

# Certification of Consistency

C20184

## Step 1 - Agency Profile

**A. GOVERNMENT AGENCY:** State Agency  
Government Agency: Solano County  
Primary Contact: Nedzelene Ferrario  
Address: 675 Texas Street  
City, State, Zip: Fairfield, CA 94533  
Telephone/Fax: 707-784-6765  
E-mail Address: sue@solanolandtrust.org

**B. GOVERNMENT AGENCY ROLE IN COVERED ACTION:** Will Approve

## Step 2 - Covered Action Profile

**A. COVERED ACTION PROFILE:** Project  
Title: Rush Ranch Lower Spring Branch Creek And Suisun Hill Hollow Tidal Connections Project

**B. PROPONENT CARRYING OUT COVERED ACTION** (If different than State or Local Agency):

Proponent Name: Solano Land Trust  
Address: 700 Main Street Suite 210  
City, State, Zip: Suisun City, CA 94585

## C. OPEN MEETING LAWS

Agencies whose actions are not subject to open meeting laws (Bagley-Keene Open Meeting Act [[Gov. Code sec 11120 et seq.](#)] or the Brown Act [[Gov. Code sec 54950 et seq.](#)]) must post their draft certification on their website and in their office for public review and comment, and mail to all persons requesting notice (Administrative Procedures Governing Appeals, Rule 3). A state or local public agency that is subject to open meeting laws is encouraged to post the draft certification on their website and in the office for public review and comment and to mail to all persons requesting notice.

Any state or local public agency that is subject to open meeting laws with regard to its certification is also encouraged to take those actions. It is encouraged to upload any evidence that the project, plan or program went through for public review and comment as part of a Bagley-Keene or Brown Act meeting.

Is your agency subject to open meeting laws (Bagley-Keene Open Meeting Act [[Gov. Code sec 11120 et seq.](#)] or the Brown Act [[Gov. Code sec 54950 et seq.](#)])? No  
(Note: Select "Yes" if your agency or organization is subject to open meeting laws.  
Select "No" if your agency or organization is not subject to open meeting laws.)

If your agency is not subject to open meeting laws (Bagley-Keene Open Meeting Act [[Gov. Code sec 11120 et seq.](#)] or the Brown Act [[Gov. Code sec 54950 et seq.](#)])  
**did your agency, at least 10 days prior to the submission of a certification of consistency to the Delta Stewardship Council, post the draft certification on your website and in the office for public review and comment, and mail the draft**

## certification to all persons requesting notice?

Any state or local public agency that is subject to open meeting laws with regard to its certification is also encouraged to take those actions. It is encouraged to upload any evidence that the project, plan or program went through for public review and comment as part of a Bagley-Keene or Brown Act meeting.

Note: Any public comments received during this process must be included in the record submitted to the Council in case of an appeal.

[AMMP Draft\\_SHH-LSBC\\_2018-0626.pdf](#), [Draft 100% Restoration Design Plans LSBC SHH\\_2018-0605.pdf](#), [PMRR\\_ISMND\\_FINAL\\_5-10rev \(2\) August 20 2015.pdf - Adobe Acrobat Pro.pdf](#), [U-90-29-MD-90-05-MR2 \(SLT\) NOD-FILED.pdf](#)

### D. COVERED ACTION SUMMARY: (Project Description from approved CEQA document may be used here)

Step 2 Item D Lower Spring Branch Creek-Suisun Hill Hollow Tidal Connections Project Project Description The purposes of the Rush Ranch Lower Spring Branch Creek and Suisun Hill Hollow restoration projects are to reconnect the local watersheds to the tidal and diked wetlands, restore native wetland and lower watershed natural habitats, and improve the public access experience at Rush Ranch including the scientific research and educational programs active on the property. Reconnecting these ecosystems will remove barriers to movement of organisms and materials between the wetlands and watershed and expand estuarine transgression space that will allow habitats to move up the drainage gradient as sea levels rise. Project Design Elements This section briefly describes the restoration design elements at the Lower Spring Branch Creek and Suisun Hill Hollow sites. A complete description of the project design can be found in the project Draft 100% Restoration Design Report (Siegel Environmental 2018). Lower Spring Branch Creek The Lower Spring Branch Creek tidal marsh restoration consists of eight actions described in the following sections. The specific design elements associated with these actions are displayed in Figure 10, while the resulting restored and enhanced habitats and features are displayed in Figure 11. Conceptual cross sections of the design elements are presented in Figure 12. The project elements, relative to USACE and BCDC jurisdiction, are displayed in Figure 13. The restoration actions include: 1) Replace the channel crossing culverts through the ranch road/public access path with a single arch culvert 2) Lower sections of the ranch road/public access path to allow overtopping during high flow events and improve the path surface 3) Lower the L-shaped berm within the muted tidal floodplain marsh to match adjacent marsh elevations 4) Excavate a new tidal channel in the muted tidal floodplain marsh, connected to the new arch culvert 5) Create a turnout at existing grade, adjacent to the new channel crossing, to facilitate public access and scientific research/monitoring efforts 6) Fill in a relict cut in a nearby hillslope with excess excavated material 7) Install a new interpretive sign on Grinding Rock Hill 8) Native plant revegetation efforts. The areas and excavation/fill volumes for earthwork elements associated with these actions are provided in Table 3, below. Table 3. Earthwork Elements, Lower Spring Branch Creek Project Project Action1 Total Area (ac) Excavation (CY) Fill (CY) 1. Replace channel crossing2 0.074 137 159 2. Lower and resurface ranch road/public access path 0.110 99 35 3. Lower L-shaped berm 0.471 337 0 4. Excavate tidal channel 0.450 2,100-3,000 0 5. Create public access turnout 0.010 0 0 6. Fill in relict hillslope cut 0.217 0 2,479-3,379 Total 1.332 2,673-3,573 2,673-3,573 1Does not include non-earthwork project actions (sign installation and revegetation) 2Does not include structural fill from the new culvert itself Suisun Hill Hollow Five restoration actions are planned at Suisun Hill Hollow to achieve the project goals. The specific design elements associated with these actions are displayed in Figure 19, while the resulting restored and enhanced habitats and features are displayed in Figure 20. Conceptual cross sections for the design elements are presented in Figure 21. The project elements, relative to USACE and BCDC jurisdiction, are displayed on Figure 22. The specific restoration actions include: 1) Lower the impoundment berm and establish a high-water overflow bench and public access path across the valley floor 2) Lower the quarry haul road through the valley to match adjacent grades 3) Excavate alkali vernal pool depressions within the valley floor 4) Lay back the slope from the valley floor up to the quarry and remove relict soil mounds 5) Use excavated soils to fill in an old borrow pit and quarry slopes 6) The areas and excavation/fill volumes for earthwork elements associated with these actions are provided in Table 5 below. Table 5. Earthwork Elements, Suisun Hill Hollow Project Action Total Area (ac) Excavation (CY) Fill (CY) 1. Lower impoundment berm and establish public access path 0.068 127 0 2. Lower quarry haul road 0.140 165 0 3. Excavate alkali vernal pool depressions 0.253 329 0 4. Lay back quarry slope 0.391 1,352 0 5. Fill in borrow pit and quarry slope 0.529 0 1,973 Total 1.381 1,973 1,973 [Step 2 Part D\\_PD\\_SHH-LSBC\\_2018-0717sws.docx](#)

### E. STATUS IN THE CEQA PROCESS:

NOD has been filed

F. STATE CLEARINGHOUSE NUMBER:(if applicable)

2015082073

G. COVERED ACTION ESTIMATED TIME LINE:

ANTICIPATED START DATE: (If available)

09/01/2018

ANTICIPATED END DATE: (If available)

11/01/2018

H. COVERED ACTION TOTAL ESTIMATED PROJECT COST:

\$350,000

I. IF A CERTIFICATION OF CONSISTENCY FOR THIS COVERED ACTION WAS PREVIOUSLY SUBMITTED, LIST DSC REFERENCE NUMBER ASSIGNED TO THAT CERTIFICATION FORM:

J. Supporting Documents:

Step 3 - Consistency with the Delta Plan

DELTA PLAN CHAPTER 2

[G P1/Cal. Code Regs., tit. 23, § 5002](#) - Detailed Findings to Establish Consistency with the Delta Plan.

G P1/Cal. Code Regs., tit. 23, § 5002 identifies what must be addressed in a certification of consistency filed by a State or local public agency with regard to any covered action and only applies after a "proposed action" has been determined by a State or local public agency to be a covered action because it is covered by one or more of the regulatory policies listed under Delta Plan Chapters 3, 4, 5, and 7 of this form. Inconsistency with this policy may be the basis for an appeal.

A certification of consistency must include detailed findings that address each of the regulatory policies identified in Cal. Code Regs., tit. 23, §§ 5002-5013 and listed on this Form that is implicated by the covered action.

As outlined in Cal. Code Regs., tit. 23, § 5002 (b)(1), the Delta Stewardship Council acknowledges that in some cases, based upon the nature of the covered action, full consistency with all relevant regulatory policies may not be feasible. In those cases, the agency that files the certification of consistency may nevertheless determine that the covered action is consistent with the Delta Plan because, on whole, that action is consistent with the coequal goals. That determination must include a clear identification of areas where consistency with relevant regulatory policies is not feasible, an explanation of the reasons why it is not feasible, and an explanation of how the covered action nevertheless, on whole, is consistent with the coequal goals. That determination is subject to review by the Delta Stewardship Council on appeal.

Specific requirements of this regulatory policy:

a. [G P1\(b\)\(1\)/Cal. Code Regs., tit. 23, § 5002, subd. \(b\)\(1\)](#) - Coequal Goals

As outlined in **Cal. Code Regs., tit. 23, § 5002 (b)(1)**, the Delta Stewardship Council acknowledges that in some cases, based upon the nature of the covered action, full consistency with all relevant regulatory policies may not be feasible. In those cases, the agency that files the certification of consistency may nevertheless determine that the covered action is consistent with the Delta Plan because, on whole, that action is consistent with the coequal goals. That determination must include a clear identification of areas where consistency with relevant regulatory policies is not feasible, an explanation of the reasons why it is not feasible, and an explanation of how the covered action nevertheless, on whole, is consistent with the coequal goals. That determination is subject to review by the Delta Stewardship Council on appeal.

Is the covered action consistent with this portion of the regulatory policy?

N/A

Answer Justification:

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**b. [G P1\(b\)\(2\)/Cal. Code Regs., tit. 23, § 5002, subd. \(b\)\(2\)](#) - Mitigation Measures**

**G P1(b)(2)/Cal. Code Regs., tit. 23, § 5002, subd. (b)(2)** provides that covered actions not exempt from CEQA, must include all applicable feasible mitigation measures adopted and incorporated into the Delta Plan as amended April 26, 2018, (unless the measure(s) are within the exclusive jurisdiction of an agency other than the agency that files the certification of consistency), or substitute [mitigation measures](#) that the agency that files the certification of consistency finds are equally or more effective. For more information, see Cal. Code Regs., tit. 23, § 5002, and Delta Plan Appendix O, Mitigation Monitoring and Reporting Program, which are referenced in this regulatory policy.

**Is the covered action consistent with this portion of the regulatory policy?**

Yes

Answer Justification:

mitigation measure consistency evaluation attached. [table-mitigation.xlsx](#), [AMMP Draft\\_SHH-LSBC\\_2018-0626.pdf](#), [Draft 100% Restoration Design Plans LSBC SHH\\_2018-0605.pdf](#)

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**c. [G P1\(b\)\(3\)/Cal. Code Regs., tit. 23, § 5002, subd. \(b\)\(3\)](#) - Best Available Science**

**G P1(b)(4)/Cal. Code Regs., tit. 23, § 5002, subd. (b)(4)** provides that an ecosystem restoration or water management covered action must include adequate provisions, appropriate to its scope, to assure continued implementation of adaptive management. For more information, see [Appendix 1B](#), which is referenced in this regulatory policy. Note that this requirement may be satisfied through both of the following:

(A) An adaptive management plan that describes the approach to be taken consistent with the adaptive management framework in Appendix 1B; and

(B) Documentation of access to adequate resources and delineated authority by the entity responsible for the implementation of the proposed adaptive management process.

**Is the covered action consistent with this portion of the regulatory policy?**

Yes

Answer Justification:

See attached discussion [Best Available Science\\_SHH-LSBC\\_2018-0717sws.docx](#)

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**d. [G P1\(b\)\(4\)/Cal. Code Regs., tit. 23, § 5002, subd. \(b\)\(4\)](#) - Adaptive Management**

**G P1(b)(4)/Cal. Code Regs., tit. 23, § 5002, subd. (b)(4)** provides that an ecosystem restoration or water management covered action must include adequate provisions, appropriate to its scope, to assure continued implementation of adaptive management. For more information, see [Appendix 1B](#), which is referenced in this regulatory policy. Note that this requirement may be satisfied through both of the following:

(A) An adaptive management plan that describes the approach to be taken consistent with the adaptive management framework in Appendix 1B; and

(B) Documentation of access to adequate resources and delineated authority by the entity responsible for the implementation of the proposed adaptive management process.

**Is the covered action consistent with this portion of the regulatory policy?**

Yes

Answer Justification:

Adaptive Management Plan Attached [AMMP Draft\\_SHH-LSBC\\_2018-0626.pdf](#)

**DELTA PLAN CHAPTER 3**

[WR P1 / Cal. Code Regs., tit. 23, § 5003](#) - Reduce Reliance on the Delta through Improved Regional Water Self-Reliance

**Is the covered action consistent with this portion of the regulatory policy?**

N/A

Answer Justification: This project only concerns restoration.

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[WR P2 / Cal. Code Regs., tit. 23, § 5004](#) - Transparency in Water Contracting

**Is the covered action consistent with this portion of the regulatory policy?**

N/A

Answer Justification: this project only concerns restoration

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#### DELTA PLAN CHAPTER 4

[Cal. Code Regs., tit. 23, § 5002, subd. \(c\)](#) - Conservation Measure

**Cal. Code Regs., tit. 23, § 5002, subd. (c)** provides that a conservation measure proposed to be implemented pursuant to a natural community conservation plan or a habitat conservation plan that was: (1) Developed by a local government in the Delta; and (2) Approved and permitted by the California Department of Fish and Wildlife prior to May 16, 2013 is deemed to be consistent with the regulatory policies listed under Delta Plan Chapter 4 of this Form (i.e. sections 5005 through 5009) if the certification of consistency filed with regard to the conservation measure includes a statement confirming the nature of the conservation measure from the California Department of Fish and Wildlife.

**Is the covered action consistent with this portion of the regulatory policy?**

Answer Justification:

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[ER P1 / Cal. Code Regs., tit. 23, § 5005](#) - Delta Flow Objectives

**Is the covered action consistent with this portion of the regulatory policy?**

N/A

Answer Justification: this project only concerns restoration.

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[ER P2 / Cal. Code Regs., tit. 23, § 5006](#) - Restore Habitats at Appropriate Elevations

**Is the covered action consistent with this portion of the regulatory policy?**

Yes

Answer Justification: see attached restoration plans [Draft 100% Restoration Design Plans LSBC SHH\\_2018-0605.pdf](#)

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[ER P3 / Cal. Code Regs., tit. 23, § 5007](#) - Protect Opportunities to Restore Habitat

**Is the covered action consistent with this portion of the regulatory policy?**

N/A

Answer Justification: The project is located on property already protected by the Solano Land Trust.

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[ER P4 / Cal. Code Regs., tit. 23, § 5008](#) - Expand Floodplains and Riparian Habitats in Levee Projects

**Is the covered action consistent with this portion of the regulatory policy?**

N/A

Answer Justification: Not located on a levee

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[ER P5 / Cal. Code Regs., tit. 23, § 5009](#) - Avoid Introductions of and Habitat for Invasive Nonnative Species

**Is the covered action consistent with this portion of the regulatory policy?**

Yes

Answer Justification:

See attached. Weed control plans in place for this project. [AMMP Draft SHH-LSBC\\_2018-0626.pdf](#), [Draft 100% Restoration Design Plans LSBC SHH\\_2018-0605.pdf](#)

#### DELTA PLAN CHAPTER 5

[DP P1 / Cal. Code Regs., tit. 23, § 5010](#) - Locate New Urban Development Wisely

**Is the covered action consistent with this portion of the regulatory policy?**

N/A

Answer Justification:

Not a development project.

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[DP P2 / Cal. Code Regs., tit. 23, § 5011](#) - Respect Local Land Use When Siting Water or Flood Facilities or Restoring Habitats

**Is the covered action consistent with this portion of the regulatory policy?**

Yes

Answer Justification:

Project is consistent with zoning and current land use. Project is located on protected conservation lands owned by a Land trust. see attached CEQA document discussions.  
[PMRR\\_ISMND\\_FINAL\\_5-10rev \(2\) August 20 2015.pdf - Adobe Acrobat Pro.pdf](#)

#### DELTA PLAN CHAPTER 7

[RR P1 / Cal. Code Regs., tit. 23, § 5012](#) - Prioritization of State Investments in Delta Levees and Risk Reduction

**Is the covered action consistent with this portion of the regulatory policy?**

N/A

Answer Justification:

Not a levee project.

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[RR P2 / Cal. Code Regs., tit. 23, § 5013](#) - Require Flood Protection for Residential Development in Rural Areas

**Is the covered action consistent with this portion of the regulatory policy?**

N/A

Answer Justification:

Not a development project.

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[RR P3 / Cal. Code Regs., tit. 23, § 5014](#) - Protect Floodways

**Is the covered action consistent with this portion of the regulatory policy?**

N/A

Answer Justification:

Not a flood control project.

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[RR P4 / Cal. Code Regs., tit. 23, § 5015](#) - Floodplain Protection

**Is the covered action consistent with this portion of the regulatory policy?**

N/A

Answer Justification:

Not a floodplain protection project.

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07/20/2018