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DELTA STEWARDSHIP COUNCIL

A California State Agency

June 8, 2017

Chair
Randy Fiorini

Tony Lopez, District Engineer
Reclamation District No. 2074
3425 Brookside Road, Suite A
Stockton, CA 95219

Members
Frank C. Damrell, Jr.
Patrick Johnston
Susan Tatayon
Skip Thomson
Ken Weinberg
Michael Gatto

Executive Officer
Jessica R. Pearson

Re: Initial Study/Mitigated Negative Declaration for the 14-Mile Slough Levee Improvement Project

Dear Mr. Lopez:

Thank you for the opportunity to review and comment on the Initial Study and Mitigated Negative Declaration (IS/MND) for the *14-Mile Slough Levee Improvement Project*. The project would install a continuous cutoff wall in approximately 450 feet of existing south levee on 14-Mile Slough. The Council supports your efforts to reduce risk to your district, and we appreciate the work that has gone into preparing the IS/MND. Making this work available to a wide variety of stakeholders is important for communicating the project goals and any potential impacts.

As you know, the Delta Stewardship Council (Council) is a State agency created through the Delta Reform Act of 2009 to develop and implement a legally enforceable long-term management plan for the Delta and Suisun Marsh. 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. The Council is directed to provide "advice to local and regional planning agencies regarding the consistency of local and regional planning documents with the Delta Plan" (Water Code section 85212).

For the purposes of compliance with both the Delta Reform Act and the California Environmental Quality Act (CEQA), we offer comments below that we believe you should consider prior to approval of the IS/MND.

"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

Applicable Delta Plan Policies

Delta Plan Consistency

RD 2074 should consider whether the project is a "covered action" under the Delta Plan. State and local agencies are required to certify their projects' consistency with the Council's 14 regulatory policies if their proposed activity is a "covered action" under the Delta Plan, which includes plans, programs, or projects (as defined in section 21065 of the Public Resources Code) that would occur, in whole or in part, within the Delta or Suisun Marsh. 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" and, if so, file a certification of consistency with the Delta Plan. Council staff is available to consult with you further, as provided by Water Code section 85225.5, about this process.

In evaluating whether the project may create any inconsistencies with the Delta Plan, potentially relevant policies include, but may not be limited to:

Coequal Goals

Delta Plan Policy G P1 (California Code of Regulations [CCR] 23 section 5002) describes findings to establish consistency with the Delta Plan, including findings related to mitigation measures, best available science, and adaptive management. In some cases, it may not be feasible for a covered action to be fully consistent with all relevant regulatory policies, but it may still be consistent with the Delta Plan if on whole it is consistent with the coequal goals. In any case, it is important to clearly describe how the project contributes to the achievement of the coequal goals, as defined in Water Code section 85054 and the Council's Delta Plan implementing regulations (23 CCR section 5001(h)).

Mitigation

Delta Plan Policy G P1 also requires that actions not exempt from CEQA and subject to Delta Plan regulations include applicable feasible mitigation measures consistent with or more effective than those identified in the Delta Plan Environmental Impact Report. These mitigation measures can be found in the Delta Plan Mitigation and Monitoring Reporting Program (MMRP) document available at <http://bit.ly/DeltaPlanMMRP>. Recognizing that mitigation may not always perform as expected, we encourage you to include an adaptive management plan in the MND for monitoring impacts and progress toward project objectives and modifying mitigation measures if necessary. Adaptive management is a strategy that allows for making management decisions under uncertain conditions using the best available science. It also increases the likelihood of success in obtaining project goals in a manner that is both economical and effective. We recommend the principles of adaptive management be incorporated into the 14-Mile Slough Levee Improvement Project (for more details about adaptive management, please refer to Appendix 1B of the Delta Plan available at

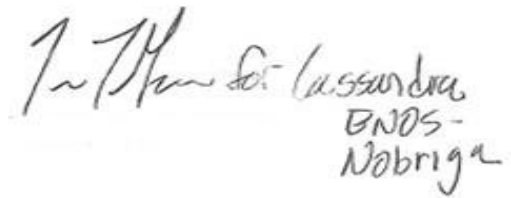
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<http://deltacouncil.ca.gov/docs/appendix-1b>). This could allow RD 2074 to monitor the effectiveness of mitigation measures, and allow for sharing of results so that others can benefit from the district's experience. Delta Stewardship Council staff, including staff from the Delta Science Program, can provide assistance in the use of best available science and adaptive management for the project area.

Final Remarks

Once again, I thank you for the opportunity to review and provide comments on the IS/MND. If you would like to discuss any of the suggestions included in this letter, please contact Erin Mullin at Erin.Mullin@deltacouncil.ca.gov or 916-445-5459.

Sincerely,



The handwritten signature is in cursive and reads "Cassandra Enos-Nobriga". Below the signature, the name "ENOS-Nobriga" is printed in a simple, sans-serif font.

Cassandra Enos-Nobriga
Deputy Executive Officer
Delta Stewardship Council