



G P1 (23 CCR Section 5002)

Detailed Findings to Establish Consistency with the Delta Plan

- (a) This policy specifies what must be addressed in a certification of consistency filed by a State or local public agency with regard to a covered action. This policy only applies after a “proposed action” has been determined by a State or local public agency to be a covered action because it is covered by one or more of the regulatory policies contained in Article 3. Inconsistency with this policy may be the basis for an appeal.
- (b) Certifications of consistency must include detailed findings that address each of the following requirements:
- (1) Covered actions, in order to be consistent with the Delta Plan, must be consistent with this regulatory policy and with each of the regulatory policies contained in Article 3 implicated by the covered action. The Delta Stewardship Council acknowledges that in some cases, based upon the nature of the covered action, full consistency with all relevant regulatory policies may not be feasible. In those cases, the agency that files the certification of consistency may nevertheless determine that the covered action is consistent with the Delta Plan because, on whole, that action is consistent with the coequal goals. That determination must include a clear identification of areas where consistency with relevant regulatory policies is not feasible, an explanation of the reasons why it is not feasible, and an explanation of how the covered action nevertheless, on whole, is consistent with the coequal goals. That determination is subject to review by the Delta Stewardship Council on appeal;
  - (2) Covered actions not exempt from CEQA must include applicable feasible mitigation measures identified in the Delta Plan’s Program EIR (unless the measure(s) are within the exclusive jurisdiction of an agency other than the agency that files the certification of consistency), or substitute mitigation measures that the agency that files the certification of consistency finds are equally or more effective;
  - (3) As relevant to the purpose and nature of the project, all covered actions must document use of best available science;
  - (4) Ecosystem restoration and water management covered actions must include adequate provisions, appropriate to the scope of the covered action, to assure continued implementation of adaptive management. This requirement shall be satisfied through both of the following:
    - (A) An adaptive management plan that describes the approach to be taken consistent with the adaptive management framework in Appendix 1B, and
    - (B) Documentation of access to adequate resources and delineated authority by the entity responsible for the implementation of the proposed adaptive management process.
- (c) A conservation measure proposed to be implemented pursuant to a natural community conservation plan or a habitat conservation plan that was:
- (1) Developed by a local government in the Delta; and
  - (2) Approved and permitted by the California Department of Fish and Wildlife prior to May 16, 2013
- is deemed to be consistent with sections 5005 through 5009 of this Chapter if the certification of consistency filed with regard to the conservation measure includes a statement confirming the nature of the conservation measure from the California Department of Fish and Wildlife.

*“Coequal goals” means the two goals of providing a more reliable water supply for California and protecting, restoring, and enhancing the Delta ecosystem. The coequal goals shall be achieved in a manner that protects and enhances the unique cultural, recreational, natural resource, and agricultural values of the Delta as an evolving place.”*