

**State of California  
Delta Stewardship Council  
715 P Street  
Sacramento, CA 95814**

**Title 23, California Code of Regulations  
Division 6. Delta Stewardship Council**

**Ecosystem Regulations: Amendment of Sections 5001, 5002,  
5003, 5004, 5005, 5006, 5007, 5008, 5009, 5010, 5011, 5012, 5013,  
5014, and 5015; Addition of Section 5005.1 and Appendix 3A,  
Appendix 4A, and Appendix 8A**

**Notice of Modifications to Text of Proposed Regulations  
OAL File No. Z2024-0318-02  
Action No. 2024-0924-01S**

NOTICE IS HEREBY GIVEN that pursuant to the requirements of Government Code section 11346.8, subdivision (c), and California Code of Regulations, title 1, section 44, the Delta Stewardship Council (Council) hereby provides a notice of modifications to proposed regulations sections 5001, 5002, 5003, 5004, 5005, 5005.1, 5006, 5007, 5008, 5009, 5010, 5011, 5012, 5013, 5014 and 5015 and Appendix 4A, which were the subject of Notice of Proposed Rulemaking published in the California Register (Register 2024, No. 13-Z) on March 29, 2024, as Notice File No. Z2024-0318-02 and the subject of public hearings on May 14, 2024, and August 22, 2024.

Existing law, section 5002, incorporates by reference all applicable feasible mitigation measures adopted and incorporated into the Delta Plan. This notice includes the substantive changes to (1) those applicable feasible mitigation measures adopted by the Council on June 23, 2022, as the Delta Plan Ecosystem Amendment Mitigation Monitoring and Reporting Program of Appendix O and (2) the definitions of “Deep Subtidal Elevation Band,” “Intertidal Elevation Band,” “Sea Level Rise Accommodation Band,” and “Shallow Subtidal Elevation Band” for the purposes of a state or local agency determining the appropriate elevations for ecosystem restoration projects. Additionally, various technical, non-substantive changes are included.

**Documents Incorporated By Reference**

The Council is updating the applicable feasible mitigation measures that currently are incorporated by reference in existing law, section 5002. The amended measures were

adopted by the Council on June 23, 2022, as the Delta Plan Ecosystem Amendment Mitigation Monitoring and Reporting Program of Appendix O, which can be found on the Council's website as part of the Delta Plan.

## **Opportunity for Public Comment**

The Council will accept written comments to the modifications to the text of the proposed regulations by mail or by electronic submittal. **The 15-day public comment period (Gov. Code, § 11346.8, subd. (c).) for this regulatory action will begin on Tuesday, December 24, 2024, and close at the end of the day on Tuesday, January 7, 2025. The Council will consider comments received by that time.** Any interested person, or their authorized representative, may submit written comments relevant to the proposed regulatory action. **Please limit comments only to the additional 15-day text modifications.**

Submit written comments to:

Email: [ecosystemrulemaking@deltacouncil.ca.gov](mailto:ecosystemrulemaking@deltacouncil.ca.gov)

Delta Stewardship Council  
Attn: Eva Bush  
715 P Street, Suite 15-300  
Sacramento, CA 95814

## **Contact Persons**

Inquiries concerning the proposed administrative action may be directed to:

Eva Bush  
Delta Stewardship Council  
715 P Street, Suite 15-300  
Sacramento, CA 95814  
[ecosystemrulemaking@deltacouncil.ca.gov](mailto:ecosystemrulemaking@deltacouncil.ca.gov)

The backup contact person to whom inquiries concerning the proposed administrative action may be directed to is:

Bree Montague  
Delta Stewardship Council  
715 P Street, Suite 15-300  
Sacramento, CA 95814  
[ecosystemrulemaking@deltacouncil.ca.gov](mailto:ecosystemrulemaking@deltacouncil.ca.gov)

All comments must be submitted as set forth in the "Opportunity for Public Comment" section, above.

## **Internet Access**

Copies of this Notice, the text of the proposed regulations with the modifications in double-underline and ~~double-strikeout~~, and all materials published or distributed by the Council regarding this proposed action are available at:

<https://www.deltacouncil.ca.gov/delta-plan/regulations>

**All written comments received within the additional 15-day public comment period and pertaining to the indicated changes will be reviewed by the Council as part of the compilation of its rulemaking file.**