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February 10, 2025

Katie Metraux  
Department of Parks and Recreation  
PO Box 942896  
Sacramento, CA 92496-0001

Delivered via email:  
info@PlanDeltaMeadows.com

**RE: Comments on Notice of Preparation of an Environmental Impact Report for the Delta Meadows Park Classification and General Plan Project, SCH# 2025010471**

Dear Katie Metraux:

Thank you for the opportunity to review and comment on the Notice of Preparation (NOP) of the Delta Meadows Park Classification and General Plan Project (Delta Meadows project). The Delta Stewardship Council (Council) recognizes the objective of the Delta Meadows project to bring the Delta Meadows property into compliance with Department of Parks and Recreation (State Parks) policies and create a General Plan as it is converted into a State Parks property.

The Council is an independent state agency established by the Sacramento-San Joaquin Delta Reform Act of 2009. (Wat. Code, § 85000 et seq.; Delta Reform Act.) The Delta Reform Act charges the Council with furthering California's coequal goals

of providing a more reliable water supply and protecting, restoring, and enhancing the Sacramento-San Joaquin Delta (Delta) ecosystem. (Wat. Code, § 85054.) The Delta Reform Act further states that the coequal goals are to 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.

The Council is charged with furthering California's coequal goals for the Delta through the adoption and implementation of the Delta Plan, a comprehensive long-term management plan for the Delta and Suisun Marsh. (Wat. Code, § 85300.) The Delta Plan contains regulatory policies, which are set forth in California Code of Regulations, title 23, section 5001 et seq. Through the Delta Reform Act, the Council was granted specific regulatory and appellate authority over certain actions of state or local public agencies that take place in whole or in part in the Delta. (Wat. Code, §§ 85210, 85225, 85225.10.) A state or local agency that proposes to undertake a covered action is required to prepare a written Certification of Consistency with detailed findings as to whether the covered action is consistent with the Delta Plan and submit that certification to the Council prior to implementation of the project. (Wat. Code, § 85225.)

### **COVERED ACTION DETERMINATION AND CERTIFICATION OF CONSISTENCY WITH THE DELTA PLAN**

Based on the Delta Meadows project location and scope, as provided in the NOP, the Delta Meadows project may meet the definition of a covered action. Water Code section 85057.5, subdivision (a), states that a covered action is a plan, program, or project, as defined pursuant to the California Environmental Quality Act (CEQA) in Public Resources Code section 21065, that meets all of the following conditions:

- (1) Will occur, in whole or in part, within the boundaries of the Delta or Suisun Marsh.* The Delta Meadows project would occur near Walnut Grove and Locke, both located in the legal Delta.
- (2) Will be carried out, approved, or funded by a state or a local public agency.* The Delta Meadows project would be carried out by State Parks, a state agency.

*(3) Is covered by one of the provisions of the Delta Plan.* The Delta Meadows project's potentially applicable Delta Plan regulatory policies are described below.

*(4) Will have a significant impact on achievement of one or both of the coequal goals or the implementation of government-sponsored flood control programs to reduce risks to people, property, and state interests in the Delta.* The Delta Meadows project would have a potentially significant impact on native species and their habitat and floodways to reduce risks to people, property, and state interests in the Delta.

The state or local agency approving, funding, or carrying out a covered action is required to determine if a proposed project is a covered action, and if so, file a Certification of Consistency with the Council prior to project implementation. (Wat. Code, § 85225; Cal. Code Regs., tit. 23, § 5001, subd. (k)(3).)

## **COMMENTS REGARDING DELTA PLAN POLICIES AND POTENTIAL CERTIFICATION OF CONSISTENCY**

The following section describes the Delta Plan regulatory policies that may apply to the Delta Meadows project based on the available information in the NOP. This information is offered to assist State Parks to prepare a future Certification of Consistency.

### *General Policy 1: Detailed Findings to Establish Consistency with the Delta Plan*

Delta Plan Policy **G P1** (Cal. Code Regs., tit. 23, § 5002.) specifies what is required to be addressed in a Certification of Consistency by a certifying agency for a covered action. The following is a subset of policy requirements that a covered action is required to fulfill to be considered consistent with the Delta Plan:

#### *Mitigation Measures*

Delta Plan Policy **G P1(b)(2)** (Cal. Code Regs., tit. 23, § 5002, subd. (b)(2).) requires covered actions not exempt from CEQA to include all applicable feasible mitigation measures adopted and incorporated into the Delta Plan as amended April 26, 2018, unless the measures are within the exclusive jurisdiction of a state or local agency other than the state or local agency that files the Certification of Consistency, or substitute mitigation measures that

the state or local agency finds are equally or more effective. These mitigation measures are identified in Appendix O of the Delta Plan and are available at: <https://deltacouncil.ca.gov/pdf/delta-plan/2018-appendix-o-mitigation-monitoring-and-reporting-program.pdf>.

The NOP identifies potentially significant impacts that may require mitigation to air quality, biological resources, geology and soils, cultural and tribal cultural resources, greenhouse gas emissions, hydrology and water quality, noise, transportation, and utilities and service systems. Before submitting a Certification of Consistency to the Council, State Parks should review Appendix O and ensure that the proposed Delta Meadows project's mitigation measures are equally or more effective than the Delta Plan mitigation measures.

#### *Best Available Science*

Delta Plan Policy **G P1(b)(3)** (Cal. Code Regs., tit. 23, § 5002, subd. (b)(3).) states that actions subject to Delta Plan regulations are required to document the use of best available science as relevant to the purpose and nature of the project. The Delta Plan defines best available science as “the best scientific information and data for informing management and policy decisions.” (Cal. Code Regs, tit. 23, § 5001, subd. (f).) Best available science is also required to be consistent with the guidelines and criteria in Appendix 1A (Cal. Code Regs, tit. 23, app. 1A.), which also is in the Delta Plan. (<https://deltacouncil.ca.gov/pdf/delta-plan/2015-appendix-1a.pdf>)

#### *Ecosystem Restoration Policy 3: Protect Opportunities to Restore Habitat*

Delta Plan Policy **ER P3** (Cal. Code Regs., tit. 23, § 5007.) states that, within the priority habitat restoration areas depicted in Appendix 5 (available at [https://govt.westlaw.com/calregs/Document/IDA93C41C5B6E11EC9451000D3A7C4BC3?viewType=FullText&originationContext=documenttoc&transitionType=CategoryPageItem&contextData=\(sc.Default\)&bhcp=1](https://govt.westlaw.com/calregs/Document/IDA93C41C5B6E11EC9451000D3A7C4BC3?viewType=FullText&originationContext=documenttoc&transitionType=CategoryPageItem&contextData=(sc.Default)&bhcp=1)) significant adverse impacts to the opportunity to restore habitat at appropriate elevations as described in ER P2 (Cal. Code Regs., tit. 23, § 5006.) must be avoided or mitigated. The Delta Meadows project area, which includes Snodgrass Slough, is adjacent to the Cosumnes-Mokelumne Priority Habitat Restoration Area identified in the Delta Plan.

Furthermore, the NOP on page 4 indicates the Delta Meadows project: a) could have a substantial adverse effect on riparian habitat or other sensitive natural communities, and b) could conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan.

In light of these potentially significant impacts, the environmental impact report (EIR) should describe how State Parks will avoid or mitigate the Delta Meadows project's potential to have significant adverse impacts to the opportunity to restore habitat within the Cosumnes-Mokelumne Priority Habitat Restoration Area identified in the Delta Plan.

*Delta Plan Policy ER P5: Avoid Introductions of and Habitat Improvements for Invasive Nonnative Species*

Delta Plan Policy **ER P5** (Cal. Code Regs., tit. 23, § 5009.) requires that covered actions fully consider and avoid or mitigate the potential for new introductions of, or improved habitat conditions for, invasive nonnative species in a way that appropriately protects the ecosystem. ER P5 covers proposed actions that have the reasonable probability of introducing or improving habitat conditions for invasive nonnative species.

As described above, the NOP on page 4 identifies potentially significant impacts to native species and their habitats. These impacts may in turn provide favorable habitat conditions for invasive nonnative species. The EIR should analyze how the Delta Meadows project will address both nonnative wildlife species as well as terrestrial and aquatic weeds. The EIR should analyze how the Delta Meadows project will avoid or mitigate conditions that would lead to the establishment of invasive nonnative species or supporting habitat. If mitigation is warranted, mitigation and minimization measures must include Delta Plan Mitigation Measure 4-1 (available at: <https://deltacouncil.ca.gov/pdf/delta-plan/2018-appendix-o-mitigation-monitoring-and-reporting-program.pdf>) or a substitute mitigation measure that is equally or more effective.

*Delta Plan Policy RR P3: Protect Floodways*

Delta Plan Policy **RR P3** (Cal. Code Regs., tit. 23, § 5014.) prohibits the presence or construction of encroachments in floodways that are not designated floodways or regulated streams unless it can be demonstrated by appropriate analysis that the encroachment will not unduly impede the free flow of water in the floodway or jeopardize public safety.

The NOP on pages 6 and 10 identifies that the Delta Meadows project could potentially create substantial risks to life and property because it would be located on expansive soil and could result in soil erosion, which would encroach upon and potentially decrease floodway capacity. The EIR should analyze how the Delta Meadows project will not impede the free flow of water in waterways, such as Snodgrass Slough, or otherwise jeopardize public safety.

## **CLOSING COMMENTS**

The Council invites State Parks to engage Council staff in early consultation prior to the submittal of a Certification of Consistency to discuss the Delta Meadows project features and mitigation measures that would promote consistency with the Delta Plan.

More information on covered actions, early consultation, and the certification process can be found on the Council website, <https://coveredactions.deltacouncil.ca.gov>.

Council staff are available to discuss issues outlined in this letter as State Parks proceeds in the next stages of its Delta Meadows project and approval processes. Please contact Chris Kwan at [chris.kwan@deltacouncil.ca.gov](mailto:chris.kwan@deltacouncil.ca.gov) or (916) 445-5551 with any questions.

Sincerely,

A handwritten signature in black ink, appearing to read "Jeff Henderson", with a long horizontal flourish extending to the right.

Jeff Henderson  
Deputy Executive Officer