extent that (b)(2) water is either not available or insufficient to meet the fish and wildlife provisions of the CVPIA, supplemental water will be acquired under the authority of Section (b)(3) of the Act from willing sellers within the geographic area of need.

The proposed action is consistent with this provision of the CVPIA in that it seeks to implement the Act in the San Joaquin Valley under the authority of Section 3406 (b)(3).

#### **6.1.2 Delta Smelt Biological Opinion**

The Service’s March 6, 1995 Biological Opinion for Delta Smelt, Delta Smelt Critical Habitat, and Proposed Threatened Sacramento Splittail limits CVP exports during the April and May 31-day spring pulse flow period to flows in the San Joaquin River at Vernalis. The Opinion also states that Reclamation will pursue acquisition of additional water. The proposed action will increase the ability of Reclamation to meet this objective in 1999-2010, and it would be implemented under this Biological Opinion.

---

## 6. Compliance Requirements

---

### 6.1.3 National Environmental Policy Act

This EIS/EIR was prepared pursuant to regulations implementing the National Environmental Policy Act (NEPA) (42 USC 4321 *et seq.*). NEPA ensures that federal agencies will consider the environmental effects of their actions. It also requires that an EIS be included in every recommendation or report on proposals for legislation and other major federal actions significantly affecting the quality of the human environment. This EIS/EIR provides detailed information regarding the No Action, Proposed Action, and the Alternative Action, the environmental impacts of each alternative, potential mitigation measures, and adverse environmental impacts that cannot be avoided (USBR 1997d).

### 6.1.4 Endangered Species Act

The Endangered Species Act (ESA) most recently amended in 1988 (16 USC 1536), establishes a national program for the conservation of threatened and endangered species of fish, wildlife, and plants and the preservation of the ecosystems upon which they depend. Section 7(a) of the ESA requires federal agencies to consult with the Service and/or National Marine Fisheries Service (NMFS) on any activities that may affect any species listed as threatened or endangered (USBR 1997d). Sections 4.4 and 4.5 provide detailed discussions on any potential impacts and mitigation for terrestrial and aquatic resources which may result from the proposed or alternative actions. Consultations with these agencies is addressed in Section 5.1.2.

### 6.1.5 Fish and Wildlife Coordination Act

The Fish and Wildlife Coordination Act (FWCA) requires consultation with Service and consideration of these views and recommendations when any water body is impounded, diverted, controlled, or modified for any purpose. The Service and state agencies charged with administering wildlife resources are to conduct surveys and investigations to determine the potential damage to wildlife and the mitigation measures that should be taken. The Service may incorporate the concerns and findings of the state agencies and other federal agencies, including the NMFS, into a report that addresses fish and wildlife concerns and provides recommendations for mitigating or enhancing impacts to fish and wildlife affected by a federal project. Compliance can also be addressed by fully considering the Service's recommendations and integrating the Service into the development of the selection of the preferred alternative and mitigation actions (USBR 1997d). Compliance with the Coordination Act will be coordinated with consultation for ESA, as described above. Sections 4.4 and 4.5 provide detailed discussions on any potential impacts and mitigation for terrestrial and aquatic resources which may result from the proposed or alternative actions. Section 5.1.1 addresses coordination with the Service and NMFS.

### 6.1.6 Environmental Justice

---

## 6. Compliance Requirements

---

Executive Order 12898 requires each Federal agency to achieve environmental justice as part of its mission, by identifying and addressing disproportionately high and adverse human health or environmental effects, including social or economic effects, of programs, policies, and activities on minority populations and low-income populations of the United States. (USBR 1997d)

This EIS/EIR evaluates the environmental, social, and economic impacts on minority and low-income populations in Section 4.11.

### 6.1.7 Indian Trust Assets

The United States Government's trust responsibility for Native American Natural resources requires that federal agencies take measures to protect and maintain trust resources. These responsibilities include taking reasonable actions to preserve and restore tribal resources. Indian Trust Assets (ITAs) are legal interests in property and rights held in trust by the United States for Native American tribes or individuals. Indian reservations, rancherias, and allotments are common ITAs. Section 4.10 provides a discussion on any potential impacts and mitigation for ITAs which may result from the proposed or alternative actions.

### 6.1.8 Indian Sacred Sites

Executive Order 13007 provides that in managing Federal lands, each federal agency with statutory or administrative responsibility for management of Federal lands shall, to the extent practicable and as permitted by law, accommodate access to and ceremonial use of Native American sacred sites by Native American religious practitioners, and avoid adversely affecting the physical integrity of such sacred sites.

No sacred sites were identified during the scoping or planning process of the Draft PEIS (USBR 1997d) or the public scoping for this EIS/EIR. If sites are identified in future scoping efforts, efforts will be made to identify and protect the sacred sites.

### 6.1.9 National Historic Preservation Act

This project requires compliance with Section 106 of the National Historic Preservation Act (NHPA) of 1966, as amended and its implementing regulations, 36 CFR Part 800. Section 106 requires that federal agencies take into account the effects of their actions on properties that may be eligible for or listed in the National Register of Historic Places (NRHP). To determine whether an undertaking could affect NRHP-eligible properties, cultural resources (including prehistoric and historic archeological sites and structures, buildings, and ethnographic resources) must be inventoried and evaluated for the NRHP. The second step is to identify the possible effects of proposed actions on

---

## **6. Compliance Requirements**

---

any NRHP-eligible properties or cultural resources. The lead agency must examine whether feasible alternatives exist that would avoid such effects. If an effect cannot be avoided, measures must be taken to minimize or mitigate potential adverse effects. In addition to compliance with Section 106, implementation of the project must also take into consideration the American Indian Religious Freedom Act and the Native American Graves Protection and Repatriation Act.

Due to the fact that two of the affected reservoirs, New Don Pedro and Lake McClure, were constructed before guidelines required cultural resources surveys, there may be cultural resources that are impacted by the proposed action or alternative action. If any resources are discovered, compliance under Section 106 would require that a survey be conducted (USBR 1997d). Section 4.7 provides a discussion on any potential impacts and mitigation for cultural resources which may result from the proposed or alternative action.

### **6.1.10 Flood Plain Management**

Executive Order 11988 requires federal agencies to evaluate the potential effects of any actions they might take in a flood plain and to ensure that planning, programs, and budget requests reflect consideration of flood hazards and flood plain management. If a federal agency program will affect a flood plain, the agency must consider alternatives to avoid adverse effects in the floodplain or to minimize potential harm (USBR 1997d). Section 4.2 provides a detailed discussion on any potential impacts and mitigation for surface water resources which may result from the proposed or alternative actions.

### **6.1.11 Wetlands Protection**

Executive Order 11990 authorizes federal agencies to take actions to minimize the destruction, loss, or degradation of wetlands, and to preserve and enhance the natural and beneficial values of wetlands when undertaking federal activities and programs. Any agency considering a proposal that might affect wetlands must evaluate factors affecting wetland quality and survival. These factors should include the proposal's effects on the public health, safety, and welfare due to modifications in water supply and water quality; maintenance of natural ecosystems and conservation of flora and fauna; and other recreational, scientific, and cultural uses (USBR 1997d). Section 4.4 provides a detailed discussion on any potential impacts and mitigation for terrestrial resources which may result from the proposed or alternative actions.

### **6.1.12 Wild and Scenic Rivers Act**

---

## 6. Compliance Requirements

---

The Wild and Scenic Rivers Act designates qualifying free-flowing river segments as wild, scenic, or recreational. The Act establishes requirements applicable to water resource projects affecting wild, scenic, or recreational rivers within the National Wild and Scenic Rivers System, as well as rivers designated on the national Rivers Inventory. Under the Act, a federal agency may not assist the construction of a water resources project that would have a direct and adverse effect on the free-flowing, scenic, and natural values of a wild or scenic river. If the project would affect the free-flowing characteristics of a designated river or unreasonably diminish the scenic, recreational, and fish and wildlife values present in the area, such activities should be undertaken in a manner that would minimize adverse impacts and should be developed in consultation with the National Park Service. None of the proposed actions would affect flows in any designated wild and scenic rivers. (USBR 1997d)

### 6.1.13 Clean Water Act of 1977

The Clean Water Act (PL 95-217), through implementation by the U.S. Environmental Protection Agency (U.S. EPA), seeks to restore and maintain the chemical, physical, and biological integrity on the Nation's waters. The significant features of the Act include:

- the National Pollutant Discharge Elimination System (NPDES);
- technology based effluent limits;
- a program for imposing more stringent water quality based limits in permits to achieve state water quality standards;
- additional provisions applicable to certain toxic and other pollutant discharges of particular concern or special character; and
- a program of financial assistance to help fund publicly owned treatment works.

In addition to the elements described above, the Act prescribes special guidelines for protecting aquatic habitats, including wetlands and estuaries. It also provides several enforcement options to the U.S. EPA (Water Environment Federation 1997). Section 303(d) of the Clean Water Act requires that each state develop a list, known as a 303(d) list, of waterbodies that are impaired with respect to water quality. In 1996, California identified approximately 90 impaired waterbodies in its 303(d) list (CALFED 1998). Sections 4.2 and 4.3 provide a detailed discussion of potential impacts and mitigation which may result from the proposed or alternative actions.

### 6.1.14 Memorandum on Farmland Preservation and the Farmland Protection Policy Act

---

## 6. Compliance Requirements

---

The Farmland Protection Policy Act of 1981 (FPPA) and Memoranda on Farmland Preservation require federal agencies preparing EISs to include assessments of the effects of proposed projects on prime and unique farmlands. Before taking any action that would result in the conversion of designated prime or unique farmland for nonagricultural purposes, the federal agencies must examine the potential impacts of the proposed action and, if there are adverse effects on farmland preservation, consider alternatives to lessen those effects. Federal agencies must also ensure that their programs, to the extent possible, are compatible with state, local, and private programs for the protection of farmland (CALFED 1998). Section 4.6 mentions potential impacts for prime and unique farmlands which may result from the proposed or alternative actions.

### **6.1.15 Federal Agriculture Improvement and Reform Act of 1996 and 1985 Food Security Act**

The Federal Agriculture Improvement and Reform Act of 1996, also known as the 1996 Farm Bill, includes conservation provisions designed to provide landowners with a variety of incentives programs and technical assistance for incorporating sound conservation practices into farming, grazing, and livestock operations. The 1996 Farm Bill replaces and incorporates portions of previous farm bills, including the Food Security Act of 1985 and the 1990 Farm Bill.

Under Title III, the Wetlands Reserve Program and the Conservation Reserve Program of the Food Security Act of 1985 are extended through 2002. Changes in the programs provide landowners with more options for protecting wetlands and highly erodible lands. Also addressed under Title III is a new Wildlife Habitat Incentives Program to help landowners improve wildlife habitat on private land. A Flood Risk Reduction Program was established to provide incentives to move farming operations from frequently flooded lands (CALFED 1998). Section 4.6 provides a discussion of potential impacts and mitigation for conservation of farmlands which may result from the proposed or alternative actions.

## **6.2 STATE**

### **6.2.1 California Environmental Quality Act**

The California Environmental Quality Act (CEQA) was enacted in 1970 and has six main objectives (California State CEQA Guidelines, California Administrative Code, Section 15000, et seq). These objectives are:

- disclose to decision makers and the public significant environmental effects of proposed activities;
- identify ways to avoid or reduce the environmental damage;

---

## 6. Compliance Requirements

---

- prevent environmental damage by requiring implementation of feasible alternatives or mitigation measures;
- disclose to the public reasons for agency approval of projects with significant environmental effects;
- foster interagency coordination in the review of projects; and
- enhance public participation in the planning process.

CEQA applies to all discretionary activities proposed to be carried out or approved by California public agencies, including state, regional, county, and local agencies, unless an exemption applies.

This EIS/EIR provides detailed information regarding the No Action, Proposed Action, and the Alternative Action, the environmental impacts of each alternative, potential mitigation measures, and adverse environmental impacts that cannot be avoided. (USBR 1997d)

### 6.2.2 California Endangered Species Act

The California Endangered Species Act (CESA) provides for the protection and conservation of threatened and endangered species and their habitats. It is very similar to the Federal ESA. In general, CESA

- authorizes determination and listing of species as endangered or threatened;
- prohibits the take, possession, purchase, or sale of endangered, threatened or candidate species;
- provides authority for state agencies to purchase habitat for endangered and threatened species; and
- directs the California Department of Fish and Game (CDFG) to work closely with the Service and NMFS, to participate to the greatest extent practicable in Federal consultations, and to adopt the Federal biological opinion whenever possible.

The Natural Community Conservation Planning Act (California Fish and Game Code Section 2800, et seq.) provides for the preparation and implementation of large-scale natural resource conservation plans. A natural community conservation plan (NCCP) must identify and provide for “the regional or area wide protection and perpetuation of natural wildlife diversity, while allowing compatible and appropriate development and growth.” NCCPs are intended to provide comprehensive management and conservation of multiple wildlife species including, but not limited to, species listed pursuant to the CESA, Section 2050, et seq. (CALFED 1998, California and Federal Endangered Species Act Compliance Technical Appendix)

### 6.2.3 State Historic Preservation Officer

---

## 6. Compliance Requirements

---

Under any alternative involving a federal undertaking, Reclamation will consult with the California State Historic Preservation Officer (SHPO) about meeting the requirements of 36 CFR 800. Consultation with Reclamation and SHPO will address cultural resources identification, evaluation, effects, and possible mitigation needs (SWRCB 1998).

Due to the fact that two of the affected reservoirs, New Don Pedro and Lake McClure, were constructed before guidelines required cultural resources surveys, there may be cultural resources which are impacted by the proposed action or alternative action. Section 4.7 provides a detailed discussion on any potential impacts and mitigation for cultural resources which may result from the proposed or alternative action.

### 6.2.4 Delta Protection Commission

The Delta Protection Commission (DPC) is a state regional planning agency with authority over a 450,000 acre portion of the Legal Delta. The authorizing legislation (PRC Section 29700 et seq.) was passed in 1992. The DPC was charged with preparing a regional land use and resources management plan for the Primary Zone of the Delta to protect and enhance the three existing land uses: agriculture, wildlife habitat, and recreation. The plan was adopted in 1995. Local governments are required to ensure that their general plans are in conformance with the regional plan; local general plan amendments were completed in 1997 (CALFED 1998). Section 4.6 provides a detailed discussion on any potential impacts and mitigation for local plans which may result from the proposed or alternative action.

### 6.2.5 The Delta Protection Act of 1959

The Delta Protection Act of 1959 requires adequate water supplies for multiple uses (for example, agriculture, industry, urban, and recreation) within the Delta and for export. Various water quality and flow objectives have been established by the State Water Resources Control Board (SWRCB) and the Central Valley Regional Water Quality Control Board (CVRWQCB) since the passing of this Act. (CALFED 1998) Section 4.2 provides a detailed discussion on any potential impacts and mitigation for surface water resources which may result from the proposed or alternative action.

### 6.2.6 Porter-Cologne Act

In 1967, the Porter-Cologne Act established the SWRCB and nine regional boards as the state agencies with primary authority over the regulation of water quality and allocation of appropriative surface water rights in California. The Porter-Cologne Act is the primary state water quality legislation administered by SWRCB and provides the authority to establish water quality control plans that are reviewed and revised, as well as statewide plans. Water quality control plans, also known as basin plans, designate beneficial uses for specific surface water and groundwater resources and



---

## 6. Compliance Requirements

---

establish water quality objectives to protect those uses. In acting on water rights applications, the SWRCB may establish terms and conditions in a permit to carry out water quality control plans (CALFED 1998). Sections 4.2 and 4.3 provide a detailed discussion on any potential impacts and mitigation for surface water and groundwater resources which may result from the proposed or alternative action.

### 6.2.7 D-1485 and the 1978 Water Quality Control Plan

In 1978, SWRCB adopted the Water Quality Control Plan for the Sacramento-San Joaquin Delta and Suisun Marsh (1978 Delta Plan). At the same time, SWRCB adopted Water Right Decision D-1485, which required compliance with water quality objectives in the 1978 Delta Plan, that were designed to protect natural resources by maintaining Delta conditions as they would exist in the absence of the CVP and State Water Project (SWP). D-1485 also required monitoring and study of the Delta aquatic resources. In 1978, legal challenges were brought against D-1485 and the 1978 Delta Plan.

In 1986, the State was required to revise its water quality standards. Pursuant to that decision, SWRCB implemented a hearing process, known as the Bay-Delta hearings, to review and amend the 1978 Delta Plan. Following this hearing process, SWRCB issued revised water quality objectives in the 1991 Delta Water Quality Control Plan for Salinity, Temperature and Dissolved Oxygen (1991 Delta Plan). The SWRCB conducted a water right hearing to receive evidence and recommendations on measures to protect fish and wildlife. After the hearing, the SWRCB released a draft water right decision, draft D-1630, that included interim water right terms and conditions. Actions taken by the NMFS and the Service to protect winter-run chinook salmon and Delta smelt resulted in the withdrawal of D-1630. Several of the concepts from D-1630 have been partially adopted in other actions taken by SWRCB, Department of Water Resources (DWR), Reclamation, fishery protection agencies, and other regulatory agencies (CALFED 1998). Sections 4.2 and 4.3 provide a detailed discussion on any potential impacts and mitigation for surface water and groundwater resources which may result from the proposed or alternative action.

### 6.2.8 1995 Water Quality Control Plan (WQCP)

In 1994, SWRCB initiated development of new water quality objectives and released a draft version, the same day the Bay-Delta Accord was signed. SWRCB subsequently released an environmental report that documented the effects of implementing the plan. The WQCP was adopted in May 1995 (1995 WQCP) and incorporated several elements of EPA, NMFS, and Service regulatory objectives for salinity and endangered species protection. The 1995 WQCP objectives are expected to be implemented with a new water-rights decision in 1998. The major changes associated with the WQCP in relation to the 1978 and 1991 WQCPs and associated D-1485 requirements are as follows:

---

## 6. Compliance Requirements

---

- Water-year classifications are based on the 40-30-30 Sacramento Valley Four-River Index and the 60-20-20 San Joaquin Valley Four-River Index. The outflow requirements from February through June depend on the previous month's Eight-River Index runoff volume.
- Delta outflow requirements are the combination of fixed monthly requirements and estuarine habitat requirements (expressed in terms of "X2", the position of the 2-parts-per-thousand [ppt] salinity gradient). Because the X2 requirements in the 1995 WQCP depend on the previous month's Eight-River Index runoff, the required outflow must be calculated for each month.
- Combined SWP and CVP Delta exports are limited to a percentage of the Delta river inflow (which does not include rainfall). These percentages are in the range of 35 to 45 percent depending on the Delta inflow from February through June and 65 percent for the remainder of the year. Export pumping during the pulse-flow period was limited to an amount equivalent to the pulse flow during half of April and half of May. (CALFED 1998)

Section 4.2 provides a detailed discussion on any potential impacts and mitigation for surface water resources which may result from the proposed or alternative actions.

### 6.2.9 Water Rights

Water use in California is characterized by two basic types of water rights: riparian water rights and appropriative water rights. Riparian water rights are based on ownership of land adjacent to a waterbody, while appropriative water rights are based on the principle of "first in time, first in right" and are not related to riparian land ownership.

Riparian water rights are not lost if not used and are not quantified unless they are adjudicated. Landowners with these rights can divert portions of the natural waterflow for reasonable and beneficial use on their land, provided the land is located within the same watershed as the waterbody and on the smallest parcel adjacent to the waterbody. During times of water shortage, all riparian water rights holders must share the available supply according to each landowner's reasonable requirements and uses (California's SWRCB, 1989).

Appropriative water rights are quantified and may be lost if not used. Appropriative water rights obtained after 1914 require permits and licenses issued by the SWRCB. All existing rights before 1914 have seniority based on the date when they were initiated. The SWRCB issues appropriative rights with conditions to protect other water rights holders, including Delta and upstream riparian water users, and to protect the public interest, including fish and wildlife resources. The quantity and quality of water used by existing riparian and senior appropriative users can only be limited by

---

## 6. Compliance Requirements

---

subsequent appropriations in limited circumstances where the senior rights are not legally injured. (CALFED 1998)

### 6.2.10 National Primary Drinking Water Standards

The National Primary Drinking Water Standards or maximum contaminant levels (MCLs) are the maximum permissible levels of contaminants in water that enters the distribution system of a public water system. The federal and state MCLs are enforceable and must be met by appropriate public drinking water systems. National maximum contaminant level goals (MCLGs) are the maximum levels of contaminants in drinking water at which no known or anticipated adverse effect on the health of persons would occur and which allow an adequate margin of safety. MCLGs are non-enforceable health goals and are strictly health based. Action levels (ALs) are health-based numbers that take into account analytical detection levels. They are interim guidance levels that may trigger mitigation action on the part of a water purveyor. An AL is dropped once an MCL is promulgated and final. (CALFED 1998)

### 6.2.11 National Secondary Drinking Water Standards

National Secondary Drinking Water Standards, or secondary MCLs, were established by the EPA in 1979 and 1991. The secondary MCLs are maintained to protect public welfare and to assure a supply of pure, wholesome, and potable water. They are applied at the point of delivery to the consumer and generally involve protection of the taste, odor, or appearance of drinking water. Federal secondary MCLs are nonenforceable; however, state secondary MCLs are enforceable for all new systems and new sources developed by existing systems. (CALFED 1998)

### 6.2.12 California Nonpoint Source Program

Two primary federal statutes, Clean Water Act (CWA) §319 and Coastal Zone Act Reauthorization Amendments (CZARA) §6217, along with the Porter-Cologne Act, establish a framework for addressing nonpoint source (NPS) pollution in California. As enacted by Congress in 1987, CWA §319 required California to develop an assessment report detailing the extent of nonpoint pollution and a management program specifying nonpoint source controls. In 1990, Congress passed §6217 that requires the state to “develop and implement management measures for nonpoint source pollution to restore and protect coastal waters...” which is to serve as an update and expansion of the existing NPS program.

In 1994 the State initiated a comprehensive process to consider the requirements of CZARA and update the existing statewide Nonpoint Source Program rather than create a separate program dealing specifically with coastal waters. The State’s updated program calls for managing nonpoint sources

---

## 6. Compliance Requirements

---

on a watershed basis and focuses on Nonpoint source problems associated with pesticides, grazing, urban runoff, hydromodification, and abandoned mines. (CALFED 1998)

### 6.2.13 Bay-Delta Framework Agreement and the Bay-Delta Accord

In June 1994, a Bay-Delta Framework Agreement was signed by the Federal Ecosystem Directorate and the Governor's Water Policy Council of the State of California. The framework established a comprehensive program in the Bay-Delta estuary for coordination and cooperation of environmental protection and water supply. It addressed three major areas of agreement including formulation of a new WQCP acceptable to both EPA and SWRCB, coordination of SWP and CVP operations in order to rapidly respond to environmental conditions in the Delta with an adaptive management approach, and implementation of a long-term management approach integrating objectives for water supply and environmental protection. The Principles for Agreement, or Bay-Delta Accord, was signed on 15 December 1994.

In addition, the Bay-Delta Accord calls for early implementation of certain ecosystem restoration projects before the comprehensive solution is finalized. Funding for these projects has come from Proposition 204, passed by California voters in 1996, from the California Bay Delta Environmental Enhancement Act, passed by Congress in 1996, and from voluntary contributions from urban water agencies. (CALFED 1998)

## 6.3 LOCAL

The proposed action will take place on the San Joaquin River system which is located in the following counties: San Joaquin, Stanislaus, Merced, Fresno, Madera, Mariposa, and Tuolumne. Each county and city is required by Section 65300 of the California Government Code to have a comprehensive, long-term general plan for the physical development of the county and city. Mandatory elements of the general plan that have bearing on the proposed action are land use, open space, and conservation. Additional optional plan elements may include agriculture.

This section of the EIS/EIR summarizes key goals and policies in these counties, where most of the proposed action of additional stream flows and deliveries to wetland habitats occur and could potentially impact local communities and businesses. Since the proposed action does not involve urban development, key issues are whether the water purchases are consistent with county policies for resource conservation and support of agriculture. In conclusion, the proposed action is consistent with county goals, objectives, and policies as presented in the following sections.

The goals and objectives of each county which are relevant to the proposed action are summarized below (Table 6.3-1). The full text of each county's objectives and policies relevant to the proposed action is contained in Appendix F.

## 6. Compliance Requirements

**Table 6.3-1: COUNTY GENERAL PLAN POLICY SUMMARY**

County	Goals and Objectives
San Joaquin	<p>Protect and improve the county's vegetation, fish, and wildlife resources.</p> <p>Provide undeveloped open space for nature study, protection of endangered species, and preservation of wildlife habitat.</p>
Stanislaus	<p>Conserve water resources and protect water quality in the county.</p> <p>Provide for the long-term conservation and use of agricultural lands.</p> <p>Protect fish and wildlife species in the county.</p> <p>Protect the natural resources that sustain agriculture in Stanislaus County.</p>
Merced	<p>Protect rare and endangered species from urban development and recognize them in rural areas.</p> <p>Protect surface and groundwater resources from contamination, evaporation and inefficient use.</p> <p>Support measures to protect and improve water quality.</p>
Fresno	<p>Preserve and enhance the value of the river environment as a multiple use, open space resource.</p> <p>Maintain the environmental and aesthetic qualities of the area.</p> <p>Protect the quality and quantity of the surface water and ground water resources.</p> <p>Conserve and enhance the natural wildlife habitat.</p> <p>Preserve and enhance areas of significant natural resources, the retention of which is necessary to maintain the environmental quality and economic potential of the area.</p> <p>Manage vegetation and wildlife resources in a responsible and productive manner.</p> <p>Protect the habitats of plants and wildlife from unnecessary activities of man.</p>
Madera	<p>Promote the wise, efficient, and environmentally-sensitive use of county land to meet the present and future needs of county residents and businesses.</p> <p>Protect and enhance the natural quality of county's streams, creeks and groundwater.</p> <p>Protect wetland communities and related riparian areas throughout Madera County as valuable resources.</p>

## 6. Compliance Requirements

**Table 6.3-1: COUNTY GENERAL PLAN POLICY SUMMARY (CONT.)**

<b>County</b>	<b>Goals and Objectives</b>
Madera	<p>Protect, restore, and enhance habitats that support fish and wildlife species so as to maintain populations at viable levels.</p> <p>Preserve and enhance open space lands to maintain the natural resources of the county.</p>
Mariposa	<p>Provide for the identification, delineation, description, and maintenance of vegetative types and related wildlife habitats in order to maintain the inherent diversity of both vegetation and wildlife species in Mariposa County for the recreational, commercial, and aesthetic enjoyment of both present and future residents and visitors to the county.</p> <p>Enhance the natural open space resources of Mariposa County to include preservation of natural resources, managed production of resources, outdoor recreational resources and open space for public health and safety, for the benefit of present and future residents of the county and visitors to the area.</p>
Tuolumne	<p>Conserve the quality and quantity of the county's water resources, while protecting the rights of the land owner.</p> <p>Conserve public water resource areas with high recreational value for future public use.</p>

<b>6. COMPLIANCE REQUIREMENTS</b>	<b>1</b>
<b>6.1 FEDERAL</b>	<b>1</b>
<b>6.1.1 Central Valley Project Improvement Act (CVPIA)</b>	<b>1</b>
<b>6.1.2 Delta Smelt Biological Opinion</b>	<b>1</b>
<b>6.1.3 National Environmental Policy Act</b>	<b>2</b>
<b>6.1.4 Endangered Species Act</b>	<b>2</b>
<b>6.1.5 Fish and Wildlife Coordination Act</b>	<b>2</b>
<b>6.1.6 Environmental Justice</b>	<b>2</b>
<b>6.1.7 Indian Trust Assets</b>	<b>3</b>
<b>6.1.8 Indian Sacred Sites</b>	<b>3</b>
<b>6.1.9 National Historic Preservation Act</b>	<b>3</b>
<b>6.1.10 Flood Plain Management</b>	<b>4</b>
<b>6.1.11 Wetlands Protection</b>	<b>4</b>
<b>6.1.12 Wild and Scenic Rivers Act</b>	<b>4</b>
<b>6.1.13 Clean Water Act of 1977</b>	<b>5</b>
<b>6.1.14 Memorandum on Farmland Preservation and the Farmland</b>	

---

## 6. Compliance Requirements

---

	Protection Policy Act	5
	6.1.15 Federal Agriculture Improvement and Reform Act of 1996 and 1985 Food Security Act	6
6.2	STATE	6
	6.2.1 California Environmental Quality Act	6
	6.2.2 California Endangered Species Act	7
	6.2.3 State Historic Preservation Officer	7
	6.2.4 Delta Protection Commission	8
	6.2.5 The Delta Protection Act of 1959	8
	6.2.6 Porter-Cologne Act	8
	6.2.7 D-1485 and the 1978 Water Quality Control Plan	9
	6.2.8 1995 Water Quality Control Plan (WQCP)	9
	6.2.9 Water Rights	10
	6.2.10 National Primary Drinking Water Standards	11
	6.2.11 National Secondary Drinking Water Standards	11
	6.2.12 California Nonpoint Source Program	11
	6.2.13 Bay-Delta Framework Agreement and the Bay-Delta Accord	12
6.3	LOCAL	12

## 6. Compliance Requirements

---