



**Delta
Stewardship
Council**

A CALIFORNIA STATE AGENCY

June 3, 2026

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**RE: Comments on Notice of Preparation of a Draft Environmental
Impact Report for the City of Mountain House General Plan, SCH#
2026050303**

Dear Brad Wall:

Thank you for the opportunity to review and comment on the Notice of Preparation (NOP) of a Draft Environmental Impact Report (DEIR) for the City of Mountain House's (City) General Plan update (General Plan). The Delta Stewardship Council (Council) recognizes the objectives of the General Plan to establish a comprehensive framework of goals, and policies to guide land use and planning decisions within the City. The General Plan includes broad goals for the community's future, as well as specific policies and implementation measures intended to achieve those goals.

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 River Delta and Suisun Marsh (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. (Wat. Code, § 85054.) 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. (Wat. Code, § 85300.)

The Delta Plan contains regulatory policies, which are set forth in California Code of Regulations, title 23, sections 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 initiation of the implementation of the action. (Wat. Code, § 85225.)

COVERED ACTION DETERMINATION AND CERTIFICATION OF CONSISTENCY WITH THE DELTA PLAN

Based on the City's location (jurisdiction) and scope described in the NOP, the General Plan appears to 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 (Pub. Resources Code, § 21000 et seq.; 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*
- (2) Will be carried out, approved, or funded by a state or a local public agency*
- (3) Is covered by one of the provisions of the Delta Plan*
- (4) Will have a significant impact on achievement of one or both coequal goals or the implementation of government-sponsored flood control*

programs to reduce risks to people, property, and state interests in the Delta¹

As the public agency approving, funding, or carrying out the General Plan, the City must determine if the General Plan is a covered action (Cal. Code Regs., tit. 23, § 5001, subd. (o)(3).) and, if so, file a certification of consistency with the Council prior to implementation. (Wat. Code, § 85225.)

Delta Plan Policies that May Apply to the General Plan

The following section describes regulatory Delta Plan regulatory policies that may cover the General Plan based on materials provided in the NOP and available planning documents that identify the planning area located within the Delta. (Wat. Code § 85057.5, subd. (a)(1).) This information could be used to support a future filing of a certification of consistency with the Council.²

Delta as Place Policy 1: Locate New Urban Development Wisely

Delta Plan Policy **DP P1** (Cal. Code Regs., tit. 23, § 5010.) places certain limits on new urban development within the Delta. As it applies to the General Plan, Policy DP P1 requires that new residential, commercial, and industrial development within the Delta be limited to specific areas. For purposes of the General Plan, these areas include areas within the Mountain House General Plan Community Boundary, as identified in Policy DP P1. (Cal. Code Regs., tit. 23, § 5010, subd. (a)(3).) This area is generally depicted in Figure 7-11 of regulation Appendix 7. (Cal. Code Regs., tit. 23, app. 7.)³

¹ For purposes of Water Code section 85057.5, subdivision (a)(4), “significant impact” means “a substantial positive or negative impact on the achievement of one or both of the coequal goals or the implementation of a government-sponsored flood control program to reduce risks to people, property, and State interests in the Delta, that is directly or indirectly caused by a project on its own or when the project's incremental effect is considered together with the impacts of other closely related past, present, or reasonably foreseeable future projects.” (Cal. Code Regs., tit. 23, § 5001, subd. (ss).)

² Additional Delta Plan regulatory policies may cover the General Plan as additional project details become known. For additional information regarding Delta Plan regulatory policies, please visit our website at <https://www.deltacouncil.ca.gov/delta-plan/regulations>.

³ Appendix 7 is also available on the Council's website at <https://www.deltacouncil.ca.gov/delta-plan/regulations>.

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Council staff compared the extent of the Mountain House General Plan Community Boundary depicted in Delta Plan regulation Appendix 7 to the extent of the City limits and sphere-of-influence shown on Figure 4-1 (Proposed Land Use Map) on page 7 of the NOP. Based on these materials, it appears that all proposed residential, commercial, and industrial development contemplated in the General Plan would occur within the Mountain House General Plan Community Boundary.

The DEIR should acknowledge Policy DP P1 in the regulatory setting for the Land Use and Planning section. That discussion should document how the General Plan is consistent with Policy DP P1 and confirm that no new residential, commercial, or industrial development is contemplated beyond the extent of the Mountain House General Plan Community Boundary.

Delta as Place Policy 2: Respect Local Land Use when Siting Water or Flood Facilities or Restoring Habitats

Delta Plan Policy **DP P2** (Cal. Code Regs., tit. 23, § 5011.) reflects one of the Delta Plan's charges to protect the Delta as an evolving place (Wat. Code, § 85020.) by siting water management facilities, ecosystem restoration, and flood management infrastructure to avoid or reduce conflicts with existing uses or those uses described or depicted in city or county general plans when feasible, considering comments from local agencies and the Delta Protection Commission.

The City should acknowledge Policy DP P2 in the regulatory setting for the Land Use and Planning section of the DEIR. For example, because of the City's jurisdiction near Clifton Court Forebay, Old River, Bethany Reservoir, Delta-Mendota Canal, and California Aqueduct, the City might want to consider the potential land use impacts of future water management and ecosystem restoration projects in its General Plan.

The following policies also apply because the preceding policies cover the General Plan.

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. The following is a subset of regulatory 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(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 June 23, 2022, unless the measures are within the exclusive jurisdiction of an agency other than the City, or substitute mitigation measures that the City finds are equally or more effective. These mitigation measures are identified in Delta Plan regulations as Appendix O and are available at: <https://deltacouncil.ca.gov/pdf/delta-plan/2025-06-19-appendix-o-mitigation-monitoring-and-reporting-program.pdf>.

If the DEIR identifies significant impacts that require mitigation, the City should review Appendix O and, include all applicable feasible mitigation measures adopted and incorporated into the Delta Plan or identify substitute mitigation measures that the City finds are equally or more effective.

Best Available Science

Delta Plan Policy **G P1(b)(3)** (Cal. Code Regs., tit. 23, § 5002(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 Delta Plan regulation Appendix 1A. (Cal. Code Regs, tit. 23, div., 6 ch. 2, app. 1A.) (<https://deltacouncil.ca.gov/pdf/delta-plan/2015-appendix-1a.pdf>)

In a future certification of consistency, the City should identify how the General Plan addresses each Appendix 1A criterion.

CLOSING COMMENTS

The Council invites the City to engage Council staff in early consultation prior to the submittal of a certification of consistency to promote consistency with the Delta Plan. More information on covered actions, early consultation, and the certification

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process can be found on the Council website, <https://deltacouncil.ca.gov/covered-actions/>.

Council staff are available to discuss issues outlined in this letter as the City proceeds with the next stages of the update to the General Plan. Please contact Pat Kelly at 916-902-6484 or patricia.kelly@deltacouncil.ca.gov 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