Certification of Consistency

C20256

Step 1 - Agency Profile

A. GOVERNMENT AGENCY:	**State Agency**
Government Agency:	Brannan-Andrus Levee Maintenance District
Primary Contact:	Emily Pappalardo
Address:	P.O Box 338
City, State, Zip:	Walnut Grove, CA 95690-0338
Telephone/Fax:	(916) 205-0770
E-mail Address:	pefbuck@comcast.net

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

Step 2 - Covered Action Profile

A. COVERED ACTION PROFILE: **Project**

Title: Georgiana Slough Erosion Control And Habitat Enhancement Project

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

Proponent Name:	Brannan-Andrus Levee Maintenance District
Address:	P.O Box 338
City, State, Zip:	Walnut Grove, CA 95690-0338

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.)	Yes

Please attach any supporting evidence of the public review and comment period by clicking the upload button. Such evidence could include but is not limited to: a meeting agenda and attachment demonstrating that this certification was made publicly

available, a screenshot with date and link to a website where the materials were posted, or other similar documentation.

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

Adopting Resolution 2024-05 BA-17-IS-MND.pdf

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

The Brannan-Andrus Levee Maintenance District (BALMD) is proposing the Georgiana Slough Erosion Control and Habitat Enhancement Project (Proposed Project) to resolve upper slope erosion problems and a major lower slope undercutting issue along the right bank levee of Georgiana Slough, on Lower Andrus Island. The Georgiana Slough is subject to areas of levee erosion requiring repair and erosion control in order to maintain the levee and safety of the surrounding area. Maintenance of the Georgiana Slough is managed by BALMD. The Proposed Project is located along an approximately 1,500 linear-foot stretch of the levee along the Georgiana Slough (project site). This specific stretch is proposed for improvements due to the severity of erosion and the potential for establishing suitable habitat for fish. The Proposed Project would involve construction of proven erosion control methods involving placement of quarry stone rip rap (or rock slope protection - RSP) at the toe of the levee, which functions as a foundational base for a habitat bench that will be constructed along the entire length of the project site. These methods are proposed as they allow and promote establishment of vegetation and habitat, which assists in r egulation of water temperature, provision of shade relief and allochthonous inputs that are important food sources for aquatic species. The BALMD has implemented similar projects in the vicinity of the project site. Once completed, the project would provide suitable erosion control to the levee utilizing recognized and effective erosion control methodologies and support fish-friendly habitat through the creation of wetland and riparian shaded riverine aquatic (SRA) habitat on the channel margin. Specifically, the Proposed Project is expected to create 0.30 acres of riparian forest, 1,500 linear feet (LF) of SRA habitat, 1,473 LF/0.39 acres of freshwater marsh habitat, 1.12 acres of total riparian habitat (comprised of riparian forest, shrub scrub, and SRA habitat), and 0.75 acres of native grassland habitat. The project objectives are to: * Provide suitable levee erosion control on approximately 1,500 lineal feet of levee on the right bank of Georgiana Slough, corresponding to Stations 291+00 to 306+00 (Levee Mile 5.51 to 5.80). * Provide fish-friendly habitat on Georgiana Slough channel margin. * Minimize long-term maintenance and repair costs by repairing existing areas of erosion using stable and effective erosion control methodologies. Georgiana Slough Initial Study_061924.pdf, 7702.52_G. SLough Filed NOI from County.pdf, BALMD MMRP Georgiana Erosion Project 08-08-2024 Final.pdf, Georgiana Slough IS Response to Comments 08-08-2024.pdf, NOD Georgiana Slough Erosion Protection 08-09-2024.pdf, Georgiana Slough IS Addendum_07222025.pdf

E. STATUS IN THE CEQA PROCESS:	NOD has been filed
F. STATE CLEARINGHOUSE NUMBER:(if applicable)	2024061227
G. COVERED ACTION ESTIMATED TIME LINE:	
ANTICIPATED START DATE: (If available)	06/01/2026
ANTICIPATED END DATE: (If available)	12/31/2031
H. COVERED ACTION TOTAL ESTIMATED PROJECT COST:	$6,017,000
I. IF A CERTIFICATION OF CONSISTENCY FOR THIS COVERED ACTION WAS PREVIOUSLY SUBMITTED, LIST DSC REFERENCE NUMBER ASSIGNED TO THAT CERTIFICATION FORM:	N/A

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?

Yes

Answer Justification:	The proposed project – a multi benefit flood system improvement project - is consistent with the co-equal goals of the Delta Plan. Georgiana Slough Initial Study_061924.pdf, BALMD Georgiana Erosion Project Planting Monitoring Adaptive Mgmt Plan 04-30-2025 Final.pdf

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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:	The proposed action was subject to a California Environmental Quality Act

(CEQA) review as described in the Final IS/MND adopted for the project. Avoidance and Minimization Measures (AMM's) along with Mitigation Measures (MM's) were identified and adopted as part of the project. Mitigation measures required for each project impact are consistent with and at least as effective as relevant mitigation measures included in the Mitigation, Monitoring, and Reporting Program (MMRP) for the Delta Plan (Delta Stewardship Council 2019). Please see BALMD DSC Mitigation Measure Comparison table, adopted BALMD MMRP Georgiana Erosion Project and BALMD Georgiana Erosion Project Planting, Monitoring and Adaptive Management Plan attached. Georgiana Slough Initial Study_061924.pdf, BALMD MMRP Georgiana Erosion Project 08-08-2024 Final.pdf, Georgiana Slough IS Addendum_07222025.pdf, BALMD DSC_Mitigation Measure Comparison 08-26-2025.pdf, BALMD Georgiana Erosion Project Planting Monitoring Adaptive Mgmt Plan 04-30-2025 Final.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)(3)/Cal. Code Regs., tit. 23, § 5002, subd. (b)(3) provides that, relevant to the purpose and nature of the project, all covered actions must document use of best available science. For more information, see Appendix 1A, which is referenced in this regulatory policy.

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

Yes

Answer Justification:

The proposed action was designed in accordance with current engineering standards and based on an alternative's evaluation, where three alternatives were considered including: a no project alternative; a traditional erosion prevention rock revetment without habitat features alternative; and an adjacent setback levee alternative. Impact analyses were conducted, and mitigation measures were developed in accordance with CEQA and National Environmental Policy Act (NEPA) requirements. As a result of comments received during the public review process for the IS/MND, some analyses and mitigation measures were slightly adjusted or modified. Habitat designs and features were informed by the California Departments of Water Resources and Fish and Wildlife environmental staffs and requirements contained under AB 360 (no net long-term loss of riparian, fisheries, or wildlife habitat) and guidance identified as 'CDFW and DWR Delta Levees Planting Zones' (attached). Pages 69 to 75 in the IS/MND provides an analysis and scientific rationale for the construction of the proposed habitat benches. References associated with the analysis and literature that was considered in habitat design (including recovery plans for listed species) can be found on pages 119 -130 of the latter identified document Georgiana Slough Initial Study_061924.pdf, BALMD GS Alternatives Analysis.pdf, CDFW-DWR Levee Planting Zones 2020.pdf

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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:

An ecologist retained by BALMD would conduct inspections of the waterside habitat areas quarterly during the 5-year establishment period. During these inspections, the ecologist would record observations on plant establishment success, including trends and patterns in plant survival and health, new native vegetation recruitment, observable beaver damage, any site erosion problems, and noxious weed infestations that may threaten success of native vegetation establishment. Quarterly field visit observations will be shared with BALMD and CDFW along with the ecologist's maintenance recommendations. In the summer of each monitoring year, the monitoring ecologist will collect quantitative monitoring data, as described below, and take photographs from permanently established photo-points for visual documentation of project progress. Riparian Forest, Scrub-Shrub, SRA Habitat. Surviving riparian forest and scrub-shrub plants will be counted each monitoring year to assess woody plant density within the riparian bench and on the vegetated slope. Wetland/freshwater tidal marsh bench vegetative cover. Freshwater marsh vegetation cover will be assessed by BALMD' s consulting ecologist by collecting plant cover data within 3-m2 quadrats placed every 300 feet along the wetland/freshwater tidal marsh bench each monitoring year. If wetland/tidal marsh vegetation (e.g., tules and cattails) becomes too tall or dense to access and assess via quadrats, ocular estimates every 100-200 feet as viewed from the riparian bench or vegetated slope above. At the end of the three-year establishment, riparian forest and scrub-shrub plant habitat will be considered successful will be considered successful if a 80 percent survival rate is achieved. Similarly, the freshwater tidal marsh habitat zone will be considered successful if native vegetative cover exceeds 60 percent absolute cover. At the end of the first and second year following planting, BALMD would provide an email summary of monitoring observations, quantitative monitoring results, representative site photographs, and maintenance and/or remedial/adaptive management actions (including replanting or additional weed management) taken and proposed, to DWR and CDFW. At the end of the 5-year establishment period, a letter report would be submitted to CDFW and DWR, which would include a description of site conditions, qualitative assessment of vegetation composition and health, quantitative monitoring data by monitoring year, annual site progress photographs. The report would also summarize any applicable "lessons learned" from the Georgiana Slough Erosion Control and Habitat Enhancement Project. Please see attached BALMD Georgiana Erosion Project Planting, Monitoring and Adaptive Management Plan. Funding for maintaining and monitoring the habitats through establishment will be provided through assessments collected by BALMD and also reimbursements provided through DWR's levee subventions program. BALMD Georgiana Erosion Project Planting Monitoring Adaptive Mgmt Plan 04-30-2025 Final.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: The proposed project is not a water export/transport project.

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: The proposed project does not involve the sale/contracting of water resources.

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?

N/A

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

Answer Justification: Project was not mandated by a NCCP or HCP.

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 project will not violate the water quality objectives established by the State Water Resources Control Board. BALMD has obtained a State Water Resources Control Board approval for a Clean Water Act Section 401 Water Quality Certification. BALMD will adhere to the water quality conditions established in the 401-certification, including implementing all measures described in the National Pollutant Discharge Elimination System (NPDES) General Permit for Storm Water Discharges Associated with Construction and Land Disturbance Activities. In addition, BALMD will retain professionals experienced in all elements of the Storm Water Pollution Prevention Plan (SWPPP) monitoring during and after the construction. BALMD understands that dischargers shall ensure that all inspection, maintenance repair and sampling activities at the project location shall be performed or supervised by a Qualified SWPPP Practitioner (QSP). Implementation of erosion control and pollution prevention BMPs would avoid and minimize construction-related erosion and contaminant discharges. In addition to the BMPs, the SWPPP would include BMP inspection and monitoring activities, and identify responsibilities of all parties, contingency measures, agency contacts, and

training requirements and documentation for those personnel responsible for installation, inspection, maintenance, and repair of BMPs.

ER PA/Cal. Code Regs., tit.23, § 5005.1 - **Contributions to Restoring Ecosystem Function and Providing Social Benefits**

Effective Date April 1, 2025

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

Yes

Answer Justification:

The proposed multi benefit project, while improving public safety also contributes to the priority ecosystem function attributes by both mitigating for almost all project impacts, but all also creating enhancement habitat that exceeds the project mitigation baseline. The attributes include: Restoring Hydrological, Geomorphic, and Biological Processes; Improving Connectivity; Increasing Native Vegetation Cover; and Contributing to the Recovery of Special-Status Species. BALMD Georgiana Erosion Project Planting Monitoring Adaptive Mgmt Plan 04-30-2025 Final.pdf, Appendix-3a-ER PA.pdf

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ER P2 / Cal. Code Regs., tit. 23, § 5006- **Restore Habitats at Appropriate Elevations**

For covered actions with a Notice of Preparation, Negative Declaration, or Mitigated Negative Declaration issued before April 1, 2025, the effective date of the amended policy is April 1, 2027.

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

Yes

Answer Justification:

Per the California Water Code §12300 et seq., the California Department of Fish and Wildlife (CDFW) is the authority on no net loss of habitat and net gain of habitat. CDFW is a project sponsor and oversaw the progress and development of this element of the project. A principal guiding document was CDFW's level planting zones guidance*, which was used in the development of a Planting and Monitoring Plan for the project (and will be provided to the DSC). The plan describes the physical characteristic of the proposed sites; describes a planting plan with a suitable species palette; and addresses maintenance and monitoring of the habitat features for at least 5 years after completion. The habitat when established will be a source of organic matter inputs through leaf litter, which would provide nutrient inputs for invertebrates and other small organisms that in turn serve as food sources for higher order organisms in the food web. In addition, fallen waterside vegetation can provide large woody material that act as habitat and cover for fish and other aquatic organisms. The enhanced habitat is also expected to create additional rearing habitat as well as provide hydraulic and predation refuge for migrating salmonids. The proposed enhancements may also provide additional spawning habitat for Delta smelt; as well as spawning, cover, and forage habitat for other delta fish species including the longfin smelt, green sturgeon, white sturgeon, pacific lamprey, and river lamprey. *CDFW and DWR (California Dept of Fish and Wildlife and Department of Water Resources). 2020. Delta Levees Planting Zones. CDFW, Stockton, California BALMD Georgiana Erosion Project Planting Monitoring Adaptive Mgmt Plan 04-30-2025 Final.pdf, CDFW-DWR Levee Planting Zones 2020.pdf

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ER P3 / Cal. Code Regs., tit. 23, § 5007 - **Protect Opportunities to Restore Habitat**

For covered actions with a Notice of Preparation, Negative Declaration, or Mitigated Negative Declaration issued before April 1, 2025, the effective date of the amended policy is April 1, 2027.

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

N/A

Answer Justification: The proposed project does not occur in the priority habitat restoration areas per Appendix 5.

ER P4 / Cal. Code Regs., tit. 23, § 5008 - **Expand Floodplains and Riparian Habitats in Levee Projects**

For covered actions with a Notice of Preparation, Negative Declaration, or Mitigated Negative Declaration issued before April 1, 2025, the effective date of the amended policy is April 1, 2027.

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

N/A

Answer Justification: The proposed project is located outside of the identified setback levee evaluation areas. See Delta Plan, Appendix 8.

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: While there is always some potential for invasive species to colonize a new disturbance, the proposed project does not increase or change the probability of introducing or improving habitat conditions for nonnative invasive species. Experience has shown that the project design and design criteria including soil mixes, plant species and maintenance regime selected (identified in the attached planting and monitoring plan) will lead to rapid establishment of native plant species, thereby limiting the opportunity for invasive species to colonize and establish. The project will considerably improve existing conditions and provide a net benefit/enhancement of native habitat that will be monitored and maintained to allow the native habitat to become established which will include maintenance actions targeted toward managing and eliminating invasive plants. While the project may cause some minor, incremental opportunities for bass species in this reach of the river, creation of new floodplain habitat (in a reach largely devoid of this condition) afforded by the proposed habitat benches will provide important cover and refuge to juvenile salmonids as they return to the ocean in this important migration corridor. BALMD Georgiana Erosion Project Planting Monitoring Adaptive Mgmt Plan 04-30-2025 Final.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: The proposed project does not involve new residential, commercial, or industrial development, nor is it located in the areas described in Appendix 6 or 7.

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?

N/A

Answer Justification:	The proposed multi benefit flood protection and habitat enhancement project will benefit both the waterside and landside land users by virtue of its intended purpose.

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?

Yes

Answer Justification:	The proposed project falls under all three categories of benefit for priorities for state investment in Delta integrated flood management (i.e. Localized Flood Protection, Levee Network Ecosystem Conservation) in the priority table and achieves the following: • It protects small communities (Cities of Isleton and Walnut Grove) and critical infrastructure of statewide importance (State Hwy's 12 and 160). • It protects water quality and water supply in the Delta by maintaining the functionality of the water supply corridor. • It protects flood water conveyance by fortifying the levee system along the Georgiana Slough, which is consistent with the State Plan of Flood Control for project levees. • The proposed project design protects existing, and provides for net enhancement of floodplain habitat and wetlands. • The project protects agriculture and local working landscapes through ensuring there are no future levee failures.

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 proposed project does not involve new residential, commercial, or industrial development.

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:	RR P3 covers actions that would encroach in a floodway that is not considered a designated floodway or regulated stream. The proposed project is along Georgiana Slough and as such, is located within a designated floodway, therefore the policy does not apply.

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:	N/A. The proposed project does not occur in the identified floodplains.