Certification of Consistency

C20163

Step 1 - Agency Profile

A. GOVERNMENT AGENCY:	**State Agency**
Government Agency:	West Sacramento Area Flood Control Agency
Primary Contact:	Paul Dirksen
Address:	1110 West Capitol Avenue
City, State, Zip:	West Sacramento, CA 95691
Telephone/Fax:	(916)617-4560
E-mail Address:	pauld@cityofwestsacramento.org

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: Southport Sacramento River Early Implementation Project

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

Proponent Name:	Paul Dirksen
Address:	1110 West Capitol Avenue
City, State, Zip:	West Sacramento, CA 95691

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)

The Southport Sacramento River Early Implementation Project (Southport project) will implement flood risk-reduction measures along the Sacramento River South Levee in the city of West Sacramento, Yolo County, California. The project will bring the levee up to standard with Federal and state levee design criteria, as well as provide opportunities for ecosystem restoration. The Southport project comprises approximately 610 acres. The project coordinates are approximately 38°33'19.07"N/121°30'57.68"W at the north end and 38°30'51.31"N/121°33'13.67"W at the south end. The reach of the Southport project stretches south from the terminus of the U.S. Army Corps of Engineers (USACE) Sacramento River Bank Protection Project (SRBPP) at River Mile 57.2R to the South Cross Levee. The project area contains seven segments, lettered A through G from south to north. The segments range from Segment A at the South Cross Levee to Segment G near SRBPP. The Southport project entails the improvement of the levee in place in Segment A, construction of approximately 3.6 miles of setback levees in Segments B through F, an adjacent levee in Segment G, and the breach and degrading of the existing levee to restore the historical Sacramento River floodplain through the creation of two offset floodplain areas, as described below (Southport Early Implementation Project Final Environmental Impact Report [FEIR], Plates 2-6a and 2-6b). Up to 2.4 million cubic yards of embankment fill material will be imported to the project site for the construction of project features. The project also includes the westward relocation of a portion of South River Road, which presently sits atop the existing levee. The offset floodplain area will be created via two expanded floodways located between the setback levee and the remnant levee waterside of the setback levee. These floodways will be created when portions of the existing levee are breached and the levee material is excavated and graded to allow Sacramento River water to flow into the offset area. The offset floodplain area mitigates the losses of existing habitat values due to project effects and maximizes the potential habitat value in the Sacramento River floodplain. Project activities in this area will include floodplain and habitat restoration and borrow excavation. West Sacramento Area Flood Control Agency (WSAFCA) will vegetate both the north and south offset areas to provide mitigation for the project's environmental effects (e.g., vegetation removal). Any area of restored floodplain in excess of area needed for project mitigation will be used to further advance flood risk-reduction efforts implemented by WSAFCA or WSAFCA's partners. Where excavated material is appropriate for reuse as borrow material, it will be used in construction of the flood risk-reduction measures. After excavation, disturbed areas will be finished and graded to allow creation of restored habitats. Once construction of the setback levee is complete, the existing levee will be degraded and breached in three places to allow ingress and egress of floodplain-inundating flows. Construction of the Southport project will occur in more than one annual construction season, with construction of flood risk-reduction measures beginning as early as June of 2017, and likely finishing in 2019. Construction and restoration of the offset areas will likely continue after 2018, with final remnant levee breaches constructed in 2021. The Village Parkway portion of construction and some utility relocations began in fall of 2015 and were completed in 2016. A description of construction activities by construction year is provided below. Year 1 • Realignment of South River Road at the southern end of Segment A. • Initiation of cutoff wall construction in Segments B2 through F. Year 2 • Completion of flood risk-reduction measure construction in Segments A through E. • Construction of the cutoff wall in Segment F. Year 3 • Completion of construction of the northern setback levee in Segment F and construction in Segment G. • Completion of offset area grading. • Initiation of offset area planting, which would continue through Year 6. Years 4 and 5 • Continuation of offset area planting. Year 6 • Completion of offset area planting. Construction of the remnant levee breaches would occur in Year 2 or Year 3, but will not occur until the setback levee is in place. Flood risk-reduction measure construction activities will primarily occur during the typical construction season, April 15 to October 31, although extension of the Central Valley Flood Protection Board (CVFPB) encroachment permit may be sought if weather conditions permit. All construction activities, including, but not limited to, structure and vegetation removal, roadway removal and replacement, revegetation, and utility removal and replacement, that may occur outside the primary construction season are subject to the

conditions of environmental and encroachment permits and authorizations to be issued by California Department of Fish and Wildlife (CDFW), Central Valley Regional Water Quality Control Board (CVWB), CVFPB, USACE, U.S. Fish and Wildlife Service (USFWS), National Marine Fisheries Service (NMFS), County of Yolo, City of West Sacramento, and others. At the end of each primary construction season, the levee system would be restored, at a minimum, to the level of flood risk-reduction performance existing at the project outset. During construction Years 1 and 2, “tie-ins” would be built to connect the existing levee upstream and downstream to the segments being constructed that particular season, as needed. These tie-ins would be achieved by benching the existing levee and installing compacted lifts to completely bond the new and existing levee materials. During the flood season, maintenance of the flood risk-reduction structures would be undertaken by the maintaining agency, RD 900.

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

F. STATE CLEARINGHOUSE NUMBER:(if applicable) 2011082069, 2016032003

G. COVERED ACTION ESTIMATED TIME LINE:

ANTICIPATED START DATE: (If available) 06/01/2017

ANTICIPATED END DATE: (If available) 06/30/2022

H. COVERED ACTION TOTAL ESTIMATED PROJECT COST: 190000000

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

NMFS_Southport_BO.pdf, Southport_AMMP.pdf, Southport_CoC_Mitigation_Consistency.pdf, Southport_FEIR_Findings_SOC_2014.pdf, Southport_FEIR_MMRP_2014.pdf, Southport_FEIR_NOD_2014.pdf, Southport_FEIS_PartI_2016.pdf, Southport_FEIS_PartII_2016.pdf, Southport_Final_SEIR_2016.pdf, Southport_SEIR_Findings_SOC_2016.pdf, Southport_SEIR_MMRP_2016.pdf, Southport_SEIR_NOD_2016.pdf, AppH-Final_PA_FEIS.pdf, Southport_FEIR_Vol_I_2014.pdf, Southport_FEIR_Vol_II_2014.pdf, USFWS_WestSacGRR_Southport_BO.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 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:

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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 Southport project is consistent with all applicable Delta Plan mitigation measures, as described in Table 1, Southport Sacramento River Early Implementation Project Consistency with Delta Plan Mitigation Measures, in the attached document ("Southport_Mitigation_Consistency.pdf"). The MMRP for the Southport project is also attached for reference ("Southport_FEIR_MMRP_2014.pdf"). Southport_Mitigation_Consistency.pdf, Southport_FEIR_MMRP_2014.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)(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:

The Southport project documents and their supporting scientific bases have been subject to extensive, ongoing public review, comment, and refinement since release of the first Notice of Preparation (NOP) in 2011. Repeated collaboration with public agencies with jurisdiction over affected civil works and natural resources and interested nongovernmental organizations has ensured that the best available science has been brought to bear in planning the purpose and nature of the Southport project. Additionally, all supporting design and environmental analysis documents have been subject to vigorous peer review by consulting engineers and scientists, as relevant, prior to use by WSAFCA. Geotechnical engineers from USACE, as well as engineers from multiple consulting firms, have performed geotechnical assessments of the existing levees in the West Sacramento Levee Improvements Program area for over a decade with regard to seepage, slope stability, erosion geometry, levee height, and seismic vulnerabilities. The levee evaluation for the project area conforms to the engineering criteria established by USACE for the assessment and repair of levees. Additionally, results from hydraulic modeling have been used to assess levee height adequacy relative to Federal and local agency criteria. Seven recent independent modeling efforts have analyzed conditions in the project area; these models were used to represent the existing hydraulic and geomorphic conditions and to assess the CEQA and NEPA project alternatives' effects on these conditions. The project, as designed, will bring the levee up to standard with Federal and State levee design criteria. NEPA and CEQA environmental review of the project and five other alternatives, including the No Action alternative, was completed by an independent consulting team of technical resource experts with expertise in CEQA and NEPA compliance for levee projects. To inform the environmental analyses, a thorough quality control review was done of all project-related studies, relevant scientific information related to biological and physical resources in the project area, and other pertinent information. The environmental analysis underwent both peer and public review. Over the course of the project planning and environmental review for the project, WSAFCA and USACE have met with USFWS, NMFS, CVWB, CDFW, and interested tribal entities during site visits and project meetings to discuss the project, including effects on listed species, cultural resources, and mitigation plans.

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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:

The Southport project is a levee project and the primary purpose of the project is to reduce flood risk for the city of West Sacramento through the construction of flood risk-reduction measures along the Sacramento River South Levee. However, the Southport project will include ecosystem restoration through implementation of an offset floodplain area. Revegetation of the offset floodplain area will provide onsite mitigation for project impacts on riparian forest, non-riparian native trees, valley elderberry longhorn beetle, special-status fish, and waters of the United States. Therefore, operation of the offset area will include the use of adaptive management techniques to ensure mitigation goals are met or exceeded as detailed in mitigation and compensation plans prepared to satisfy regulatory requirements of the overseeing resource agencies. The general management approach to the long-term maintenance of the mitigation site will be to establish and maintain habitat functions and values for each mitigated resource through ongoing monitoring and maintenance of the mitigation site. A minimum of 2 years will be required after completion of mitigation responsibilities before final success criteria will be considered met. When needed, adaptive management will be used to adjust management practices, including corrective actions as determined to be appropriate by USACE, USFWS, NMFS, and CDFW in discussion with WSAFCA. Specifically, as directed by the BOs issued by USFWS and NMFS, an interagency group, including WSAFCA, USACE, and NMFS, will monitor and direct the success of the habitat establishment in the offset floodplain area. The BOs contain success criteria that set performance standards against which the offset area's successful replacement of habitat functions and values will be measured. These criteria will direct WSAFCA's implementation of adaptive management in accordance with Conservation Measure 6 of the NMFS BO, which requires that a mitigation and monitoring plan for the floodplain offset area be developed and implemented. Before considering any adaptive management changes to the long-term management plan, the appropriate resource agencies will consider whether such actions will help ensure the continued viability of the mitigation site's biological resources. WSAFCA will provide performance bonds to provide financial assurances for the first 10 years of monitoring and maintenance once construction of the risk-reduction measures is complete. The bonds will be structured to allow the authority of USACE to act if the mitigation were to not meet standards. The bonds would be released at the successful conclusion of each bonding term. To provide long-term funding for the offset floodplain area, WSAFCA will dedicate a portion of their existing annual land-based assessment to fund the long-term (10 years and out) protection and management of OFAs utilized as project mitigation by passage of a WSAFCA Board of Directors resolution. WSAFCA's land-based assessment includes funding for capital improvements and operations and maintenance. WSAFCA's land-based assessment does not include a sunset date and is planned for collection in perpetuity. Further information on long-term funding is provided in Section 1.8.2, Funding, of the Adaptive Mitigation and Monitoring Plan for the project. Southport_AMMP.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 covered action does not involve water that is exported from, transferred through, or used in the Delta.

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 covered action does not involve entering into or amending water supply or water transfer contracts subject to DWR Guideline 03-09 and/or 03-10 (each dated July 3, 2003), (Appendix 2A).

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:

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 covered action does not significantly affect flow in the Delta.

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: The Southport project area is within land elevations identified as “urban,” “uplands,” “transitional habitat,” and “sea level rise accommodation” in Figure 4-1 of Appendix 4 of the Draft Conservation Strategy for Restoration of the Sacramento San Joaquin Delta Ecological Management Zone and the Sacramento and San Joaquin Valley Regions. The offset floodplain area, described in detail in the Southport Early Implementation Project FEIR, Section 2.2.5, Alternative 2—Setback Levee, will include varying elevations from approximately +7.0 feet North American Vertical Datum (NAVD) 88 to +20.0 feet NAVD 88 in order to provide broad habitat variability for a range of environmental and hydrodynamic conditions. Target habitats in the offset floodplain area will be selected for suitability at these varied elevations and will include riparian forest, shaded riverine aquatic (SRA) habitat, seasonal wetlands, and upland grasslands. These riverine floodplain habitat types can be seasonally inundated and would be compatible with the Delta floodplain and Delta upland areas described

in Appendices 3 and 4 of the Delta Plan Regulations. Plants selected for establishment of each of the target plant communities will be based on how the plants associate in nature, and the elevations at which these plants were observed growing along the Southport levee. In addition, the offset floodplain areas will be managed to maintain positive drainage and to remediate acute sedimentation and scour if it causes fish stranding, as described in Section 6.2.2.4, Fish Stranding, in the Adaptive Mitigation and Monitoring Plan for the project. Southport_AMMP.pdf, Southport_FEIR_Vol_I_2014.pdf

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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 covered action is outside of the priority habitat restoration areas depicted in Appendix 5.

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 Southport project is located in an area where setback levees are encouraged, as identified in Figure 8-1 of Appendix 8 of the Delta Plan Regulations. As part of the Southport project, an expanded floodplain area containing riparian habitat will be created between the proposed setback levee and the remnant levee when portions of the existing levee are breached to allow the Sacramento River water to flow into the offset area. The target habitats in the offset floodplain area consist of riparian forest, SRA habitat, seasonal wetlands, and upland grasslands. Upper terraces will support riparian habitat that transitions from willow scrub at lower elevations to mixed riparian forest at higher elevations. Native riparian plant species will be installed as container plants and pole cuttings at a regular intervals throughout the offset floodplain area. Both overstory and understory species will be installed to mimic the natural structure of riparian forests along the Sacramento River.

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:

As part of the Southport project, best management practices (described below) will be implemented as part of the two environmental commitments described below to minimize the spread or introduction of invasive plant species and aquatic invasive species (AIS) during construction (See Southport FEIR, Chapter 2, Alternatives). The offset floodplain areas have been designed to provide poor quality habitat for selected non-native fish species. The primary design consideration for this species is to limit depth of water in floodplain channel and swales to less than 3 feet to discourage nest building during the spring and early summer spawning season. It is expected that during the summer months the swales in the offset areas will drain completely or be low enough that the water will be too warm to attract native species that could be preyed

upon by non-native species. In addition, invasive plant cover will be monitored concurrently with vegetation cover monitoring. Invasive species in the emergent marsh likely will be limited to herbaceous species because wetland hydrology may limit the establishment of woody plant species. Section 5.5, Invasive Species Management, of the Adaptive Management and Monitoring Plan for the Southport project includes additional information on how invasive species will be managed following construction. Invasive Plant Species Prevention WSAFCA or its contractors will implement one or more of the following actions to avoid and minimize the spread or introduction of invasive plant species. In addition, WSAFCA will coordinate with the Yolo County Agricultural Commissioner to ensure that the appropriate BMPs are implemented for the duration of the construction of proposed projects. • Educate construction supervisors and managers about the importance of controlling and preventing the spread of invasive plant infestations. • Treat small, isolated infestations with eradication methods that have been approved by or developed in conjunction with the Yolo County Agricultural Commissioner to prevent and/or destroy viable plant parts or seeds. • Minimize surface disturbance to the greatest extent feasible to complete the work. • Use native, noninvasive species or nonpersistent hybrids in erosion-control plantings to stabilize site conditions and prevent invasive plant species from colonizing. • Use erosion-control materials that are weed-free or contain less than 1% weed seed. • Conduct annual monitoring visits for 5 years to ensure that no new occurrences have established, or as prescribed in permits for other regulations. Aquatic Invasive Species Prevention WSAFCA or its contractors will implement the following actions to prevent the potential spread or introduction of AIS associated with the operation of barges and other in-water construction equipment. Species of concern related to the operation of barges and other equipment in the lower Sacramento River include invasive mussels (e.g., quagga mussels [Dreissena bugensis] and zebra mussels [D. polymorpha]) and aquatic plants (e.g., Brazilian waterweed [Egeria densa] and hydrilla [Hydrilla verticillata]). WSAFCA or its contractors will coordinate with CDFW's Invasive Species Program to ensure that the appropriate BMPs are implemented to prevent the spread or introduction of AIS. • Educate construction supervisors and managers about the importance of controlling and preventing the spread of AIS. • Train vessel and equipment operators and maintenance personnel in the recognition and proper prevention, treatment, and disposal of AIS. • Prior to departure of vessels from their place of origin and before in-water construction equipment is allowed to operate within the waters of the Sacramento River, thoroughly inspect and remove and dispose of all dirt, mud, plant matter, and animals from all surfaces that are submerged or may become submerged, or places where water can be held and transferred to the surrounding water. Southport_AMMP.pdf, Southport_FEIR_Vol_I_2014.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 covered action does not involve new residential, commercial, or industrial development.;

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 Southport project site is largely undeveloped, but borders residential uses at its northern end and near its southern end. Although most of the site is vacant, the Southport Framework Plan has designated areas within the project site as open space; various densities of residential, mixed use, and commercial development; community and neighborhood parks; and agriculture-cluster lands. Implementation of the Southport project will conflict with existing park, residential, and mixed use land use designations, and will require the removal of several currently occupied residential structures. However, the project was carefully designed to minimize conflict with existing land uses to the extent feasible while meeting WSAFCA's project objective to provide ecosystem and habitat restoration, as well as preserving and enhancing riparian and other native habitats. The project was designed to provide the requisite flood risk-reduction measures and its footprint cannot be reduced, and there is not sufficient public lands available for constructing the project without conflicting with land uses. As described in Section 3.11, Land Use and Agriculture, of the Southport project FEIR, all feasible alternatives would result in a conflict with existing land use designations, and there is no feasible mitigation. Land use conflicts were considered by the WSAFCA Board of Directors as part of adopting the Findings of Fact and Statement of Overriding Considerations for the Southport project when the FEIR was certified on August 14, 2014. As described in Section 3.12, Environmental Justice, Socioeconomic, and Community Effects, of the Southport project FEIR, permanent acquisition, relocation, and compensation services for affected residents will be conducted in compliance with Federal and state relocation laws, which are the Uniform Act of 1970 (42 USC 4601 et seq.) and implementing regulation, 49 CFR Part 24; and California Government Code Section 7267 et seq. In compliance with CEQA guidelines, WSAFCA held two public scoping meetings on September 15, 2011 to allow the public to assist them in determining the scope, focus, and content of the EIS and EIR, and opened a 30-day comment period. A second 30-day comment period was held in March and April of 2013 to solicit additional comments on the addition of borrow sites. To further expand public involvement, WSAFCA mailed approximately 2,000 abbreviated summaries of the Notice of Availability for the Draft EIR, namely to affected landowners and residents. In addition, leaflets publicizing the document's availability and public meeting schedule were included in more than 15,000 utility bills delivered to residences throughout the city of West Sacramento. Points of discussion at public meetings and in public comments during the scoping period and on the Draft EIR included property acquisition and relocation assistance. Public comments on the Draft EIS/EIR are described in Part II of the FEIR. Regarding conflicts with park land use designations, there would be no conflict with existing formal recreation facilities, only with land use designations related to recreation. Recreation opportunities that are compatible with flood risk-reduction measures have been incorporated into the Southport project as a secondary purpose. Once construction of the project is complete the maintenance road on top of the setback levee would serve as a recreation

corridor available to pedestrians and bicyclists, with multiple access points along the project alignment. The Southport project also preserves access to the two marinas located along the project alignment. Additional efforts to include recreational features in the Southport project area are described in Appendix A of the FEIR. Southport_FEIR_Vol_I_2014.pdf, Southport_FEIR_Vol_II_2014.pdf, AppA_Recreation.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

Answer Justification:

Construction of the Southport project is necessary to protect existing urban and adjacent urbanizing areas by providing 200-year flood protection, meeting the top prioritization of expenditure of state funding investments in Delta levee risk reduction. The people of California passed two bond measures (Propositions 84 and 1E) that provide approximately $5 billion toward flood management efforts to reduce flood risk, particularly to State-Federal levees protecting urban areas in the Central Valley. These flood risk-reduction measures are expected to be built over the 10 years following authorization of the bonds in 2006. However, there were urgent needs to improve inadequate flood risk management in existing urban areas in advance of the overall comprehensive effort. These advance efforts—Early Implementation Plans (EIPs)—can be implemented ahead of and parallel to the comprehensive effort as long as they are designed to ensure that they do not eliminate opportunity or prejudice future flood risk management alternatives that would provide regional or system-wide benefits. Local agencies and the state are identifying and planning EIPs in a parallel process to be compatible with comprehensive, system-wide studies. Several EIPs have been implemented, such as those under the programs of Sacramento Area Flood Control Agency and WSAFCA. As described in Chapter 1 of the FEIR, the City of West Sacramento, as part of WSAFCA, and in partnership with the California Department of Water Resources (DWR), embarked on a comprehensive evaluation of the condition of the levees protecting the city in 2006. The evaluation was necessary to determine the level of performance provided by the existing levee system, identify the magnitude and severity of deficiencies, and propose potential flood risk–reduction measures. The results of the comprehensive evaluation revealed several deficiencies that require substantial improvements to meet current performance standards as implemented federally by the USACE as levee design criteria and at the state level by the CVFPB as target levels of flood protection. The primary purpose of the Southport project is to reduce flood risk for the entire city of West Sacramento by addressing known levee deficiencies along the Sacramento River South Levee in the project area that were identified during the comprehensive evaluation conducted by WSAFCA and DWR. WSAFCA has partnered with DWR in the planning, design, and construction of the Southport project. The project is being advanced to meet the primary goal of achieving at least 200-year level of flood protection for the city as defined by the Urban Levee Design Criteria as soon as possible, but no later than 2025, as required by Senate Bill 5. Meeting the 200-year level of performance is consistent with the state goal for urbanized areas, which meets one of the nine goals identified

under Policy RR P1. While the Southport project will not reduce all flood risks affecting the planning area by itself, it will provide incremental flood risk reduction for the entire city and will address the most immediate risk based on the location of known levee deficiencies and the clarity and feasibility of available measures to address them.
Southport_FEIR_Vol_I_2014.pdf

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 covered action does not involve new residential development of five or more parcels.

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: The covered action does not encroach within any floodway.

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 covered action does not encroach in any of the following floodplain areas:
(1) The Yolo Bypass within the Delta;
(2) The Cosumnes River-Mokelumne River Confluence, as defined by the North Delta Flood Control and Ecosystem Restoration Project (McCormack-Williamson), or as modified in the future by the California Department of Water Resources or the U.S. Army Corps of Engineers (California Department of Water Resources 2010); and
(3) The Lower San Joaquin River Floodplain Bypass area, located on the Lower San Joaquin River upstream of Stockton immediately southwest of Paradise Cut on lands both upstream and downstream of the Interstate 5 crossing. This area is described in the Lower San Joaquin River Floodplain Bypass Proposal, submitted to the California Department of Water Resources by the partnership of the South Delta Water Agency, the River Islands Development Company, Reclamation District 2062, San Joaquin Resource Conservation District, American Rivers, the American Lands Conservancy, and the Natural Resources Defense Council, March 2011. This area may be modified in the future through the completion of this project.
