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DELTA STEWARDSHIP COUNCIL

A California State Agency

November 2, 2015

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RE: Notice of Addendum for the Tule Red Tidal Restoration Project, SCH#2003112039

Dear Ms. Tara Beltran:

Thank you for the opportunity to comment on the Notice of Addendum for the Tule Red Tidal Restoration Project to the Suisun Marsh Plan Habitat Management, Preservation, and Restoration Plan Environmental Impact Statement / Environmental Impact Report (EIS/EIR). As you know, the Delta Stewardship Council (Council) is a state agency created by the California Legislature through the Delta Reform Act of 2009 to develop and implement a legally enforceable long-term management plan for the Delta. The Delta Plan applies a common sense approach based on the best available science to achieve the coequal goals of protecting and enhancing the Delta ecosystem and providing for a more reliable water supply for California, while protecting and enhancing the unique cultural, recreational, and agricultural values of the Delta as an evolving place.

According to the Delta Reform Act, it is the state or local agency approving, funding, or carrying out the project that must determine if that project is a "covered action" subject to Delta Plan regulations, and if so, to file a certification of consistency with the Delta Plan. The Notice of Addendum lists an expected need for a consistency determination with the Delta Plan. Council staff is available for early consultation to guide the State and Federal Contractors Water Agency (SFCWA) through the consistency certification process. Below we have highlighted the regulatory policies from the Delta Plan that are most relevant to the Tule Red Project.

Delta Plan Regulations

Best Available Science and Adaptive Management

Delta Plan Policy **G P1** (23 CCR Section 5002) states that covered actions must document use of best available science. Best available science should be consistent with the criteria listed in

"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."

– CA Water Code §85054

the table in Appendix 1A of the Delta Plan regulations (<http://deltacouncil.ca.gov/docs/appendix-1a>), including relevance, inclusiveness, objectivity, transparency and openness, timeliness and peer review.

Additionally, this policy calls for ecosystem restoration projects to include adequate provisions for continued implementation of adaptive management, appropriate to the scope of the action. This requirement can be satisfied through the development of an adaptive management plan that is consistent with the framework described in Appendix 1B of the Delta Plan (<http://deltacouncil.ca.gov/docs/appendix-1b>), along with documentation of adequate resources to implement the proposed adaptive management process.

Staff appreciated the opportunity to meet with Byron Buck in August, along with Robert Capriola (Westervelt Ecological Services), Kim Erickson (Westervelt Ecological Services), and Ramona Swenson (Environmental Science Associates), to discuss ongoing development of the monitoring and adaptive management plan for the Tule Red Project. Adaptive Management Liaisons from the Delta Science Program are available to provide further consultation regarding documentation of use of best available science and preparation of an adaptive management plan.

Habitat Restoration

Delta Plan Policy **ER P2** (23 CCR Section 5006) states that habitat restoration must occur at appropriate elevations—using Appendix 4 of the Delta Plan regulations as a guide—and be consistent with Appendix 3 of the Delta Plan regulations, which is an excerpt from the 2011 Draft Ecosystem Restoration Program Conservation Strategy. As much of the Tule Red property is located at intertidal elevation, it is presumed to have the ability to support brackish tidal marsh habitat with associated sloughs, channels, and other open water features. The Draft Conservation Strategy states two major concerns for tidal marsh restoration: the first is the risk for this habitat to be colonized by nonnative species (e.g., invasive aquatic vegetation), which would in turn limit the benefits to native species, and the second is the potential for restoration of intertidal habitats to lead to increased methylation of mercury in sediments. We recommend analyzing both of these issues in the Addendum.

Invasive Species

Nonnative species are a major obstacle to successful restoration because they affect the survival, health, and distribution of native wildlife and plant species. Although there is little chance of eradicating most established nonnative species, management can be designed to reduce their abundance. Delta Plan Policy **ER P5** (23 CCR Section 5009) states, “The potential for new introductions of or improved habitat conditions for nonnative invasive species, striped bass, or bass must be fully considered and avoided or mitigated in a way that appropriately protects the ecosystem.”

The Tule Red property contains many acres infested by the invasive *Phragmites australis*. To the maximum extent practicable, the restoration activities at Tule Red should avoid or minimize effects that would lead to improved conditions for nonnative invasive species

populations on site before relying upon mitigation measures. In the event mitigation is necessary, we recommend reviewing the mitigation measures provided in the Delta Plan Program EIR (see below for details).

Respect Local Land Use

Delta Plan Policy **DP P2** (23 CCR Section 5011) calls for habitat restoration projects to avoid or reduce conflicts with existing uses and to consider comments from local agencies and the Delta Protection Commission. We recommend the Addendum analyze how changes to the site will affect water management on the adjacent Grizzly King property and the CDFW's Grizzly Island Wildlife Area. We also recommend that the Addendum include an assessment of the regional impacts on salinity in the Suisun Marsh from the restoration project.

Mitigation Measures

Delta Plan Policy **G P1** (23 CCR Section 5002) requires that actions not exempt from CEQA and subject to Delta Plan regulations must include applicable feasible mitigation measures consistent with or more effective than those identified in the Delta Plan EIR. (These mitigation measures can be found in the Delta Plan Mitigation and Monitoring Reporting Program (MMRP) document available at http://deltacouncil.ca.gov/sites/default/files/documents/files/Agenda%20Item%206a_attach%202.pdf.) We suggest that SFCWA review the Delta Plan's MMRP and incorporate relevant mitigation measures into the final CEQA document for the Tule Red project.

One mitigation measure we specifically recommend you consider incorporating into the Addendum is the Delta Plan Program EIR's **Biological Resources Mitigation Measure 4-1**, which calls for an invasive species management plan to be developed and implemented for any projects that could lead to introduction or facilitation of invasive species establishment. The plan must ensure that invasive plant species and populations are kept below preconstruction abundance and distribution levels and be based on best available science and developed in consultation with Department of Fish and Wildlife and local experts (e.g., UC Davis, California Invasive Plant Council). This mitigation requirement also calls for the plan to include the following elements:

- Nonnative species eradication methods (if eradication is feasible)
- Nonnative species management methods
- Early detection methods
- Notification requirements
- Best management practices for preconstruction, construction, and post construction periods
- Monitoring, remedial actions and reporting requirements
- Provisions for updating the target species list over the lifetime of the project as new invasive species become potential threats to the integrity of the local ecosystems

Delta Plan Recommendations

The Delta Plan includes 73 recommendations, which we encourage project proponents to consider as they design and implement their projects and programs. Although these recommendations are non-regulatory in nature, progress towards their implementation will help with achieving the coequal goals in a manner that protects and enhances the unique values of the Delta. We believe that the most pertinent Delta Plan Recommendations to your proposed project are the following:

Prioritize and Implement Projects that Restore Delta Habitat

Delta Plan Recommendation **ER R2** calls for habitat restoration projects to be prioritized and implemented in the six areas designated by the Delta Plan as priority habitat restoration areas (PHRAs). One of these areas is the Suisun Marsh, where the Tule Red Duck Club property is located, and a region where ER R2 calls for significant restoration of brackish marsh to support native species. We believe that SFCWA's effort to restore tidal marsh to Tule Red will help implement ER R2, and will help to benefit multiple native species, including Delta smelt, longfin smelt, and Ridgway's rail.

Protect and Enhance Opportunities for Recreation

The Delta Plan recommends protecting and improving existing recreation opportunities while seeking ways of providing new and better coordinated opportunities. Delta Plan Recommendation **DP R11** calls for providing new and protecting existing recreational opportunities in the Delta and Suisun Marsh. Additionally, Recommendation **DP R16** states that public agencies owning land should increase opportunities, where feasible, for bank fishing, hunting, levee-top trails, and environmental education. We encourage and support SFCWA's commitment to maintain waterfowl hunting on the property after restoration.

Final Remarks

Overall, we are supportive of the plan to restore tidal marsh habitat at the Tule Red Club, located within the Suisun Marsh PHRA. We look forward to working with SFCWA on this project and providing assistance to you in filing a Delta Plan consistency certification. If you have questions, please contact Daniel Huang at Daniel.Huang@deltacouncil.ca.gov.

Sincerely,



Cindy Messer
Deputy Executive Officer
Delta Stewardship Council