

Certification of Consistency

C20234

Step 1 - Agency Profile

A. GOVERNMENT AGENCY: Local Agency

Government Agency: Department of Water Resources

Primary Contact: Lori Price

Address: 715 P Street

City, State, Zip: Sacramento, CA 95814

Telephone/Fax: (916) 820-8176

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

Step 2 - Covered Action Profile

A. COVERED ACTION PROFILE: Plan

Title: Central Valley Flood Protection Plan (CVFPP)

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

Proponent Name: Department of Water Resources

Address: 715 P Street

City, State, Zip: Sacramento, CA 95814

C. OPEN MEETING LAWS

Agencies whose actions are not subject to open meeting laws (Bagley-Keene Open Meeting Act [[Gov. Code sec 11120 et seq.](#)] or the Brown Act [[Gov. Code sec 54950 et seq.](#)]) must post their draft certification on their website and in their office for public review and comment, and mail to all persons requesting notice (Administrative Procedures Governing Appeals, Rule 3). A state or local public agency that is subject to open meeting laws is encouraged to post the draft certification on their website and in the office for public review and comment and to mail to all persons requesting notice.

Any state or local public agency that is subject to open meeting laws with regard to its certification is also encouraged to take those actions. It is encouraged to upload any evidence that the project, plan or program went through for public review and comment as part of a Bagley-Keene or Brown Act meeting.

Is your agency subject to open meeting laws (Bagley-Keene Open Meeting Act [Gov. Code sec 11120 et seq.] or the Brown Act [Gov. Code sec 54950 et seq.]? (Note: Select "Yes" if your agency or organization is subject to open meeting laws. Select "No" if your agency or organization is not subject to open meeting laws.) No

If your agency is not subject to open meeting laws (Bagley-Keene Open Meeting Act [Gov. Code sec 11120 et seq.] or the Brown Act [Gov. Code sec 54950 et seq.]) **did your agency, at least 10 days prior to the submission of a certification of consistency to the Delta Stewardship** Yes

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.

[CVFPP-Supporting Documents List_ada.pdf](#), [CVFPP-CD-Referenced Documents_ada.pdf](#), [DWR NOI Posted_07192023.pdf](#)

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

DWR prepared the CVFPP to reflect a systemwide approach, known as the State Systemwide Investment Approach (SSIA), to improve integrated flood management in lands protected by the State Plan of Flood Control (SPFC). The CVFPP includes management actions that fall into three categories: (1) conveyance-related actions (those that could improve or restore the overall flood conveyance capacity of the flood system, including in-place levee reconstruction, erosion repairs, floodway widening, and weir and bypass modification); (2) storage-related actions that could be implemented by increasing reservoir and floodplain storage capacity and changing flood management operations of existing reservoirs; and (3) other actions. The CVFPP is part of a long-term planning effort and is updated every 5 years. The 2012 CVFPP and subsequent updates in 2017 and 2022 include information on actions that could be implemented in phases over time as part of the systemwide approach (DWR 2012a, 2017, and 2022). Development of the CVFPP was informed by robust, multi-year communications and engagements with the public and State, federal, Tribal, and regional and local partners. This Covered Action Summary is continued in the attached "CVFPP Covered Action Summary". Also refer to the attached: CVFPP Covered Action Summary Attachment 1. DSC Coordination Meeting 072320 Figure 1. CVFPP-SPFC Legal Delta Map Attachment 2. CVFPP Engagements CVFPP Supporting Documents List [CVFPP Covered Action Summary.pdf](#), [Att. 1_DSCCoordinationMeeting-072320_ppt_ada.pdf](#), [Figure 1_CVFPP_SPFC_LegalDelta_map.CSR.pdf](#), [Att. 2_CVFPP Engagements_ada.pdf](#), [CVFPP-Supporting Documents List_ada.pdf](#), [CVFPP-CD-Referenced Documents_ada.pdf](#)

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

F. STATE CLEARINGHOUSE NUMBER:(if applicable) 2010102044

G. COVERED ACTION ESTIMATED TIME LINE:

ANTICIPATED START DATE: (If available) 12/16/2022

ANTICIPATED END DATE: (If available) 12/13/2052

H. COVERED ACTION TOTAL ESTIMATED PROJECT COST: \$30,000,000,000

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:

[CVFPP-Supporting Documents List_ada.pdf](#)

[G P1/Cal. Code Regs., tit. 23, § 5002](#) - Detailed Findings to Establish Consistency with the Delta Plan.

G P1/Cal. Code Regs., tit. 23, § 5002 identifies what must be addressed in a certification of consistency filed by a State or local public agency with regard to any covered action and only applies after a "proposed action" has been determined by a State or local public agency to be a covered action because it is covered by one or more of the regulatory policies listed under Delta Plan Chapters 3, 4, 5, and 7 of this form. Inconsistency with this policy may be the basis for an appeal.

A certification of consistency must include detailed findings that address each of the regulatory policies identified in Cal. Code Regs., tit. 23, §§ 5002-5013 and listed on this Form that is implicated by the covered action.

As outlined in Cal. Code Regs., tit. 23, § 5002 (b)(1), the Delta Stewardship Council acknowledges that in some cases, based upon the nature of the covered action, full consistency with all relevant regulatory policies may not be feasible. In those cases, the agency that files the certification of consistency may nevertheless determine that the covered action is consistent with the Delta Plan because, on whole, that action is consistent with the coequal goals. That determination must include a clear identification of areas where consistency with relevant regulatory policies is not feasible, an explanation of the reasons why it is not feasible, and an explanation of how the covered action nevertheless, on whole, is consistent with the coequal goals. That determination is subject to review by the Delta Stewardship Council on appeal.

Specific requirements of this regulatory policy:

a. [G P1\(b\)\(1\)/Cal. Code Regs., tit. 23, § 5002, subd. \(b\)\(1\)](#) - Coequal Goals

As outlined in **Cal. Code Regs., tit. 23, § 5002 (b)(1)**, the Delta Stewardship Council acknowledges that in some cases, based upon the nature of the covered action, full consistency with all relevant regulatory policies may not be feasible. In those cases, the agency that files the certification of consistency may nevertheless determine that the covered action is consistent with the Delta Plan because, on whole, that action is consistent with the coequal goals. That determination must include a clear identification of areas where consistency with relevant regulatory policies is not feasible, an explanation of the reasons why it is not feasible, and an explanation of how the covered action nevertheless, on whole, is consistent with the coequal goals. That determination is subject to review by the Delta Stewardship Council on appeal.

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

Yes

Answer Justification:

Consistent. DWR has determined that the CVFPP is consistent with all 14 regulatory policies of the Delta Plan, as described in more detail in the following sections. In addition, DWR has determined that, at a planning level, the CVFPP and updates are consistent with the Delta Plan's first coequal goal to protect and enhance the Delta ecosystem. Several management actions such as levee degrades, levee setbacks, and conservation elements described above would protect and enhance the Delta ecosystem. The CVFPP and updates are not a water supply program but a flood risk reduction and ecosystem restoration plan. Furthermore, the CVFPP does not export water from, transfer water through, or use water in the Delta, and it will be the responsibility of future individual CVFPP project lead agencies to conduct their own analysis and confirm consistency with the Delta Plan. A goal of the CVFPP is to promote multi-benefit projects, which supports the creation of opportunities to improve water supply reliability, among other public benefits. Overall, the second coequal goal to provide for a more reliable water supply for California is generally not applicable to the CVFPP, which is not a water supply plan, but for the few multi-benefit actions that may affect water supply, the CVFPP's goal to promote multi-benefit projects and show consistency with other state

programs ensures that the CVFPP would be consistent with the Delta Plan's second coequal goal regarding California's water supply. [CVFPP-Supporting Documents List_ada.pdf](#)

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:

Consistent. DWR has determined that mitigation measures required for each significant program impact are consistent with, and at least as effective as, relevant mitigation measures included in the Mitigation, Monitoring, and Reporting Program (MMRP) for the Delta Plan (Delta Stewardship Council 2019). The CVFPP was subject to the CEQA review described in the 2012 CVFPP Program Environmental Impact Report (PEIR) (DWR 2012a) and the 2017 CVFPP Update Supplemental PEIR (DWR 2017a). Addendum No. 1 to the 2012 CVFPP PEIR was prepared for the 2022 CVFPP Update, followed by an Errata to Addendum No. 1 to the 2012 CVFPP PEIR (DWR 2022). In the 2012 CVFPP PEIR and 2017 CVFPP Update Supplemental PEIR, mitigation measures were identified for significant impacts, including those referenced in Attachment 3, "Mitigation Measure Comparison for the Central Valley Flood Protection Plan," attached separately. Please refer to Attachment 3 for more details. [Att. 3_Mitigation Measure Comparison GP1b2_ada.pdf](#), [CVFPP-Supporting Documents List_ada.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:

Consistent. DWR has determined that the CVFPP is consistent with this Policy. The CVFPP was adopted in 2012 and is updated every 5 years based on new information, including scientific advances. CVFPP supporting documents including the Conservation Strategy and the Flood System Status Report are also updated every 5 years. The CVFPP does not include direct implementation of any projects. Instead, it identifies a planning-level framework of potential projects to be implemented to improve flood protection throughout the Central Valley, including portions of the Delta. Each update of the CVFPP refines the SSIA analysis to reflect new information, including the best available science. In the 2022 update, the SSIA was refined based on a broader range of projected future climate change scenarios, updated sea-level-rise information, updated geotechnical information and hydraulic analysis for levee performance, and refinements

to the floodplain risk management analysis. In addition, development of a performance tracking framework and related systems and tools has been undertaken to track progress toward achieving desired outcomes for public safety, healthy economy, and ecosystem vitality, and to allow for adaptive management of the system as a whole. The Conservation Strategy includes substantial efforts to inventory ecosystem processes, habitats, and stressors. These inventories, which include vegetation mapping and channel bank datasets showing natural and revetted banks, will be updated every 5-10 years to provide data to inform planning and project development. The Conservation Strategy also identifies 17 priority focused studies to advance scientific understanding, implement the CVFPP and related conservation actions, and inform climate change adaptation. The CVFPP's Conservation Strategy provides an overview on progress achieved over the previous 5 years toward meeting the measurable objectives outlined in the CVFPP; supports continued alignment with evolving DWR policies, programs, and initiatives; and updates its content with the latest information, science, and guidance available to support the CVFPP's and DWR's commitment to public safety and environmental stewardship through state-of-the-art flood management practices, wise investments, and multi-benefit project implementation (DWR 2016, 2021). The Flood System Status Report describes the current status (i.e., the physical condition) of SPFC facilities at a system-wide level to support monitoring and tracking of metrics related to performance of the CVFPP over time. The 2022 CVFPP Update builds upon the climate change analysis and evaluation that was introduced in the 2017 CVFPP Update. The CVFPP climate change analysis was guided by State law, technical guidance, inter-agency collaboration, and DWR's Climate Action Plan, which aims to provide standards for quality, scientific rigor, and consistency of analysis. Sea-level risk projection follows the State of California Sea-Level Rise Guidance 2018 Update developed by California Ocean Protection Council (2018). DWR also collaborated with the Delta Stewardship Council (DSC) on the sea-level-rise analysis to complement the work being completed for the DSC's Climate Change Vulnerability Assessment ("Delta Adapts"). Details on the climate change analysis methodology are contained in the 2022 CVFPP Update Technical Analyses Summary Report. Best available science, including models, data, and literature, is continually being used and updated in the CVFPP to support planning for flood risk reduction, ecosystem enhancement, and multi-benefit projects (flood management projects that also contribute to ecosystem and broader integrated water management objectives identified through other programs). The CVFPP and Conservation Strategy relied on numerous sources to document conditions and processes in the Central Valley (and the Delta), including but not limited to: • Unified National Program for Floodplain Management (FEMA 1986) • A California Challenge — Flooding in the Central Valley (DWR 2007) • A Climate Change Vulnerability Assessment of California's Terrestrial Vegetation (Gardali et al. 2012) • Safeguarding California: Reducing Climate Risk. An Update to the 2009 California Climate Adaptation Strategy (CNRA 2014) • California State Wildlife Action Plan 2015 Update: A Conservation Legacy for Californians (CDFW 2015) • Recovery Plan for the Giant Garter Snake (*Thamnopsis gigas*), (USFWS 2017) • 2017 Flood System Status Report (DWR 2017b) • Central Valley Landscape Conservation Project, Vulnerability Assessments for Priority Natural Resources in the Central Valley, Appendix D, "Overview of Projected Future

Changes in the California Central Valley,” (CVFPP 2017) • Population and Habitat Objectives for Avian Conservation in California's Central Valley Riparian Ecosystems, (Dybala et al. 2017) • Regional Conservation Investment Strategies Program Guidelines, (CDFW 2018) • California Water Plan Update 2018 (DWR 2018a) • Climate Action Plan Phase II: Climate Analysis Guidance (DWR 2018b) • Migration Corridors as Adaptation to Climate Change: Why, How, and What Next. California’s Fourth Climate Change Assessment (Keeley et al. 2018) • USFWS Revised Recovery Plan for Valley Elderberry Longhorn Beetle (*Desmocerus californicus dimorphus*) (USFWS 2019) • Climate Action Phase III: Climate Change Vulnerability Assessment (DWR 2019) • The Delta Plan (DSC 2019b) • Statewide Summary Report: California’s Fourth Climate Change Assessment (State of California 2019) • Updated Biological Opinions for CVP and SWP 2009 (NMFS 2009) • California Water Resilience Portfolio (DWR 2020) • California Adaptation Planning Guide (Cal OES 2020) • Floodplain Management Strategic Implementation Plan (DWR 2021a) • Delta Adapts: Creating a Climate Resilient Future Initiative Vulnerability Assessment (DSC 2021) • California Climate Investment Annual Report to the Legislature on California Climate Investments Using Cap-and-Trade Auction Proceed (CCI 2021) • FEMA Building Resilient Infrastructure and Communities (FEMA 2021) [CVFPP-Supporting Documents List_ada.pdf](#), [CVFPP-CD-Referenced Documents_ada.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:

Consistent. DWR has determined that the CVFPP is consistent with this Policy. The CVFPP was adopted in 2012 and is updated every 5 years. Consistent with the purpose of the CVFPP, CVFPP’s Conservation Strategy will also be updated every 5 years based on new information, science, research, and policy to support future CVFPP updates (DWR 2016, 2021). DWR will, in a manner consistent with available funding, use adaptive management to implement the Conservation Strategy and evaluate its success. The Delta Plan Appendix 1B – Adaptive Management, includes a three-phase and nine-step adaptive management framework that is used to evaluate the usefulness of adaptive management for reviewing proposed covered actions involving ecosystem restoration and water management. All covered actions should include an adaptive management plan that includes all nine steps. The three phases are “Plan,” “Do,” and “Evaluate and Respond.” The “Plan” phase includes steps 1-4, “Do” includes steps 5 and 6,

and “Evaluate and Respond” includes steps 7-9. All nine steps are listed below followed by an explanation of how the CVFPP, as well as its Conservation Strategy, continually meet these requirements.

1. Define/Redefine the Problem The Central Valley has one of the highest flood risks in the United States. A combination of climate change and other human-induced changes and events have highlighted the vulnerability of the Central Valley to catastrophic and ever-increasing flood risks, including the risk to life and property (particularly in deep floodplains) and risks to the State’s financial stability. The CVFPP was developed to serve as California’s strategic and financial blueprint to improve integrated flood risk management in the Central Valley, while recognizing the interconnection of flood management actions within the context of broader water resources management, ecosystem protection and enhancement, and climate resiliency.

2. Establish Goals and Objectives The goal of the CVFPP is to improve integrated flood management in lands protected by the State Plan of Flood Control (SPFC). The CVFPP lists eight objectives that have guided program development and implementation:

- Improve flood risk management within lands protected by the SPFC and lands within the Sacramento and San Joaquin River basins and the Delta.
- Improve operation and maintenance by modifying the flood management systems in a way that is more compatible with natural processes where feasible.
- Promote ecosystem functions
- Improve institutional support
- Promote multi-benefit projects
- Maximize flood risk reduction benefits within the practical constraints of available funds
- Adopt the CVFPP by July 1, 2012, and update every five years (in years ending in “7” and “2”) to reflect significant physical and policy changes.
- Meet multiple objectives established in Section 9619 of the California Water Code, as feasible.

3. Model Linkages between Objectives and Proposed Action(s) The CVFPP does not propose specific actions; rather, it describes recommendations to achieve the State’s goals and objectives through the State Systemwide Investment Approach (SSIA) - a diverse portfolio of potential management actions. Several efforts led to the development of the management actions described in the CVFPP. DWR completed the San Joaquin River and the Sacramento River basin-wide feasibility studies, which refined the scale and location of large-scale system improvements for each basin. DWR worked closely with the U.S. Army Corps of Engineers (USACE) as it developed the Central Valley Integrated Flood Management Study, the federal Sacramento River basin-wide management plan. USACE also led State-federal feasibility studies for actions in urban areas protected by the SPFC. Information was also collected from local feasibility studies and regional flood management groups. Development, and continued refinement, of the management actions is supported by the collection of new and updated information, and robust technical analysis. Projected costs associated with operation, maintenance, repair, replacement, and rehabilitation of the flood system were calculated. Technical analysis, using the most current information and models available, was conducted, including hydrologic modeling (e.g. HEC-RAS, FLO-2D, VIC), hydraulic modeling (e.g. RMA Bay-Delta, CVFED), climatic modeling (e.g. GCM, RCP), and flood risk calculations (e.g. HEC-FDA). More detail on the technical analyses completed for the CVFPP can be found in the 2022 CVFPP Update Technical Analyses Summary Report (DWR, 2022). While developing the 2016 Conservation Strategy and 2017 CVFPP Update, DWR conducted fieldwork and aerial imagery mapping to produce several systemwide and

regional inventories of targeted ecosystem processes, habitats, and stressors. DWR also reviewed scientific literature, the conservation needs of target species, and opportunities for multi-benefit flood projects in the system. This work supported the development of the Conservation Strategy measurable objectives- actionable and measurable targets to improve riverine, aquatic, wetland, and riparian habitat in the flood system through the integration of ecological principles with flood risk reduction projects, and operation and maintenance activities- and provided guidance, data, and tools for multi-benefit project planning in the CVFPP. In the development of CVFPP Updates, DWR must also consider various factors that influence the State's recommendations, such as alignment with other State flood management plans, policies, and priorities; funding; and regulatory constraints. The Central Valley Flood Protection Board has responsibility and authority necessary to oversee future modifications to the SPFC, including approving or removing encroachments within flood management projects, floodplains, floodways, and drainage areas of the Sacramento River, the San Joaquin River, and their tributaries and distributaries. Implementation of structural projects envisioned in the CVFPP must meet obligations to the USACE pursuant to assurance agreements with USACE; USACE operation and maintenance manuals; and Title 33, Sections 408 and 208.10 of the Code of Federal Regulations. Any modifications, additions, or deletions to an existing federal flood management project require federal participation and approval through USACE.

4. Select Action(s) (Research, Pilot, or Full-scale) and Develop Performance Measures

The CVFPP does not develop performance measures for select actions. The CVFPP recommends a portfolio of actions to implement in areas protected by the SPFC, based on a 30-year planning horizon. DWR is developing a performance tracking system that can be used to track the success of implemented actions over time. The 2017 CVFPP Update introduced an outcome-based planning framework (Framework) for performance tracking and adaptive management with objectives and metrics that can be tracked over time, and solidification of this framework continued for the 2022 Update. To focus on progressing the CVFPP goals towards intended outcomes with a strategic and systemwide effect, the goals were aligned with societal values: public health and safety; ecosystem vitality; healthy economy; enriching experiences; and equity and social justice. Metrics, indicators, and outcomes were developed for each societal value and are presented in Chapter 3.4 of the 2022 CVFPP Update (Tables 3.4, 3.7, 3.8, 3.11, 3.12). Indicators and metrics were developed using the CVFPP, Conservation Strategy, and Flood System Status Report. For example, the Conservation Strategy measurable objectives (CSMOs), are one-in-the-same with the ecosystem vitality societal benefits included in the Framework. As management actions are implemented through future projects, observable outcomes will be tracked, measured, and compared to intended outcomes of the societal values. The CVFPP and Conservation Strategy do not establish any new performance or regulatory obligations for DWR or other local maintaining agencies (LMAs) within the SPFC areas of responsibility with regard to achieving these outcomes. They are guidance for planning purposes. All proposed actions are subject to feasibility constraints, such as available funding, statutory authority, policy constraints, cost-effectiveness, and acceptability. The proposed framework of measurable objectives is intended to begin the process of developing a scientifically supportable and stable framework for evaluating progress over time rather than setting

absolute performance criteria that must be met under the CVFPP or Conservation Strategy.

5. Design and Implement Action(s) The CVFPP is a plan-level document and is not intended to be used to implement projects. The CVFPP recommends a portfolio of management actions to meet its objectives. These actions could be implemented by State, federal, and/or local project proponents. The potential management actions described in the CVFPP generally fall into the following broad categories or types of actions: additional floodplain and reservoir storage; storage operations; modifications to the flood protection system; operations and maintenance; ecosystem functions; floodplain management: disaster preparedness and flood warning; flood fighting, emergency response, and flood recover; policies and regulation; permitting; and lastly, finance and revenue. A summary of potential management actions included in the SSIA can be found in Chapter 3 of the 2017 CVFPP Update and Chapter 3.3 of the 2022 CVFPP Update. However, the management actions generally encompass broad tactics or strategies, rather than location-specific projects, and vary in their level of detail.

6. Design and Implement Monitoring Plan Monitoring is not conducted for the CVFPP. DWR is developing a system of tracking and data management to facilitate reporting, information sharing, and adaptive management. Since 2016, DWR has been creating new, more efficient systems for data management, including a system to manage data for the Conservation Strategy and other CVFPP metrics. The Flood Performance Tracking System compiles and tracks flood management and environmental outcomes to gauge progress toward meeting CVFPP goals. Indicators, metrics and outcomes (as described in #4) resulting from management actions that are implemented within the SPFC by DWR or other project proponents may be monitored using the performance tracking framework and related systems and tools being developed by DWR. For non-DWR projects/actions, data collection will occur on a voluntary basis from project proponents. Implementation of the comprehensive CVFPP performance tracking and adaptive management system will be part of the next CVFPP update cycle, pending available resources. Progress toward ecological objectives (i.e., performance monitoring) would also be documented using regional and systemwide inventories of changes in riverine and floodplain ecosystems. Regional inventories are anticipated to take place at 5-year or 10-year intervals, corresponding to the intervals between CVFPP updates, and they would generally be conducted by DWR. These inventories would be closely coordinated with any related large-scale monitoring efforts in the region. The inventories would support adaptive management by identifying changes in ecosystem conditions to which DWR contributes by implementing the CVFPP. Regional and systemwide inventories would also be used to assess the overall effectiveness of implemented actions in meeting the Strategy's goals. Fulfillment of the Conservation Strategy's goals would also be evaluated through focused studies. Data gaps are listed in Table 8-2 of the Conservation Strategy (DWR 2016).

7. Analyze, Synthesize, and Evaluate The CVFPP has a 30-year planning horizon and is updated on a 5-year basis, with each update looking ahead 30 years. Each update to the CVFPP inherently includes the steps to analyze, synthesize, and evaluate in order to incorporate the latest information about systemwide and regional flood management needs, advancements in the best available science, refined objectives for improving ecosystem functions along floodways, a robust investment strategy, and a series of policy issues and focused

recommendations needed for continued implementation of the CVFPP. The 2022 CVFPP Update is the second update since the CVFPP's adoption in 2012. The 2012 CVFPP first introduced the SSIA, which provided a road map for Central Valley flood management. The 2017 CVFPP Update refined the SSIA based on new data and physical changes to the flood management system and developed policy recommendations to support implementation. Due to an increasing understanding of climate-driven flood risks, the 2022 CVFPP Update puts additional focus on three central themes: building flood system climate resiliency; increasing accountability through performance tracking; and strategic alignment with other state water management planning efforts. Climate change brings intensified challenges to all aspects of water management; flood management must therefore respond in-kind with solution-sets that span traditionally siloed water sectors. In conjunction with the five-year updates, the Conservation Strategy is also refined based on new data and physical changes to the flood management system, as well as a reevaluation of the Strategy's target species, measurable objectives, and implementation approach. The CSMOs (and therefore also the ecosystem vitality societal benefit) may be re-evaluated each five-year update by reviewing relevant conservation planning, conservation needs of the target species, changes to the CVFPP, and related scientific literature. Further development and use of the performance tracking system will facilitate analysis of the trends (positive or negative) in desired outcomes for each societal benefit, which in turn leads to an evaluation of how well implementation of the CVFPP is achieving its goals and contributing to the societal values. This information will meaningfully inform the adjustment of the SSIA over time based on real on-the-ground results.

8. Communicate Current Understanding The CVFPP is part of a long-term planning effort and is updated every 5 years. As a part of every update cycle, DWR conducts robust, multi-year engagements and communications with State, federal, Tribal, regional, and local partners, as well as the public. Such engagements include meetings, workshops, presentations, open houses, webinars, conferences, interviews, and surveys. In total, 250 engagements were conducted by DWR for the 2022 CVFPP Update alone. In addition, the CVFPB convened additional engagement venues such as monthly CVFPB Board meetings, CVFPB Coordinating Committee meetings, CVFPB Advisory Committee meetings, and CVFPB-led public workshops. (Refer to Attachment 2; CVFPP 2012, 2017, 2022). All of these engagements were critical to soliciting broad feedback on CVFPP content and maintaining ongoing communication.

9. Adapt The regular 5-year updates to the CVFPP serve as opportunities for DWR to adapt the CVFPP to emerging conditions, science, and priorities, as it has done in the 2017 and 2022 updates (DWR 2017a, 2022). Adaptive management of the implementation of CVFPP goals will be guided by project outcomes, regional resource inventories, focused studies, and input from other agencies, scientists, and partners. Updates to the CVFPP will also be informed by the performance tracking system, which will help guide decisions on future investments (i.e. the SSIA) and the types of actions and policies that are working most effectively to achieve flood-related outcomes from the CVFPP. This will allow DWR, CVFPB, and State, federal, and local partners to adaptively manage the flood system towards greater resiliency. [CVFPP-Supporting Documents List_ada.pdf](#), [Att. 2_CVFPP Engagements_ada.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:

Not Applicable. DWR has determined that this policy is not applicable to the CVFPP. The CVFPP focuses primarily on reducing flood risks in the Central Valley, as well as ecosystem restoration related to flood projects. The CVFPP and its projects are not water supply projects. Furthermore, the CVFPP does not export water from, transfer water through, or use water 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:

Not Applicable. DWR has determined that this policy is not applicable to the CVFPP. The CVFPP does not involve water supply or water transfer contracts from the SWP or CVP.

DELTA PLAN CHAPTER 4

[Cal. Code Regs., tit. 23, § 5002, subd. \(c\)](#) - Conservation Measure

Cal. Code Regs., tit. 23, § 5002, subd. (c) provides that a conservation measure proposed to be implemented pursuant to a natural community conservation plan or a habitat conservation plan that was: (1) Developed by a local government in the Delta; and (2) Approved and permitted by the California Department of Fish and Wildlife prior to May 16, 2013 is deemed to be consistent with the regulatory policies listed under Delta Plan Chapter 4 of this Form (i.e. sections 5005 through 5009) if the certification of consistency filed with regard to the conservation measure includes a statement confirming the nature of the conservation measure from the California Department of Fish and Wildlife.

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

N/A

Answer Justification:

Not Applicable. DWR has determined that this policy is not applicable to the CVFPP. The CVFPP does not include implementing conservation measures pursuant to habitat conservation plans or natural community conservation plans. If specific projects are proposed in the Delta that would be subject to this policy number, the lead agency would need to obtain a Delta Plan consistency determination.

[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:

Not Applicable. DWR has determined that this policy is not applicable to the CVFPP. The CVFPP is a planning-level document and does not implement specific actions that would significantly affect flow in the Delta. As a flood risk reduction plan, the CVFPP is primarily focused on the high end of the hydrograph, generally with the goal of reducing or ameliorating very high flow levels and/or increasing conveyance capacity. Consequently, the CVFPP and its related actions generally do not have any effects on Delta flows at the lower Delta inflow levels where Delta Water Quality Control Plan flow objectives are most relevant. It is the responsibility of future individual project lead agencies to conduct their own analysis of Delta flow objectives

and would confirm consistency with the Delta Plan.

[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:

Consistent. DWR has determined that the CVFPP is consistent with this Policy. The CVFPP is a planning-level document and does not implement specific habitat restoration projects. Future habitat restoration project lead agencies implementing projects with habitat components consistent with the CVFPP would have the responsibility of conducting their own analysis regarding habitat restoration and would confirm consistency with the Delta Plan. Appendix H of the 2022 Conservation Strategy Update identifies habitat types and locations of Conservation Planning Areas (CPAs) on Figures H-18 through H-34 (DWR 2021b). When the CPAs are compared with the habitat types illustrated on Figure 4-6 of the June 2022 Update to Chapter 4 of the Delta Plan, the CVFPP CPAs include mostly intertidal and subtidal lands and uplands within three Priority Habitat Restoration Areas identified in Figure 4-7, specifically the Yolo Bypass, Cache Slough, and Lower San Joaquin River Floodplain. The habitat types detailed for these CPAs in Appendix H of the Conservation Strategy Update include upland, perennial wetland, riparian, seasonal wetland, and potential floodplain and SRA habitat. The objectives of the CVFPP Conservation Strategy are as follows: • Ecosystem Processes: Improve dynamic hydrologic (flow) and geomorphic processes in the SPFC. • Habitats: Increase and improve the quantity, diversity, and connectivity of riverine and floodplain habitats. • Species: Contribute to the recovery and sustainability of native species populations and overall biotic community diversity. • Stressors: Reduce stressors related to development and operation of the SPFC that negatively affect at-risk species To achieve these objectives, the Conservation Strategy focuses on the target ecosystem processes, habitats, and species in need of recovery that show the greatest potential to benefit from conservation actions integrated with flood risk management actions. The Conservation Strategy also focuses on stressors to these processes, habitats, and species that could be addressed by multi-benefit flood risk reduction project implementation. CVFPP projects and actions will be developed in close coordination with federal, State, and local agency partners and other stakeholders, including landowners, land conservancies, and non-governmental organizations (NGOs). Many of these partners are involved in land use, flood management, water, or conservation planning efforts that overlap with the CVFPP. Therefore, the effective implementation of the Conservation Strategy relies not only on coordination and collaboration among numerous parties, but on extensive alignment and integration with many other policies, plans, and programs that co-occur in areas where projects would be implemented – including the Delta Plan. In evaluating habitat types for restoration projects, the CVFPP uses several information sources including: • Monitoring (tracking) of progress toward measurable objectives; • Focused studies; • New information; • Systemwide or regional resource inventories; and • Input solicited from agencies, practitioners, and other stakeholders. In using focused studies and monitoring data in addition to scientific literature and the other aforementioned sources, restoration project decisionmakers will have the best available science to determine habitat type and appropriate

elevations. This includes the micro-regional subtleties in habitat type that are sometimes lost in literature aimed at broader-scale habitat definition. Similarly, the Delta Plan identifies the final step in adaptive management for a project in the “Plan” phase as “The scale of the action selected should be informed by the certainty of the relevant scientific information...For example, when the best available science cannot predict the outcome of an action with a reasonable degree of certainty, and further research or a pilot-scale action is likely more appropriate than a full-scale action...” The information used to inform the planning of a project, including the elevation of newly created habitat, is functionally the same as that described in the CVFPP, relying on peer-reviewed literature and other gathered data where possible, and conducting focused studies where more information is needed. The CVFPP and Delta Plan include consistent processes for developing and evaluating restoration projects, including use of the best available science and location-specific data to drive project details, including elevations. [CVFPP-Supporting Documents List_ada.pdf](#)

[ER P3 / Cal. Code Regs., tit. 23, § 5007](#) - **Protect Opportunities to Restore Habitat**

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

Yes

Consistent. DWR has determined that the CVFPP is consistent with this Policy. The June 2022 Update to Chapter 4 of the Delta Plan identifies several priority areas for habitat restoration in Figure 4-7. Priority Habitat Restoration Areas that overlap with the CVFPP include the Yolo Bypass, Cache Slough, and the Lower San Joaquin River Floodplain. The CVFPP identifies numerous actions in these areas as part of the SSIA. The actions within the priority habitat restoration areas generally include a mix of flood risk reduction and habitat restoration actions. The CVFPP does not include any actions which would change land use or preclude restoration of habitat in the priority areas identified in the Delta Plan. Types of projects that could be implemented as part of the CVFPP in the Delta include: improvements to SPFC levees such as setbacks and raises, construction of new levees, preservation and/or restoration of SRA habitat corridors along the waterside toe of levees, and expansion of bypasses. The CVFPP also emphasizes the incorporation of environmental benefits into flood management projects. Under the CVFPP, ecosystem restoration opportunities are integral parts of flood system-scale improvements, as well as urban, small-community, and rural-agricultural area flood protection projects. The State supports implementing integrated projects to achieve multiple benefits. Opportunities for habitat restoration and enhancement would be considered during project design and would be subject to project-level evaluations of consistency with the Delta Plan. A component of both the vegetation management strategy and the CVFPP Conservation Strategy is the enhancement of existing riparian habitats and restoration and creation of riparian habitat in various locations. Riparian forest corridors would be established, as appropriate, in areas outside the vegetation management zone along both the waterside and landside of existing levees. It is most likely that restoration and creation of riparian forest corridors would be in proximity to levees in rural areas where undeveloped land is available and human disturbance would be minimized. The vegetation management strategy would also inform the design of new setback levees by

Answer Justification:

recommending an expanded floodway that would accommodate both vegetation and water conveyance. [CVFPP-Supporting Documents List_ada.pdf](#)

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

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

Yes

Answer Justification:

Consistent. DWR has determined that the CVFPP is consistent with this Policy. The Delta Plan requires evaluation of setback levees in two specific categories as presented above. The CVFPP identifies the potential use of setback levees at several locations to achieve adequate flood protection, including in the lower Yolo Bypass and an expansion of Paradise Cut. Paradise Cut is one of the areas identified for evaluation of setback levees in the Delta Plan. The Paradise Cut Expansion would include a new 1,000-foot-long weir and associated levee setbacks which would provide multi-benefit improvements by reducing flood stage more than 2 feet along the San Joaquin River at Mossdale Tract, which would provide public safety benefits and reduce the probability of levee failure in the San Joaquin River downstream of Paradise Cut. Additionally, levee setbacks would be considered for projects in urban areas and rural-agricultural areas, to the extent feasible, based on the level of existing development and the potential benefits. In urban areas, levee projects would also preserve and/or restore, at a minimum, SRA habitat corridors along the waterside toe of levees. In rural-agricultural areas, setbacks may be used to resolve known performance problems (such as erosion, boils, slumps/slides, and cracks). These improvements were included in the CVFPP Program EIR; however, if these improvements are undertaken, they will undergo separate project-level CEQA and NEPA compliance review as designs advance as well as their own Delta Plan consistency determinations. [CVFPP-Supporting Documents List_ada.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:

Not applicable. DWR has determined that this Policy is not applicable to the CVFPP because the CVFPP itself will not have any impact on invasive species or their habitat. The CVFPP is a systemwide planning document – it does not dictate individual projects’ invasive-species-control or ecosystem-protection measures. While the CVFPP does include a generally applicable Conservation Strategy, therefore, location- and project-specific invasive-species-management actions will need to be developed by implementing agencies. DWR understands that the agencies that design and implement CVFPP-related projects will submit their own Certifications of Consistency, to the extent that each such agency determines that its project constitutes a “covered action.” DWR does not have the authority to design or implement other agencies’ projects, nor can DWR exercise other agencies’ discretion to determine whether their projects are “covered actions” that require submittal of Certification of Consistency.

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

N/A

Answer Justification:

Not Applicable. DWR has determined that this Policy is not applicable to the CVFPP. The CVFPP does not involve the approval or construction of new urban 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:

Consistent. DWR has determined that the CVFPP is consistent with this Policy. The CVFPP includes improvements to existing levee infrastructure which may include expansions or changes to the footprint of these facilities or acquisition of private property beyond the existing flood control infrastructure. Likewise, CVFPP improvements could include ecosystem restoration opportunities that expand natural habitats in association with setback levees or other land use modifications. The CVFPP recommends continued close coordination between the State and local agencies through the Lower Sacramento River/Delta North and Lower San Joaquin River/Delta South Regional Flood Management Planning Working Groups so that future projects consider local land use priorities during project siting and design. Additionally, future individual project lead agencies would have the responsibility of conducting their own analysis in regard to local land use and would confirm consistency with the Delta Plan. [CVFPP-Supporting Documents List_ada.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:

Consistent. DWR has determined that the CVFPP is consistent with this Policy. DWR prepared the CVFPP in compliance with the Central Valley Flood Protection Act of 2008. The Delta is part of the overall system for which the CVFPP has guided the state's participation in managing flood risk in areas protected by the SPFC as directed by the Central Valley Flood Protection Act of 2008. Collaboration between the investment strategies supporting the Delta Plan and CVFPP is necessary to deliver effective improvements in integrated flood management to the Central Valley and Delta. In addition to investments in levees, the Delta portion of the CVFPP Systemwide Planning Area benefits from funding for Delta emergency preparedness, response, and recovery. The CVFPP provides a plan for integrated, sustainable flood management investments that will reduce flood risks for areas protected by SPFC facilities. As conceived by the legislature, the CVFPP is required to be updated every 5 years, beginning in 2017. The CVFPP includes recommendations on investments and policies to support comprehensive flood risk management actions locally, regionally, and systemwide, rather than promoting specific projects. As part of the CVFPP, an Investment Strategy was released in March 2017. It describes the expected costs of implementing the CVFPP and presents a strategy to secure funding; it does not include information that would affect the nature and extent of the flood system management recommendations in the CVFPP itself. The 2022 CVFPP

Update (DWR 2022) does not include a formal update to the Investment Strategy prepared as part of the 2017 CVFPP Update (DWR 2017a). However, components of the Investment Strategy have been updated and are included in the 2022 CVFPP Update (DWR 2022), including: • Updating total investment need for capital and ongoing costs. • Updating funding mechanisms for state, federal, and local sources and justifying cost-shares based off historical expenditures. • Updating the recommended CVFPP funding plan for a fully funded State Systemwide Investment Approach (SSIA) portfolio and delivery through DWR flood management programs. • Identifying a path forward for continued implementation that is focused on near-term funding and policy related actions. [CVFPP-Supporting Documents List_ada.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:

Not Applicable. DWR has determined that this Policy is not applicable to the CVFPP. The CVFPP does not include residential development.

[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:

Not Applicable. DWR has determined that this Policy is not applicable to the CVFPP. The CVFPP planning area does not include floodways that are not a designated floodway or regulated stream within the Central Valley Flood Protection Board's jurisdiction.

[RR P4 / Cal. Code Regs., tit. 23, § 5015](#) - **Floodplain Protection**

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

Yes

Answer Justification:

Consistent. DWR has determined that the CVFPP is consistent with this Policy. The CVFPP does not make recommendations that would have significant adverse impacts on floodplain values or function. The CVFPP's goals and objectives do include positive impacts on floodplain values and functions. The CVFPP includes improvements such as the Yolo Bypass Expansion and Paradise Cut Expansion that could occur within floodplain areas detailed in the Delta Plan. Improvements being considered as part of the Yolo Bypass Cache Slough Partnership and the Paradise Cut Expansion would substantially increase the overall area of frequently activated floodplain that would support riparian, SRA, and wetland habitats, while also providing a continuous corridor of these habitats. The CVFPP includes an estimate of approximately 10,000 acres of new habitats that could be created in this way within the flood management system. Numerous studies have found that floodplain habitat is valuable to native fish species in the Central Valley. Seasonally flooded habitat provides spawning, rearing, and foraging habitat for splittail and rearing habitat for Chinook salmon (Sommer et al. 1997; Sommer et al 2001; Sommer et al. 2002). Floodplain inundation benefits native fish species by increasing habitat availability and food supply and reducing predation rates. In addition, flooded vegetation supports

invertebrates that are a substantial food source for rearing juvenile life stages of native fish species. These improvements are included in the CVFPP and Program EIR. If and when these improvements are undertaken, they will undergo separate project-level CEQA and NEPA compliance review as designs advance. If the implementing agencies determine that their projects constitute “covered actions,” then they will submit their own Certifications of Consistency. [CVFPP-Supporting Documents List_ada.pdf](#), [CVFPP-CD-Referenced Documents_ada.pdf](#)

07/31/2023