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# DELTA STEWARDSHIP COUNCIL

*A California State Agency*

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June 28, 2018

**Chair**  
Randy Fiorini

Marianne Biner, Senior Planner  
County of Sacramento  
Office of Planning and Environmental Review  
827 7<sup>th</sup> Street, Room 225  
Sacramento, CA 95814

**Members**  
Frank C. Damrell, Jr.  
Michael Gatto  
Maria Mehranian  
Susan Tatayon  
Skip Thomson  
Ken Weinberg

**Executive Officer**  
Jessica R. Pearson

Via email: [binerm@saccounty.net](mailto:binerm@saccounty.net)

**RE: Final South Sacramento Habitat Conservation Plan and Final Environmental Impact Statement/Environmental Impact Report for the South Sacramento Habitat Conservation Plan, SCH#2008062030**

Dear Ms. Biner:

Thank you for the opportunity to review and comment on the Final Environmental Impact Statement/Environmental Impact Report (EIS/EIR) for the Final South Sacramento Habitat Conservation Plan (SSHCP). The Delta Stewardship Council (Council) applauds Sacramento County's (County) efforts to improve certainty and efficiencies in environmental permitting and protection of open space, habitat, and agriculture. We support the intent to develop a comprehensive plan to ensure the long-term viability of 28 plant and wildlife species and view the adoption of the SSHCP as a critical first step toward plan implementation.

**Delta Plan Covered Actions and Consistency Certification**

The mission of the Council is to promote the coequal goals of water supply reliability and ecosystem restoration in a manner that protects and enhances the unique values of the Delta as an evolving place (Water Code section 85054). The Council has a legally enforceable management framework for the Delta and Suisun Marsh called the Delta Plan. The Council was granted specific regulatory and appellate authority under the Delta Reform Act over certain actions that take place in whole or in part in the Delta or Suisun Marsh. The Council exercises that authority through the development and implementation of the Delta Plan.

According to the Delta Reform Act, state or local agencies approving, funding or carrying out projects, plans, or programs, upon determining their project is a "covered action" subject to regulations of the Delta Plan, must certify consistency of the project with the Delta Plan policies (Water Code section 85225). We would like to call attention to the following commitment to certify consistency with the Delta Plan described in the Final EIS/EIR (Chapter 19 Responses and Comments).

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*"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

**RTC 7.8:** “The County has communicated with the Delta Stewardship Council and will provide the necessary documentation for a certification of Consistency regarding the SSHCP.”

The Council and County staff have engaged in productive early consultation discussions, however the County has not yet submitted a certification of consistency with detailed findings describing whether the SSHCP is consistent with the Delta Plan per Water Code section 85225. We look forward to continuing coordination as the County completes the certification process.

### **Comments on the Final EIS/EIR and Final SSHCP**

The Council appreciates the County’s acknowledgement of our comments on the Draft EIS/EIR and Draft SSHCP, as described in the Final EIS/EIR (Chapter 19 Responses and Comments). Particularly as summarized below (RTC 7.4 – RTC 7.19):

- As requested by the Council, the County has included numerous Delta Plan policy regulations (GP P1; DP P1; DP P2; ER P2; ER P3; ER P5; RR P2; RR P3; and RR P4) within the Final EIS/EIR to support consistency with the Council’s guidelines for proposed future projects. The County also included the following footnote in the Final SSHCP under the Permit Application Process: “Some projects may also be subject to consistency with the Delta Plan if they fall within the Delta Plan area. Their consistency with the Delta Plan would be determined during project-level CEQA review.”
- The County has chosen not to include a draft certification as an appendix to the Final EIS/EIR. However, during the SSHCP preparation, the requirements of the Delta Plan were considered within both the Final EIS/EIR and SSHCP (e.g., substantial language has been included related to the Delta Plan).

### **Closing Comments**

The Council is supportive of the SSHCP and its efforts to promote the recovery of listed species and natural landscapes. Certifying the SSHCP provides a strong foundation for lead agencies throughout the County to consider consistency of future projects implemented under the SSHCP that may be covered actions. For any questions, please contact Ron Melcer ([Ronald.Melcer@deltacouncil.ca.gov](mailto:Ronald.Melcer@deltacouncil.ca.gov)) or Megan Brooks ([Megan.Brooks@deltacouncil.ca.gov](mailto:Megan.Brooks@deltacouncil.ca.gov)).

Sincerely,



Jeff Henderson, AICP  
Deputy Executive Officer  
Delta Stewardship Council