

Certification of Consistency

C20189

Step 1 - Agency Profile

A. GOVERNMENT AGENCY: State Agency

Government Agency: County of Sacramento
Primary Contact: Marianne Biner
Address: 827 7th St, Room 225
City, State, Zip: Sacramento, Ca 95814
Telephone/Fax: 916-874-7520
E-mail Address: newtonju@saccounty.net

B. GOVERNMENT AGENCY ROLE IN COVERED ACTION: Will Approve / Will Carry Out

Step 2 - Covered Action Profile

A. COVERED ACTION PROFILE: Plan

Title: South Sacramento Habitat Conservation Plan

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

Proponent Name: Marianne Biner
Address: 827 7th St, Room 225
City, State, Zip: Sacramento, Ca 95814

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.]? (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.)

No

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.

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

See the uploaded South Sacramento Habitat Conservation Plan Covered Action Summary. The complete proposed Action/Proposed Project description can be found in the SSHCP EIS/EIR. The EIS/EIR contains the description of the covered activities included in the SSHCP, the description of the Avoidance and Minimization Measures (AMMs). [SSHCP Covered Action Summary.pdf](#)

E. STATUS IN THE CEQA PROCESS: NOD has been filed

F. STATE CLEARINGHOUSE NUMBER:(if applicable) 2008062030

G. COVERED ACTION ESTIMATED TIME LINE:

ANTICIPATED START DATE: (If available) 01/01/2019

ANTICIPATED END DATE: (If available) 12/31/1969

H. COVERED ACTION TOTAL ESTIMATED PROJECT COST: 857600000

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

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 12 Revised: July 2019 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?

Answer Justification:

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:

Please see uploaded Conformance Analysis of AMMs Under the SSHCP and Delta Stewardship Council Mitigation Measures the SSHCP is consistent with the Delta Plan. [Consistency Analysis of SSHCP AMM and Delta Plan mitigation measures 11.6.18.pdf](#)

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:

Please see the uploaded SSHCP EIS/EIS and SSHCP Conservation Strategy (Chapter 7), Biological Resources Setting (Chapter 3), and Appendix B, Species Accounts, along with the SSHCP Monitoring and Management (Chapter 8). Chapter 8 describes the framework of the SSHCP Compliance and Avoidance and Minimization Measure (AMM) Monitoring Program (Section 8.2) and the framework of the SSHCP Preserve System Monitoring and Management Program (Section 8.3). The purposes of these programs are to ensure compliance with all requirements of the SSHCP. The implementation of the Monitoring and Management Program will ensure that the best available science will be used and therefore the SSHCP would be consistent with the Delta Plan. [Final SSHCP_Vol. 1.pdf](#), [Final SSHCP_Vol. 2_Appendices.pdf](#), [Final EIS-EIR_Volume I_EIS-EIR.pdf](#), [Final SSHCP EIS-EIR Volume II_Appendices.pdf](#)

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:

Please see uploaded EIS/EIR and the SSHCP Monitoring and Management Program which outline the SSHCP's planning, implementation, and monitoring actions in support of adaptive management. Chapter 8 of the SSHCP sets out the Monitoring and Management Program. This chapter describes the framework of the SSHCP Compliance and Avoidance and Minimization Measure (AMM) Monitoring Program (Section 8.2) and the framework of the SSHCP Preserve System Monitoring and Management Program (Section 8.3). The Monitoring and Management Program will integrate monitoring and adaptive management into one cohesive program where monitoring will inform and change management actions to continually improve outcomes for Covered Species and natural land cover types. Section 8.2.1 of the SSHCP, requires an evaluation of the effects of preserve management actions and collection and compiling compliance monitoring information. The compliance monitoring approaches proposed in Table 8-1 of the SSHCP are subject to change based on outcomes of adaptive management, as directed in the Five-Point Policy: "An effective monitoring program is flexible enough to allow modifications, if necessary, to obtain the appropriate information." Consistent with the Five-Point Policy, Section 8.3.4.1 of the SSHCP specifies the preserve adaptive management tasks, including incorporating hypothesis testing and experimental land-management to address key uncertainties, evaluating monitoring protocols, incorporate new and best available scientific information, refining Covered Species habitat locations in the Plan Area, examining unexpected results of monitoring studies to understand the

reason, further adjust Preserve management actions and monitor the results of those adjustments, and refining success criteria for re-established and established land cover types during Phase 1 of monitoring. The phases of monitoring (Section 8.3.3.1), including a programmatic review of the adaptive management program, focusing on monitoring techniques, assessment of reserve management practices and an overall assessment of the effectiveness of the operating Conservation Program. Each review will assess the effectiveness of the Plan in achieving all of the Biological Goals and Measureable Objectives. These reviews are integral to the process of adaptive management. A programmatic review will occur every 5 years for the permit duration (i.e., 50 years) coinciding with the 5-year Annual Report (Section 8.4.1) and every 10 years after that in perpetuity. The first review will assess the results of the initial tests of the monitoring protocols, use these results to modify monitoring as necessary in Phase 2, and further define biologically meaningful performance criteria and significance thresholds. Data from the intensive monitoring during reviews in years 10 and 15 will be used to further refine performance criteria and significance thresholds. The final review in year 45 will assess the effectiveness of the Plan in achieving all of the Biological Goals and Measureable Objectives. After this review, review frequency will decrease to every 10 years in perpetuity. This frequency will allow for three monitoring cycles during the Long-Term Monitoring Phase. All reviews will summarize the results of special studies and incorporate results into the Preserve System Monitoring and Management Program. [Final SSHCP_Vol. 1.pdf](#), [Final SSHCP_Vol. 2_Appendices.pdf](#), [Final EIS-EIR_Volume I_EIS-EIR.pdf](#), [Final SSHCP EIS-EIR Volume II_Appendices.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?

Yes

Answer Justification:

Sacramento County Water Agency is one of the SSHCP Plan Permittees which has plans for additional water supply projects. Other entities may also propose supply projects and these may be treated by the Implementing Entity as a Participating Special Entity. Covered Activities considered by the SSHCP and the EIS/EIR were the following water facilities: Construction and installation of new potable and recycled water supply facilities (e.g., pumping stations; water treatment facilities; storage facilities; reclamation facilities; and groundwater wells, valves, gates, weirs, and pipelines), extension of existing water pipelines, and removal and maintenance of existing water supply facilities. While there are no specific new water supply projects proposed, there are a number of water recycling facilities including a project that is within the area where the SSHCP overlaps with the Delta Plan. Water recycling is identified in WR P1/23 CCR Section 5003 (c)(2) as a project or program that would reduce reliance on the Delta. The SSHCP has included low impact development AMMs (see Condition 1, section 5.4.1 of the SSHCP) that will require the provision of BMPs and low-impact development (LID) drainage control measures to ensure that runoff from developed lands will closely mimic the pre-development hydrograph and retain most pre-development hydrologic functions, thus mitigating potential impacts to water supply and water quality. The Cover Actions would either not increase reliance on the Delta or would, as in the case of the proposed water recycling project, decrease reliance on the Delta. Therefore, the SSHCP would be consistent with the Delta Plan. [Final SSHCP_Vol. 1.pdf](#), [Final SSHCP_Vol. 2_Appendices.pdf](#), [Final EIS-EIR_Volume I_EIS-EIR.pdf](#), [Final SSHCP EIS-EIR Volume II_Appendices.pdf](#)

[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:

There is no relationship between the SSHCP and water contracting. New infrastructure projects (e.g., water supply, sewer, roadways) located outside the UDA are not covered by the SSHCP permits, unless the project is specifically identified in Section 5.2.3, Rural Transportation Projects, or Section 5.2.4, Recycled Water Projects (SSHCP, 5-62).

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?

Is a statement confirming the nature of the conservation measure from the California Department of Fish and Wildlife available?

No

Answer Justification:

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

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

Yes

Answer Justification:

The SSHCP includes AMM LEVEE-1 (Preparation of Hydrologic Analysis). The Hydrologic Analysis is required to fulfill CWA 404 regulations to consider flow alterations and related potential indirect impacts, such as effects of flows to downstream properties. Implementation of the Aquatic Resources Program and LEVEE-1 would minimize the potential to impact to Delta Flow Objectives and therefore would be consistent with the Delta Plan ER P1 / 23 CCR Section 5005 [Final SSHCP_Vol. 1.pdf](#)

[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:

Please see the uploaded SSHCP which includes the AMMs (Chapter 5, Section 5.4); the SSHCP Biological Goals and Measurable Objectives (Chapter 7, Table 7-1), including the development of the Preserve System (Chapter 7, Section 7.4); monitoring and adaptive management programs (Chapter 8), and an Aquatic Resources Program (Appendix I of the EIS/EIR). The goal of the SSHCP Conservation Strategy is to meet the regulatory requirements of the federal Endangered Species Act (ESA) and California Endangered Species Act (CESA), and as discussed in Chapter 1, to “streamline” compliance of third-party projects with Sections 401 and 404 of the Clean Water Act (CWA), with Section 1600 of the California Fish and Game Code, and the California’s Porter-Cologne Water Quality

Control Act. The SSHCP Conservation Strategy mitigates to the maximum extent practicable the impacts of Covered Activities described in Chapter 6, Effects Assessment and Level of Take, including all direct and indirect impacts on Covered Species and their habitats (emphasis added). The SSHCP Conservation Strategy provides for conservation of 28 Covered Species and 17 land cover types; avoids or minimizes impacts of Covered Activities; mitigates for the impacts of Covered Activities on the Covered Species and their habitats on the basis of species and habitat needs; provides a regional approach to the mitigation of impacts and the conservation of species and their habitats; protects wetlands and waters of the Plan Area; and conserves natural communities in the Plan Area. The Conservation Strategy and its associated elements provided the groundwork for future habitat restoration and preservation which would, at minimum, not preclude restoration efforts at the appropriate elevations and more likely support the restoration at the appropriate elevation. As such, in accordance with Section 5006 the SSHCP is consistent with the Delta Plan. [Final SSHCP_Vol. 1.pdf](#), [Final SSHCP_Vol. 2_Appendices.pdf](#), [Final EIS-EIR_Volume I_EIS-EIR.pdf](#), [Final SSHCP EIS-EIR Volume II_Appendices.pdf](#)

[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?

Yes

Answer Justification:

See uploaded EIS/EIR for the SSHCP. The covered actions listed in the SSCCP include AMMs to avoid impacts to threatened and endangered species and for the creation of preserves of associated habitats. The SSHCP would not preclude any habitat restoration efforts and as such would protect those opportunities. Therefore the SSHCP is consistent with the Delta Plan ER P3 / 23 CCR Section 5007. [Final SSHCP_Vol. 1.pdf](#), [Final SSHCP_Vol. 2_Appendices.pdf](#), [Final EIS-EIR_Volume I_EIS-EIR.pdf](#), [Final SSHCP EIS-EIR Volume II_Appendices.pdf](#)

[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?

Yes

Answer Justification:

The covered activities within the area of overlap with the Delta Plan does not construct new levees or substantially rehabilitate or reconstruct existing levees, or expand the floodplain. Habitat restoration activities could involve the enhancement of riparian areas in the vicinity of existing levees, as future habitat acquisition or improvement projects are carried out in PPU-6. As part of avoidance and minimization measures of the SSHCP there is AMM (LEVEE-1) to avoid and minimize impacts that might result from removing or breaching levees to establish or re-establish riparian habitat in meeting Objectives RIP1 and RIP2. Although there are no levee projects to re-establish riparian habitats at this time if such projects occur in the future the SSHCP would be consistent with the Delta Plan. [Final SSHCP_Vol. 1.pdf](#)

[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:

The SSHCP Conservation Strategy and the associated AMMs reduce or avoid impacts to threatened and endangered species and the preservation of associated

habitats. The AMMs include a specific measure regarding Invasive Species: EDGE-10 (Prevent Invasive Species Spread): Completed Covered Activities (including roads) will be maintained in a manner that avoids the spread of invasive species into Preserve and Open Space areas. The institution of the AMMs, the development of the preserves and monitoring program (as described in Chapter 8 of the SSHCP) would avoid the introductions of invasive, nonnative species, and would not create habitat for such species. Therefore the SSHCP would be consistent with the Delta Plan ER P5 / 233 CCR Section 5009. [Final SSHCP_Vol. 1.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?

Yes

Answer Justification:

Within the area of the Delta Plan the covered activities do not involve new residential, commercial, or industrial development. The SSHCP has been designed to direct urban growth to areas inside the UDA, in proximity to existing urban levels of development and services, while protecting areas of high quality resources inside and outside of the UDA. Residential, commercial or industrial development inside the UDA is consistent with the General Plans of Sacramento County and the Cities of Rancho Cordova and Galt, which have land use authority. Therefore, with review by the Land Use Authority Permittees, future urban development within the UDA of the SSHCP would be consistent with Delta Plan Chapter 5. [Final SSHCP_Vol. 1.pdf](#), [Final SSHCP_Vol. 2_Appendices.pdf](#), [Final EIS-EIR_Volume I_EIS-EIR.pdf](#), [Final SSHCP EIS-EIR Volume II_Appendices.pdf](#)

[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:

Responsibility for implementing the permitted SSHCP would jointly rest with all Permit Applicants. SSHCP implementation would be directed by the SSHCP Implementing Entity, a Joint Powers Authority composed of the Sacramento County, Galt, and Rancho Cordova (the Land Use Authority Applicants). Land Use Authority Permittees will review and approve designs to ensure that they include all appropriate SSHCP design and construction AMMs and provisions in each General Plan. As such the SSHCP would respect local land use and would be consistent with the Delta Plan. [Final SSHCP_Vol. 1.pdf](#), [Final SSHCP_Vol. 2_Appendices.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:

The covered activities do not involve discretionary State investments in Delta flood risk management including levee operations, maintenance, and improvements within the area of overlap with the Delta Plan.

[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:

The Delta Plan includes the following requirement “New residential development of five or more parcels shall be protected through floodproofing to a level 12 inches above the 100-year base flood elevation, plus sufficient additional elevation to protect against a 55-inch rise in sea level at the Golden Gate, unless the development is located within areas that city or county general plans, as of May 16, 2013, designate for development in cities or their spheres of influence.” The SSHCP is not a land use plan that will allow for residential development of five or more parcels rural areas covered by the Delta Plan. Therefore, this regulatory policy is not applicable to the SSHCP

RR P3 / Cal. Code Regs., tit. 23, § 5014 - Protect Floodways

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

Yes

Answer Justification:

The Delta Plan includes the following restriction “No encroachment shall be allowed or constructed in a floodway, 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 covered activities that would take place within the Delta Plan area (recycled water project and Twin Cities roadway improvements) would not impede the free flow of water in the floodway or jeopardize public safety. Any preserve areas within the Delta Plan area would be subject to AMM LEVEE-1 which states: “Prior to approving a draft Preserve Management Plan that includes (1) modifying or breaching an existing levee, or (2) would place a potential impedance to high-water event flood-flows on the water side of an existing levee (including new riparian vegetation plantings or other new Preserve facilities), a hydrologic analysis will be conducted. The Preserve activity will only be implemented if the hydrologic analysis concludes that the activity will not result in a substantial increase in flood stage elevations or flood risk on lands outside the Preserve.” Therefore the SSHCP is consistent with the Delta Plan PR P3 / CCR Section 5014. [Final SSHCP_Vol. 1.pdf](#), [Final SSHCP_Vol. 2_Appendices.pdf](#)

RR P4 / Cal. Code Regs., tit. 23, § 5015 - Floodplain Protection

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

Yes

Answer Justification:

The SSHCP area includes portions of the Cosumnes River-Mokelumne River Confluence and would be subject to the Delta Plan’s restriction on encroachment of the floodplain. The covered activities that would take place within the Delta Plan area (recycled water project and Twin Cities roadway improvements) would not result in an encroachment on the floodplain. Any preserve areas within the Delta Plan area would be subject to AMM LEVEE-1 which states: “Prior to approving a draft Preserve Management Plan that includes (1) modifying or breaching an existing levee, or (2) would place a potential impedance to high-water event flood-flows on the water side of an existing levee (including new riparian vegetation plantings or other new Preserve facilities), a hydrologic analysis will be conducted. The Preserve activity will only be implemented if the hydrologic analysis concludes that the activity will not result in a substantial increase in flood stage elevations or flood risk on lands outside the Preserve.” Therefore, the SSHCP is consistent with the Delta Plan PR P3 / CCR Section 5014. Therefore the SSHCP would be consistent with Delta Plan PR P3 / CCR Section 5015. [Final SSHCP_Vol. 1.pdf](#), [Final SSHCP_Vol. 2_Appendices.pdf](#)
