

Certification of Consistency

C20261

Step 1 - Agency Profile

A. GOVERNMENT AGENCY: State Agency
Government Agency: Reclamation District 799 (Hotchkiss Tract)
Primary Contact: Mike Alvarez
Address: 6325 Bethel Island Road
City, State, Zip: Bethel Island, CA 94511
Telephone/Fax: (925) 684-2398
E-mail Address: ntomera@geiconsultants.com

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

Step 2 - Covered Action Profile

A. COVERED ACTION PROFILE: Project

Title: Hotchkiss Tract Levee Rehabilitation Project

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

Proponent Name: Reclamation District 799 (Hotchkiss Tract)
Address: 6325 Bethel Island Road
City, State, Zip: Bethel Island, CA 94511

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.

[RD 799 Board Agenda March 2026.pdf](#)

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

The proposed project includes rehabilitation of existing levee along Dutch Slough to meet the DWR Bulletin 192-82 Agricultural Standard and incorporating habitat enhancements and vegetation management. A detailed description of each project component is provided below. Rehabilitation along Dutch Slough would involve raising the levee crown to elevation 9.1 feet¹ in areas where it is currently deficient. Rehabilitation would prioritize widening the levee crown to achieve a minimum crown width of 16 feet, while maintaining a minimum 3:1 Horizontal: Vertical (H:V) landside slope and 2H:1V waterside slope. All grading would begin at the waterside hinge, with widening and raising performed landward to avoid waterside impacts. Landside slopes may vary to minimize environmental impacts but would not be steeper than 2H:1V. The levee crown would be surfaced with a 6-inch aggregate making it an all-weather road to support maintenance activities. Installing riprap erosion protection at select waterside locations above the mean high-water elevation would reduce potential erosion. Levee slopes would be hydroseeded with native grass to promote vegetation and prevent erosion. Approximately 1,000 linear feet of waterside habitat enhancement is proposed within the Dutch Slough levee segment between Levee Station 435+00 and the Jersey Island Road Bridge. This work would include enhancement of fish habitat by creating an approximately 3-footwide bench of tidal marsh habitat along the waterside toe of the levee. The tidal marsh bench would be planted with hardstem bulrush and California bulrush. Additionally, a small wave-break constructed of riprap would be installed to protect the bench from erosion. This approach was selected in consultation and coordination with DWR and CDFW. The project would also bring connectivity with the Restoration Project. A portion of the northern segment of Sandmound Slough landside slope is currently overgrown with invasive ice plants. As part of the proposed project, this invasive ice plant would be removed, and the landside slope would be hydroseeded with native seed mix. A complete project description can be found in the Initial Study/Proposed Mitigated Negative Declaration for the Hotchkiss Tract Levee Rehabilitation Project. [Draft IS-MND RD 799_reduced.pdf](#)

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

F. STATE CLEARINGHOUSE NUMBER:(if applicable) 2026010778

G. COVERED ACTION ESTIMATED TIME LINE:

ANTICIPATED START DATE: (If available) 06/01/2027

ANTICIPATED END DATE: (If available) 12/31/2027

H. COVERED ACTION TOTAL ESTIMATED PROJECT COST: \$4,400,000

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:

[RD 799 Consistency with the Delta Plan_03-19-26.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?

Yes

As defined by Section 85054 of the Water Code, the coequal goals of the Sacramento-San Joaquin Delta Reform Act of 2009 are the two goals of providing a more reliable water supply for California and protecting, restoring, and enhancing the Delta ecosystem. The Project supports the achievement of these coequal goals by proposing to construct landside levee improvements at Hotchkiss Tract and create waterside habitat within and adjacent to the Dutch Slough. The landside levee improvements include (1) improving the Dutch Slough levee to Bulletin 192-82 Agricultural Standard to increase flood protection, and (2) widening the Dutch Slough levees crest, where feasible, to better facilitate flood fight. RD 799 will also create waterside habitat enhancements and provide vegetation management, designed in consultation with DWR and CDFW, to meet the intent of the larger Dutch Slough Tidal Marsh Restoration Project. [RD 799 Consistency with the Delta Plan_03-19-26.pdf](#)

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:

RD 799 (CEQA lead agency) has prepared an Initial Study/Mitigated Negative Declaration (IS/MND). The public draft has gone through public review (ended on February 23, 2026). The Notice of Determination was filed with the County Clerk on February 26, 2026 (SCH No. 2026010778). The Project will implement all applicable environmental commitments and mitigation measures identified in the IS/MND. A crosswalk table was prepared to demonstrate consistency of all mitigation measures included in the Delta Plan, IS/MND Mitigation, Monitoring, and Reporting Program with environmental commitments and/or mitigation measures for the Project. [RD 799_Crosswalk Table_03-19-26.pdf](#)

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:

RD 799 is committed to utilizing the best available science to design and construct the project. Ongoing research related to aquatic and terrestrial wildlife and habitat management continues to progress and provides greater insight on how to manage wetlands. The project design and adaptive management plan are based on best available science, as demonstrated by the following elements: (1) Well-stated objectives, (2) Conceptual models of habitat requirements of sensitive fish and wildlife species, and (3) Best professional judgment of experts. The Project is designed to increase levee resilience and provide improved habitat along the urbanized and largely unvegetated Dutch Slough. Throughout Project planning and implementation, the Project Team has been committed to utilizing the best available science to design and construct the Project. RD 799 is committed to managing and monitoring the site. Ongoing research related to aquatic and terrestrial wildlife and habitat management continues to progress and provides greater insight on how to manage habitat. [RD 799_List of Best Available Science_03-19-26.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:

RD 799 has prepared an Adaptive Management Plan (AMP), which incorporates adaptive management for the site. The AMP considers best available science and best professional judgement gained from wetland and riparian habitat management throughout the Delta. The management plan outlines the maintenance plan, performance standards, monitoring program, and remedial actions to ensure project success. Operation of the Project would ensure continued implementation of adaptive management through regular inspection, maintenance, and repair. RD 799 would maintain and operate the site. RD 799, in conjunction with California Department of Water Resources, have adequate staff and fiscal resources to operate and maintain water control infrastructure installed under the Project. [RD 799 Adaptive Management Plan_03-19-26.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 Project does not involve the export, transfer, or use of water in the Delta by a water supplier that has failed to contribute to reduced reliance on the Delta and improved regional self-reliance. As such, Policy WR P1 is not applicable. [RD 799 Consistency with the Delta Plan_03-19-26.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 Project is not part of the State Water Project and/or Central Valley Project and would not affect the contracting process for water from the State Water Project and/or Central Valley Project. As such, Policy WR P2 is not applicable. [RD 799 Consistency with the Delta Plan_03-19-26.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?

Yes

Answer Justification:

The Project is consistent with Section 5002[C] of Title 23 in the CCR. Title 23 states: Cal. Code Regs. Tit. 23, § 5002[C] - Detailed Findings to Establish Consistency with the Delta Plan (c) 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 sections 5005 through 5009 of this Chapter 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. The Project is located within the East Contra Costa County Habitat Conservation Plan and Natural Communities Conservation Plan (HCP/NCCP) planning area. Although the Project is not a covered activity, the Project would adhere to all applicable measures required by the HCP in order to avoid and minimize adverse environmental and wildlife impacts. [RD 799 Consistency with the Delta Plan_03-19-26.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 Project includes restoration activities within Dutch Slough; however, the Project does not include discharges to or diversions from the San Joaquin River. No portion of the Project is subject to the State Water Resources Control Board's Bay Delta Water Quality Control Plan flow objectives (State Water Resources Control Board, 2018). The Project would not affect in-stream flows. As such, Policy ER P1 is not applicable. [RD 799 Consistency with the Delta Plan_03-19-26.pdf](#)

[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 Project is consistent with Policy ER PA. ER PA states: Cal. Code Regs. Tit. 23, § 5005.1 – Disclose Contributions to Restoring Ecosystem Function and Providing Social Benefits Consistency (a) A complete certification of consistency for a covered action described in Subsection (b) shall disclose and include all of the information and documentation required by the following Sections in Appendix 3A: 1. Section 1 (Priority Attributes) of Appendix 3A (Disclosing Contributions to Restoring Ecosystem Function and Providing Social Benefits) to demonstrate that the covered action has one or more of the priority attributes, to disclose its contribution to the restoration of a resilient, functioning Delta ecosystem, and to identify the Ecosystem Restoration Tier associated with that covered action based on the

identified priority attributes; and 2. Section 2 (Social Benefits) of Appendix 3A (Disclosing Contributions to Restoring Ecosystem Function and Providing Social Benefits) to demonstrate and disclose the cultural, recreational, agricultural, and/or natural resource benefits anticipated to result from project implementation. The Project would create enhanced waterside habitat and remove an invasive species, leading to natural resource benefits of improved ecosystem functioning, connectivity, and recreational benefits from enhanced wildlife viewing. Appendix 3A: Disclosing Contributions to Restoring Ecosystem Function and Providing Social Benefits is included. [RD 799 Consistency with the Delta Plan 03-19-26.pdf](#)

[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:

The Project is consistent with Policy ER P2. ER P2 states: Cal. Code Regs. Tit. 23, § 5006 – Restore Habitats at Appropriate Elevations (a) Habitat restoration must be carried out consistent with Appendix 3, which is Section II of the Draft Conservation Strategy for Restoration of the Sacramento-San Joaquin Delta Ecological Management Zone and the Sacramento and San Joaquin Valley Regions (California Department of Fish and Wildlife 2011). The elevation map attached as Appendix 4 should be used as a guide for determining appropriate habitat restoration actions based on an area's elevation. If a proposed habitat restoration action is not consistent with Appendix 4, the proposal shall provide rationale for the deviation based on best available science. (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 includes habitat restoration. The Project will comply with ER P2's requirements by intertidal habitat through native vegetation plantings. This would be done along the Dutch Slough Channel intertidal zone. Appendix 4A: Protecting, Restoring, and Enhancing Habitats at Appropriate Elevations is included. [RD 799 Consistency with the Delta Plan 03-19-26.pdf](#)

[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?

Yes

Answer Justification:

The Project is located near Dutch Slough within Hotchkiss Tract, which is a priority habitat restoration area identified in the Delta Plan. The Project is consistent with ER P3. ER P3 states: Cal. Code Regs. Tit. 23, § 5007 - Protect Opportunities to Restore Habitat. (a)(1) Within the priority habitat restoration areas depicted in Appendix 5, significant adverse impacts to the opportunity to restore habitat described in

section 5006, shall be avoided or mitigated. (2) Any impacts described in paragraph (1) shall be deemed to be avoided or mitigated if the covered action as designed and implemented would not preclude or otherwise interfere with the ability to restore habitat as described in section 5006. (3) If the impacts referenced in paragraph (1) are mitigated rather than avoided, those impacts shall be mitigated to the extent that the project has no significant impact on the opportunity to restore habitat as described in section 5006. (b)(1) For purposes of Water Code section 85057.5(a)(3) and section 5001(o)(1)(E) of this Chapter, this policy covers proposed actions in the priority habitat restoration areas depicted in Appendix 5. It does not cover proposed actions outside those areas. (2) For a covered action that had a Notice of Preparation, Mitigated Negative Declaration or Negative Declaration published prior to April 1, 2025, those changes shall become operative two years after the effective date of those changes. There would be no significant, adverse impacts to opportunity to restore habitat within this area, and any significant impacts to the environment would be subject appropriate mitigation measures, as provided in the IS/MND. Because of this, the Project is consistent with Policy ER P3. [RD 799 Consistency with the Delta Plan_03-19-26.pdf](#)

[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 Project is located near Dutch Slough within Hotchkiss Tract and is not located within a setback levee evaluation area. Therefore, Policy ER P4 is not applicable. [RD 799 Consistency with the Delta Plan_03-19-26.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 Project is consistent with ER P5. ER P5 states: Cal. Code Regs. Tit. 23, § 5009 – Avoid Introductions of and Habitat Improvements 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. During construction of the Project, RD 799 would reduce the potential to import non-native and invasive plant and wildlife species by implementing best management practices (BMPs) in Mitigation Measure BIO-2: Minimize Effects on Biological Resources. By implementing the construction BMPs, the Project is consistent with Policy ER P5. [RD 799 Consistency with the Delta](#)

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:

This Project is a levee repair and ecological restoration project and does not involve any residential, commercial, or industrial development. As such, Policy DP P1 is not applicable. [RD 799 Consistency with the Delta Plan_03-19-26.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:

The Project is consistent with DP P2. DP P2 states: Cal. Code Regs. Tit. 23 § 5011 (a) Water management facilities, ecosystem restoration, and flood management infrastructure must be sited to avoid or reduce conflicts with existing uses or those uses described or depicted in city and county general plans for their jurisdictions or spheres of influence when feasible, considering comments from local agencies and the Delta Protection Commission. Plans for ecosystem restoration must consider sites on existing public lands, when feasible and consistent with a project's purpose, before privately owned sites are purchased. Measures to mitigate conflicts with adjacent uses may include, but are not limited to, buffers to prevent adverse effects on adjacent farmland. (b) For purposes of Water Code section 85057.5(a)(3) and section 5001(j)(1)(E) of this Chapter, this policy covers proposed actions that involve the siting of water management facilities, ecosystem restoration, and flood management infrastructure. The Project site is designated by the City of Oakley General Plan as Agriculture Limited, Public Space, Commercial Recreation, and Residential Medium, and zoned as Delta Recreation, Parks and Recreation, Agricultural Preserve, Multi-Family, Retail Business, and General Commercial; however the limits of work for the Project have a relatively small footprint and include the areas with the existing levee, inundated tidal wetlands, and agriculture. These levee improvements would increase the levee's resistance to erosion and provide better overall levee stability. The Project would not include other changes in the existing environment that could result in inconsistencies with the land use or zoning designations. The construction activities would primarily occur in areas with existing development, such as rip rap, and not alter the surrounding land uses. A more detailed description of this information can be found in the IS/MND, Section 3.11, "Land Use and Agriculture Resources." The Project would not conflict with the land classifications and there are no Williamson Act contracts in the area. As such, the Project is consistent with Policy DP P2. [RD 799 Consistency with the Delta Plan_03-19-26.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?

Yes

The Project is consistent with RR P1. RR P1 states: Cal. Code Regs. Tit. 23, § 5012 – Prioritization of State Investments in Delta Levees and Risk Reduction (a) Fund levee operation and maintenance. For the purposes of Water Code Section 85306, State investments in levee operation and maintenance of Delta project levees and nonproject levees shall be prioritized as follows: (1) For project levees, funding should be prioritized to ensure levees are operated and maintained in accordance with Code of Federal Regulations, Title 33, Part 208.10 and applicable federal Operation and Maintenance manuals, active in federal Public Law 84-99 Rehabilitation Program, and consistent with Central Valley Flood Protection Board Resolution No. 2018-06 for Acceptable Operation and Maintenance of the State Plan of Flood Control. (2) For nonproject levees, funding should be prioritized to ensure levees are operated and maintained to protect the Delta's physical characteristics. (b) Delta levees investment strategy. The priorities listed in Table 1 below and depicted in Delta Plan Appendix P dated August 2021, which is incorporated by reference, shall guide State discretionary investments in the improvement of Delta levees. The California Department of Water Resources' funding decisions are subject to its consideration of the benefits, costs, engineering considerations, and other factors. As the California Department of Water Resources selects levee improvement projects for funding through its levee funding programs, it should fund projects at the Very-High priority islands or tracts, before funding projects at High Priority or Other Priority islands or tracts. If available funds are sufficient to fully fund levee improvement projects at the Very-High Priority islands or tracts, then funds for levee improvement projects on High Priority islands or tracts should be funded and after those projects have been fully funded, then levee improvement projects at Other Priority islands or tracts may be funded. The Project will be funded, wholly or partially, by the California Department of Water Resources (DWR) Delta Levees Special Flood Control Projects. The Hotchkiss Tract levee system is operated by RD 799 and consists of nonproject levees. The Hotchkiss Tract levees will be operated and maintained to protect the Delta's physical characteristics. The design, construction, and maintenance of levee improvements would meet or exceed applicable design standards for the following elements: static and dynamic stability, seismic ground shaking, liquefaction, subsidence, and seepage. Because Hotchkiss Tract is listed under the Very-High Priority within the Delta Levees Investment Strategy Priorities, DWR's funding selection is appropriate. Because the Project will ensure the Hotchkiss Tract levee will be operated and maintained to protect the Delta's physical characteristics and Hotchkiss Tract is a Very-High Priority levee, the Project is consistent with Policy RR P1. [RD 799 Consistency with the Delta Plan 03-19-26.pdf](#)

Answer Justification:

[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 Project is located within Hotchkiss Tract and does not propose

new residential development. As such, Policy RR P2 is not applicable.

[RD 799 Consistency with the Delta Plan_03-19-26.pdf](#)

[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:

Dutch Slough and the surrounding areas are not designated as regulated streams or designated floodways. Additionally, the Project would not unduly impede the free flow of water or jeopardize public safety. As such, Policy RR P3 is not applicable. [RD 799 Consistency with the Delta Plan_03-19-26.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 Project is located within the Hotchkiss Tract and would not involve any encroachment in the Yolo Bypass, Cosumnes River-Mokelumne River Confluence, or Lower San Joaquin River Floodplain Bypass Proposal (as submitted to DWR in March 2011). As such, Policy RR P4 is not applicable. [RD 799 Consistency with the Delta Plan_03-19-26.pdf](#)

03/30/2026