

Certification of Consistency

C201811

Step 1 - Agency Profile

A. GOVERNMENT AGENCY: State Agency
Government Agency: City of Stockton
Primary Contact: David Stagnaro
Address: 345 N. El Dorado St.
City, State, Zip: Stockton, CA 95202
Telephone/Fax: 2099378598 / 2099378893
E-mail Address: david.stagnaro@stocktonca.gov

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

Step 2 - Covered Action Profile

A. COVERED ACTION PROFILE: Plan

Title: Envision Stockton 2040 General Plan

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

Proponent Name: City of Stockton
Address: 345 N. El Dorado St.
City, State, Zip: Stockton, CA 95202

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.

[December 4 2018 Stockton City Council Annotated Agenda.pdf](#)

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

The Envision Stockton 2040 General Plan replaces the City's 2035 General Plan, which was adopted in December 2007. The General Plan is intended to guide development and conservation in the city through 2040. Utility Master Plan Supplements (UMPS) identify needed improvements to water, wastewater, and storm drainage facilities to serve anticipated development under the updated General Plan. A complete Project Description, DEIR, related General Plan documents can be viewed at: http://www.stocktongov.com/files/EnvisionStockton2040GP_DEIR.pdf and in this certification. [DSC Envision Stockton 2040 GPU Comment Letter 8 10 18.pdf](#), [2040 GPU Signed NOD 12 5 2018.pdf](#), [EnvisionStockton_DEIR-June2018 \(1\) w appendices.pdf](#), [StocktonGeneralPlan_Adopted_120418_FINAL VERSION.pdf](#)

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

F. STATE CLEARINGHOUSE NUMBER:(if applicable) 2017052062

G. COVERED ACTION ESTIMATED TIME LINE:

ANTICIPATED START DATE: (If available) 12/04/2018

ANTICIPATED END DATE: (If available) 12/31/2040

H. COVERED ACTION TOTAL ESTIMATED PROJECT COST: 0

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

[DSC Envision Stockton 2040 GPU Comment Letter 8 10 18.pdf](#), [DeltaPlan_GeneralPlanUpdateConsistency_121418.docx](#), [EnvisionStockton_FEIR.pdf](#), [StormwaterMasterPlanSupplement_Adopted_120418.pdf](#), [WastewaterMasterPlanSupplement_Adopted_120418.pdf](#), [WaterMasterPlanSupplement_Adopted_120418.pdf](#), [Approved CC GPU FEIR RESO 12 04 18.pdf](#), [Approved CC GP Reso 12 04 18.pdf](#), [Approved CC Delta Plan Resolution 12 04 18.pdf](#), [December 4 2018 Stockton City Council Annotated Agenda.pdf](#), [Envision Stockton 2040 CC Staff Report Attachments Around the Bench Memos and Barrigan Parilla Ltr.pdf](#), [EnvisionStockton_DEIR-June2018 \(1\) w appendices.pdf](#), [StocktonGeneralPlan_Adopted_120418_FINAL VERSION.pdf](#)

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?

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:

See attached Consistency Evaluation and supporting documents. [DSC Envision Stockton 2040 GPU Comment Letter 8 10 18.pdf](#), [DeltaPlan_GeneralPlanUpdateConsistency_121418.docx](#), [EnvisionStockton_DEIR-June2018 \(1\) w appendices.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

The covered action documents use of the best available science as relevant to the purpose and nature of the plan/project. See attached Consistency Evaluation and supporting documents.

Answer Justification:

[DeltaPlan_GeneralPlanUpdateConsistency_121418.docx](#),
[EnvisionStockton_DEIR-June2018 \(1\) w appendices.pdf](#),
[StocktonGeneralPlan_Adopted_120418_FINAL VERSION.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?

N/A

The General Plan does not involve ecosystem restoration or water management. See attached Consistency Evaluation and supporting documents.

Answer Justification:

[DeltaPlan_GeneralPlanUpdateConsistency_121418.docx](#),
[EnvisionStockton_DEIR-June2018 \(1\) w appendices.pdf](#),
[StocktonGeneralPlan_Adopted_120418_FINAL VERSION.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

See attached Consistency Evaluation and supporting documents.

Answer Justification:

[DeltaPlan_GeneralPlanUpdateConsistency_121418.docx](#),
[EnvisionStockton_DEIR-June2018 \(1\) w appendices.pdf](#),
[StocktonGeneralPlan_Adopted_120418_FINAL VERSION.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:

The General Plan does not involve entering into a water contract. See

attached Consistency Evaluation and supporting documents.

[DeltaPlan_GeneralPlanUpdateConsistency_121418.docx](#),

[EnvisionStockton_DEIR-June2018 \(1\) w appendices.pdf](#),

[StocktonGeneralPlan_Adopted_120418_FINAL VERSION.pdf](#)

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:

[DeltaPlan_GeneralPlanUpdateConsistency_121418.docx](#),

[EnvisionStockton_DEIR-June2018 \(1\) w appendices.pdf](#),

[StocktonGeneralPlan_Adopted_120418_FINAL VERSION.pdf](#)

[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:

The General Plan would not significantly affect flow in the Delta. See attached Consistency Evaluation and supporting documents.

[DeltaPlan_GeneralPlanUpdateConsistency_121418.docx](#)

[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?

N/A

Answer Justification:

The General Plan does not include habitat restoration. See attached Consistency Evaluation.

[DeltaPlan_GeneralPlanUpdateConsistency_121418.docx](#)

[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 Planning Area for the General Plan does not extend into priority habitat restoration areas. See attached Consistency Evaluation and supporting documents.

[DeltaPlan_GeneralPlanUpdateConsistency_121418.docx](#),

[EnvisionStockton_DEIR-June2018 \(1\) w appendices.pdf](#),

[StocktonGeneralPlan_Adopted_120418_FINAL VERSION.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?

N/A

Answer Justification:

The General Plan does not include new levee construction or existing levee rehabilitation/reconstruction. See attached Consistency Evaluation and

supporting documents.

[DeltaPlan_GeneralPlanUpdateConsistency_121418.docx](#),
[EnvisionStockton_DEIR-June2018 \(1\) w appendices.pdf](#),
[StocktonGeneralPlan_Adopted_120418_FINAL VERSION.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?

N/A

Answer Justification:

The General Plan does not directly result introduction of or improvement of habitat conditions for nonnative invasive species. See attached supporting documents. [EnvisionStockton_DEIR-June2018 \(1\) w appendices.pdf](#), [StocktonGeneralPlan_Adopted_120418_FINAL VERSION.pdf](#), [DeltaPlan_GeneralPlanUpdateConsistency_121418.docx](#)

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:

The General Plan does not designate land for urban development outside the areas approved in 2007, therefore the proposed action is consistent with this policy. See attached Consistency Evaluation and supporting documents. [DSC Envision Stockton 2040 GPU Comment Letter 8 10 18.pdf](#), [DeltaPlan_GeneralPlanUpdateConsistency_121418.docx](#), [EnvisionStockton_DEIR-June2018 \(1\) w appendices.pdf](#), [StocktonGeneralPlan_Adopted_120418_FINAL VERSION.pdf](#), [EnvisionStockton_FFIR.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?

N/A

Answer Justification:

The General Plan does not include the siting of water management facilities, ecosystem restoration, or flood management infrastructure. See attached Consistency Evaluation.
[DeltaPlan_GeneralPlanUpdateConsistency_121418.docx](#)

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:

See attached Consistency Evaluation.
[DeltaPlan_GeneralPlanUpdateConsistency_121418.docx](#)

[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?

Yes

Answer Justification:

The General Plan does not designate new residential development in the Delta, and is therefore consistent with this policy. See attached Consistency Evaluation and supporting documents. [DSC Envision Stockton 2040 GPU Comment Letter 8 10 18.pdf](#),

[DeltaPlan_GeneralPlanUpdateConsistency_121418.docx](#),
[EnvisionStockton_DEIR-June2018 \(1\) w appendices.pdf](#),
[StocktonGeneralPlan_Adopted_120418_FINAL VERSION.pdf](#)

[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 General Plan supports this policy. See attached Consistency Evaluation and supporting documents. [DSC Envision Stockton 2040 GPU Comment Letter 8 10 18.pdf](#),
[DeltaPlan_GeneralPlanUpdateConsistency_121418.docx](#),
[EnvisionStockton_DEIR-June2018 \(1\) w appendices.pdf](#),
[StocktonGeneralPlan_Adopted_120418_FINAL VERSION.pdf](#)

[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:

The floodplains of concern are outside agency jurisdiction. See attached Consistency Evaluation and supporting documents.
[DeltaPlan_GeneralPlanUpdateConsistency_121418.docx](#),
[EnvisionStockton_DEIR-June2018 \(1\) w appendices.pdf](#),
[StocktonGeneralPlan_Adopted_120418_FINAL VERSION.pdf](#)

12/19/2018