

TS_30_L

Delta Plan Certification of Consistency

Nonnative Species

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

(a) The potential for new introductions of or improved habitat conditions for nonnative invasive species, striped bass, or bass must be fully considered and avoided or mitigated in a way that appropriately protects the ecosystem.

(b) For purposes of Water Code section 85057.5(a)(3) and section 5001(j)(1)(E) of this Chapter, this policy covers a proposed action that has the reasonable probability of introducing or improving habitat conditions for nonnative invasive species.

Summary

The existing study area for the San Joaquin River Basin, Lower San Joaquin River Reach TS_30_L Levee Improvement Project (TS_30_L) already contains weeds and other introduced species. During an August 18, 2021, survey, the southern half of the agricultural land to the west of the TS_30_L levee was observed to be fallow and contained scattered weedy species while the northern half of the agricultural land to the west of the TS_30_L levee (including the northern stockpile/staging area) was planted with rice fields. Land cover types within the TS_30_L levee improvement work area include riparian woodland, agricultural, irrigation ditch, and developed/disturbed. Areas considered developed/disturbed includes the graded levee road and gravel slopes, dirt farm roads, and a graded area comprising weedy vegetation.

The San Joaquin River West Biological Mitigation Site (SJR West Site) will be cleared and grubbed, as necessary, to remove all non-native and invasive plant material within the limit of work. Removed vegetative material will be disposed of legally offsite. As part of ongoing maintenance of the SJR West Site, selective mowing would be conducted to target non-native and invasive species, but also protect the plants growing from the native grass seed mix. The mowing is to be scheduled to prevent reseeding of weeds on site. Furthermore, restoration and enhancement of wetland and riparian habitat types at the SJR West Site will be subject to implementation of **Mitigation Measure 3.6-20** (listed below), which commits the U.S. Army Corps of Engineers (USACE) to ensuring the site achieves success criteria (e.g., control of weeds) during the multi-year period of performance.

Mitigation Measure 3.6-20 Compensation. Vegetation impacts that cannot be mitigated through avoidance, minimization or remediation will be mitigated through restoration at the selected biological mitigation site. A revegetation plan for the biological mitigation site would be prepared by a qualified biologist or landscape architect and reviewed by the appropriate agencies. The revegetation plan would specify the planting stock appropriate for each riparian cover type and each mitigation site, ensuring the use of genetic stock from the Modified Project area and would employ the most successful techniques available at the time of planting. The plantings would be maintained and monitored, as necessary, for 3 to 5 years, including weed removal, irrigation and herbivory protection. For this establishment period, USACE would submit annual monitoring reports of survival to the regulatory agencies including USFWS, NMFS, and CDFW. Replanting would be necessary if success criteria are not met and replacement plants would subsequently be monitored and maintained to meet the success criteria. The mitigation would be considered successful when the plants meet the success criteria, the vegetation no longer requires active management and is arranged in groups that, when mature, replicate the area, natural structure and species composition of similar plant communities in the region.

If mitigation at the selected biological mitigation site is inadequate to fully compensate for the vegetation impacts, the remaining balance of compensation required for riparian, shaded riverine aquatic, wetland and open water habitats would be accomplished through the purchase of credits at a mitigation bank.

Given the above considerations, it is determined that the project will not contribute to new introductions of invasive species nor create improved habitat conditions for such species. The project is thus consistent with **Delta Plan Policy ER P5**.