

# ***Certification of Consistency***

**C20251**

## **Step 1 - Agency Profile**

### **A. GOVERNMENT AGENCY: State Agency**

Government Agency: Reclamation District No. 1601  
Primary Contact: Kim Untermoser  
Address: 3074 Gold Canal Dr  
City, State, Zip: Rancho Cordova, CA 95670  
Telephone/Fax: (530) 387-1744  
E-mail Address: kuntermoser@ducks.org

### **B. GOVERNMENT AGENCY ROLE IN COVERED ACTION:**

**Will Approve / Will Fund**

## **Step 2 - Covered Action Profile**

### **A. COVERED ACTION PROFILE: Project**

Title: Twitchell Island Wetland Enhancement And Restoration Project

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

Proponent Name: California 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.) Yes

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

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

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

[RD 1601 Minutes 2-20-2024.pdf](#)

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

Reclamation District 1601 (RD 1601), in partnership with the California Department of Water Resources (DWR), and in consultation with the California Department of Fish and Wildlife (CDFW), is proposing to restore and enhance wetland and riparian habitat on Twitchell Island in Sacramento County, California. Historically, the area that became Twitchell Island was primarily tule marsh with some riparian forest. In approximately 1869, levees were constructed that ultimately formed Twitchell Island. RD 1601, formed in 1914, is responsible for operation and maintenance of the levees around the perimeter of Twitchell Island. Much of the island has been farmed since the early 1900s, and the levees have continued to be built up as the associated farmland subsides. In the early 1990s, DWR purchased approximately 90 percent of Twitchell Island to benefit water quality and to create wildlife habitat. The Twitchell Island Wetland Enhancement and Restoration Project (Project) proposes to enhance and restore wetland and riparian and scrub-shrub habitat within a 185-acre Project Area footprint on Twitchell Island. The purpose of the Project is to provide high-quality and cost-effective habitat for Delta Levees Special Flood Control Projects Program (Delta Levees Program or "DLP") participants. Reclamation districts responsible for maintenance of levees throughout the Delta participate in the DLP. Reclamation districts that receive funding from DLP for levee maintenance and improvement work are required to have nonet long-term loss of riparian habitat and a net long-term habitat improvement for that work. CDFW oversees those mandates outlined in the California Water Code (CWC), and along with DWR, sees an advantage in addressing them programmatically. The Project would offset future riparian impacts associated with levee maintenance and improvement work implemented through DLP and, thereby, help satisfy the no net loss of riparian habitat mandate provided in CWC Sections 12314(c) and 12987(c). The wetland restoration portion of the Project would help to achieve the net long-term habitat improvement mandate provided in CWC Sections 12314(d) and 12987(d). Unlike the riparian restoration, wetland restoration would help to achieve the long-term habitat improvements mandated by CWC, and wetland restoration acreage would not be used to offset any future DLP levee maintenance project impacts. See the attached Delta Consistency Determination: Detailed Findings for a complete project description. [TWERP\\_DSC\\_01082025.pdf](#)

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

**F. STATE CLEARINGHOUSE NUMBER:(if applicable)** 2023110643

**G. COVERED ACTION ESTIMATED TIME LINE:**

ANTICIPATED START DATE: (If available)	05/01/2025
ANTICIPATED END DATE: (If available)	10/01/2026

**H. COVERED ACTION TOTAL ESTIMATED PROJECT COST:** \$1,000,000

**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:**

[TWERP\\_DSC\\_01082025.pdf](#), [Attachment A - Design Plans.pdf](#), [ApdxD TWERP DIMP RevisedDraft 2025-01-06.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:

The purpose of the Project is to enhance and restore approximately 40 acres of wetland and approximately 80 acres of riparian and scrub-shrub habitat within a 185-acre Project Area footprint on Twitchell Island. Approximately 50 acres within the Project Area would remain under agriculture use. The remaining portion of the Project Area would be undisturbed and primarily consists of the island perimeter levee side slope and access roadways. The Project would plant native riparian tree and shrub species interspersed with native grasses and redistribute onsite soil to create a mosaic of shallow open-water habitat, habitat islands, and emergent wetland communities. Additionally, the Project would construct shallow swales, incorporate water control structures for water delivery, and include management within the improved wetland units. These actions would enhance wetland management capabilities within the interior of Twitchell Island. As such the Project is in alignment with the coequal goals of the Delta Plan to provide more reliable water supply and protect, restore, and enhance the Delta ecosystem. [TWERP\\_DSC\\_01082025.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:

An Initial Study / Mitigated Negative Declaration (IS/MND) has been prepared by RD 1601 (CEQA lead agency). The public draft has gone through public review (ending December 28, 2023). The Final Draft of the IS/MND was issued and a Notice of Determination was filed on February 22, 2024 (SCH No. 2023110643). The Project will implement all applicable environmental commitments and mitigation measures identified in the IS/MND. A crosswalk table was prepared to demonstrate consistency of all mitigation measures included in the Delta Plan EIR MMRP with environmental commitments and/or mitigation measures for the project. See Appendix B of the Detailed Findings Attachment.

[TWERP\\_DSC\\_01082025.pdf](#)

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**c. [G P1\(b\)\(3\)/Cal. Code Regs., tit. 23, § 5002, subd. \(b\)\(3\)](#) - Best Available Science**

**G P1(b)(3)/Cal. Code Regs., tit. 23, § 5002, subd. (b)(3)** provides that, relevant to the purpose and nature of the project, all covered actions must document use of best available science. For more information, see [Appendix 1A](#), which is referenced in this regulatory policy.

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

Yes

Answer Justification:

RD 1601 and DWR are committed to utilizing the best available science to design and construct the project. Ongoing research related to waterfowl biology and habitat management continues to progress and provides greater insight on how to manage wetlands. The project design and adaptive management plan are based on best available science, as demonstrated by the following elements: ? Well-stated objectives ? Conceptual models of habitat requirements of sensitive fish and wildlife species ? Best professional judgment of experts The Project is designed to improve water conveyance throughout newly created managed wetland units within the interior of Twitchell Island. Throughout Project planning and implementation, the Project Team has been committed to utilizing the best available science to design and construct the Project. The property owner is committed to manage and monitor the site. Adaptive management of the Project will be based on the utilization of input from monitoring data in conjunction with adaptive review of whether restoration goals and objectives are being achieved. Ongoing research related to waterfowl biology and habitat management continues to progress and provides greater insight on how to manage habitat. A list of current best available science applicable to the project is included in Appendix C of the Detailed Findings Attachment.

[TWERP\\_DSC\\_01082025.pdf](#)

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d. [G P1\(b\)\(4\)/Cal. Code Regs., tit. 23, § 5002, subd. \(b\)\(4\)](#) - Adaptive Management

**G P1(b)(4)/Cal. Code Regs., tit. 23, § 5002, subd. (b)(4)** provides that an ecosystem restoration or water management covered action must include adequate provisions, appropriate to its scope, to assure continued implementation of adaptive management. For more information, see [Appendix 1B](#), which is referenced in this regulatory policy. Note that this requirement may be satisfied through both of the following:

(A) An adaptive management plan that describes the approach to be taken consistent with the adaptive management framework in Appendix 1B; and

(B) Documentation of access to adequate resources and delineated authority by the entity responsible for the implementation of the proposed adaptive management process.

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

Yes

Answer Justification:

A management plan prepared by DWR for the project incorporates adaptive management for the site. The plan considers best available science and best professional judgement gained from wetland and riparian habitat management throughout the Delta. The management plan outlines the maintenance plan, performance standards, monitoring program, and remedial actions to ensure project success. Operation of the project would assure continued implementation of adaptive management through regular inspection, maintenance, and repair. A DWR-designated land steward would maintain and operate the site. DWR has adequate staff and fiscal resources to operate and maintain water control infrastructure installed under the project. In addition, DWR provided input on project design to ensure project operation allows for efficient use of resources. The Management Plan prepared for the project is included in Appendix D of the Detailed Findings Attachment. [TWERP\\_DSC\\_01082025.pdf](#)

**DELTA PLAN CHAPTER 3**

[WR P1 / Cal. Code Regs., tit. 23, § 5003](#) - Reduce Reliance on the Delta through Improved Regional Water Self-Reliance

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

N/A

Answer Justification:

The Project does not involve the export, transfer, or use of water in the Delta by a water supplier that has failed to contribute to reduced reliance on the Delta and improved regional self-reliance. As such, Policy WR P1 is not applicable. [TWERP\\_DSC\\_01082025.pdf](#)

[WR P2 / Cal. Code Regs., tit. 23, § 5004](#) - Transparency in Water Contracting

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

N/A

Answer Justification:

The project is not part of the State Water Project and/or Central Valley Project and would not affect the contracting process for water from the State Water Project and/or Central Valley Project. As such, Policy WR P2 is not applicable. [TWERP\\_DSC\\_01082025.pdf](#)

**DELTA PLAN CHAPTER 4**

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

**Cal. Code Regs., tit. 23, § 5002, subd. (c)** provides that a conservation measure proposed to be implemented pursuant to a

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

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

N/A

Answer Justification:

The project does not include implementation of a conservation measure pursuant to a natural community conservation plan or a habitat conservation plan that was developed by a local government in the Delta and approved and permitted by the California Department of Fish and Wildlife prior to May 16, 2013.

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[ER P1 / Cal. Code Regs., tit. 23, § 5005](#) - **Delta Flow Objectives**

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

N/A

Answer Justification:

The Project would occur within the interior of a diked Delta island. No portion of the Project is subject to the State Water Resources Control Board's Bay Delta Water Quality Control Plan flow objectives (State Water Resources Control Board, 2018). The Project would not affect in-stream flows. As such, Policy ER P1 is not applicable. [TWERP\\_DSC\\_01082025.pdf](#)

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[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 Project will comply with ER P2's requirements by enhancing and restoring approximately 40 acres of wetland and approximately 80 acres of riparian and scrub-shrub habitat within a 185-acre Project Area footprint on Twitchell Island consistent with Delta Plan Appendix 3. Currently, Twitchell Island is listed as subtidal habitat based on its elevation (Delta Stewardship Council, 2013). Land subsidence within the Delta threatens levee stability and creates a larger void for saltwater penetration in the event of a levee breach. Although the land surface elevation is currently in a subtidal range, the objective to restore semi-permanent wetland within the Project Area is consistent with ER P2. Proposed marsh habitat would support rhizomatous vegetation growth, generating plant matter under anoxic conditions. This process increases carbon in the soil and decreases decomposition rates. Re-establishing marsh habitat would promote the raising of subsided island bottoms and the reduction of greenhouse gases (GHGs) through restoration of peat soils. Wetland restoration projects are also appropriate within subsided islands in the near term, as they are expected to provide benefits to the local economy, wildlife, and waterfowl while protecting lands from uses that may be unsustainable over the longer term (Delta Stewardship Council, 2013b). The Project would provide critical wintering and resting habitat for migratory birds within the Pacific Flyway. As one of the largest remaining wetland areas in California, the Delta provides habitat to approximately 15 percent of waterfowl on the Pacific Flyway. The proposed Project would improve the diversity and extent of

wetland habitat within the Delta, increasing habitat functions and services for shorebirds, waterfowl, sandhill cranes and other wildlife. In addition, the preserved aquatic cropland would also provide crop residue that can sustain overwintering bird populations adjacent to the restored wetland units. In addition, water conveyance improvements would increase management capabilities within the Project Area and allow the landowner to promote the establishment of native vegetation while restricting the spread of invasive plant species by mimicking natural hydroperiods through moist soil management techniques. As such, the Project is consistent with Policy ER P2. [TWERP\\_DSC\\_01082025.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 Project is located within entirely within Twitchell Island, which is not a priority habitat restoration area identified in the Delta Plan. As such, As such, Policy ER P3 is not applicable. [TWERP\\_DSC\\_01082025.pdf](#)

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

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

N/A

Answer Justification: The Project is not a levee project and would not affect levees along Sevenmile Slough or the San Joaquin River, or involve any urban levee improvement project in West Sacramento or Sacramento. Although Sevenmile Slough is adjacent to the site all work would occur within the interior of the exterior levee separating Twitchell Island from the river. As such, Policy ER P4 is not applicable. [TWERP\\_DSC\\_01082025.pdf](#)

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[ER P5 / Cal. Code Regs., tit. 23, § 5009](#) - **Avoid Introductions of and Habitat for Invasive Nonnative Species**

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

Yes

Answer Justification: The Project is consistent with ER P5 because it includes two years of mechanical and chemical treatment of invasive vegetation prior to construction. As well as drill seeding native grasses to out compete invasive vegetation. During construction the Project will reduce the potential to import non-native and invasive seeds by implementing BMPs. These BMPs will include but are not limited to the following: • Equipment will be cleaned of any sediment or vegetation at designated wash stations before entering or leaving the project area to avoid spreading pathogens or exotic/invasive species. • Wash sites must be in confined areas that limit run-off to any surrounding habitat and on a flat grade. Twitchell Island Wetland Enhancement and Restoration Project Page | 14 | January 2025 • Isolated infestations of noxious weeds identified in the project area will be treated with approved eradication methods at an appropriate time to prevent further formation of seed and destroy viable plant parts and seed. The Project would promote the growth of native hydrophytic and riparian vegetation and would provide the landowner the ability to manage wetlands onsite using moist soil management techniques. Varied water management would allow the Project Area to develop a complex



vegetation community with a mosaic of plant zones and vertical biotic structure throughout the wetland units due to the enhancements described above. The water management would also be utilized to eradicate non-native species by flooding and drying the unit at precise times over the growing period. The Project is consistent with Policy ER P5. [TWERP\\_DSC\\_01082025.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:

This Project is a restoration project and does not involve any residential, commercial, or industrial development. As such, Policy DP P1 is not applicable. [TWERP\\_DSC\\_01082025.pdf](#)

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[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:

While the proposed Project Area is located on state-owned land, not subject to local planning; it is designated by Sacramento County as agricultural cropland and zoned Agricultural – 80 acres (Sacramento County 2013; Sacramento County 2023). Twitchell Island is located in the Western Delta, at the confluence of the Sacramento-San Joaquin Rivers, and it is strategically important for protecting the water quality of the Delta. Hence it is imperative to end land subsiding practices – including, in some cases, conventional agriculture such as grazing – and implement land use practices which accrete soil and reverse subsidence. The Project would accomplish those goals. Habitat restoration activities proposed on the remaining portion of the Project Area would improve soil conditions by enhancing wetland habitats to create additional peat soils and reverse subsidence. Accretion of soil on the interior of Twitchell Island may (over several years) in turn reduce the risk of flooding and reverse subsidence. This subsidence reversal may support some ongoing, appropriate agricultural activities. The majority of the Project Area is currently used as pasture grazing land. However, the heavily subsided location and high-water table makes the Project Area unsustainable for long-term agricultural crop production. Therefore, agricultural use of the Project Area is only feasible in the short term and any impacts are temporary in nature. Most of the Project is managed for grazing or agriculture on short-term leases. The Project would not convert prime farmland to a conflicting use such as urban development. Habitat restoration activities proposed by the Project do not conflict with, but rather enhance farming practices in the Delta due to their role in subsidence reversal. Further, approximately 50 acres of the Project Area would not be disturbed and would be preserved as pastureland and/or farmland for alfalfa production. The Project Area is comprised of two parcels. The west parcel, APN 157-0130-022-0000, is fully encompassed by the Project Area boundary and is not under a Williamson Act contract. A portion of the eastern parcel, APN 157-0130-006-0000, is within the Project Area (approximately 140 acres of 358 acres) and is under Williamson Act contract 72-AP-092. On November 30, 2015, DWR contacted the Department of Conservation and was advised that the



eastern parcel could be planted as riparian habitat and reported as a different land use – i.e., the wildlife habitat land use proposed by the Project would be compatible as an open space category under the Williamson Act. In addition, DWR filed a non-renewal notice for the eastern parcel in 2020 and the Williamson Act contract is scheduled to expire in 2030. Both parcels are zoned AG-80(F) under the Sacramento County Zoning Ordinance with a minimum parcel size of 80 gross acres. Wildlife habitat is an allowable land use under the AG-80(F) zoning designation. The Project Area is south of Twitchell Island Road and west of the Center Island Road near two habitat areas used occasionally by the public for fishing and hunting. Access to these sites is outside the Project Area. There are no recreational opportunities within the Project Area. Access to the surrounding habitat area is traversed by the roads. Twitchell Island Road, adjacent to the Project Area experiences little traffic. Twitchell Island Road provides access from Brannan Island Road (to the northeast of the Project Area) and becomes a one-lane road beyond the Project Area, only providing access to landowners, land managers, and agricultural workers. Owl Harbor is located east of the site, just past the Twitchell Island Road turnoff from Brannan Island Road. Although Brannan Island State Recreation Area is just 1.2 miles west of the Project Area, the islands are separated by Sevenmile Slough and vehicle traffic to and from the Recreation Area and the Project Area is minimal. No other recreation or public access is provided in the Project vicinity. As such, the Project Area provides little to no public use under current conditions. Implementation of the Project Area would not change these conditions, and thus, would remain compatible with existing land use. A more detailed description of the site can be found in the Mitigated Negative Declaration for the Project, Section 2.0 Project Description, and Section 4.2 Agriculture and Forestry Resources, and Section 4.11 Land Use and Planning. The Project would not conflict with the land classification of AG-80 open space/agriculture. There are no Williamson Act contracts on the Project site. As such, the project is consistent with Policy DP P2. [TWERP\\_DSC\\_01082025.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?

N/A

Answer Justification:

The Project is funded by the RD 1601 and is located within the interior of Twitchell Island. All work would occur within the interior of the exterior levee separating the island from Sevenmile Slough. The Project does not involve discretionary State investment in Delta flood risk management. As such, Policy RR P1 is not applicable. [TWERP\\_DSC\\_01082025.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 Project is located within Twitchell Island and does not propose new residential development. As such, Policy RR P2 is not applicable. [TWERP\\_DSC\\_01082025.pdf](#)

### [RR P3 / Cal. Code Regs., tit. 23, § 5014](#) - Protect Floodways

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

N/A

Answer Justification:

All work associated with the Project would occur within the interior of Twitchell Island. All work including the modifications to the existing siphon would occur within the interior of the existing outboard levee and would not encroach within Sevenmile Slough. Sevenmile Slough is a Regulated Stream, as listed in the California Code of Regulations Title 23 Waters § 112 Table 8.1. Sevenmile Slough is jurisdiction of the Central Valley Flood Protection Board (CVFPB). On January 2, 2024, CVFPB reviewed the engineering design plans and acknowledged that no work would occur within Sevenmile Slough and would not require a permit (Lamb, 2024). Since all work is located outside of Sevenmile Slough all construction would not unduly impede the free flow of water or jeopardize public safety. As such, Policy RR P3 is not applicable. [TWERP\\_DSC\\_01082025.pdf](#)

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

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

N/A

Answer Justification:

The Project is on Twitchell Island and would not involve any encroachment in the Yolo Bypass, Cosumnes River-Mokelumne River Confluence, or Lower San Joaquin River Floodplain Bypass. As such, Policy RR P4 is not applicable. [TWERP\\_DSC\\_01082025.pdf](#)

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**01/08/2025**