

TS_30_L

Delta Plan Certification of Consistency

GP1 – Detailed Findings to Establish Consistency with the Delta Plan

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

- a) *This policy specifies what must be addressed in a certification of consistency filed by a State or local public agency with regard to a covered action. This policy 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 contained in Article 3. Inconsistency with this policy may be the basis for an appeal.*
- b) *Certifications of consistency must include detailed findings that address each of the following requirements:*
 - 1) *Covered actions, in order to be consistent with the Delta Plan, must be consistent with this regulatory policy and with each of the regulatory policies contained in Article 3 implicated by the covered action. 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;*
 - 2) *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, which is here by incorporated by reference, (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;*
 - 3) *As relevant to the purpose and nature of the project, all covered actions must document use of best available science;*
 - 4) *Ecosystem restoration and water management covered actions must include adequate provisions, appropriate to the scope of the covered action, to assure continued implementation of adaptive management. This requirement shall 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.*
- c) *A conservation measure proposed to be implemented pursuant to a natural community conservation plan or a habitat conservation plan that was:*
 - 1) *Developed by a local government in the Delta; and*
 - 2) *Approved and permitted by the California Department of Fish and Wildlife prior to May 16, 2013 is deemed to be consistent with sections 5005 through 5009 of this Chapter if the certification of consistency filed with regard to the conservation measure includes a statement confirming the nature of the conservation measure from the California Department of Fish and Wildlife.*

Summary

The San Joaquin River Basin, Lower San Joaquin River, California Project Reach TS_30_L Levee Improvement Project (TS_30_L) is considered by the San Joaquin Area Flood Control Agency (SJAFC) to be a covered action under the Delta Plan. A state or local agency that proposed to undertake a covered action must submit a Certification of Consistency with the Delta Plan to the Delta Stewardship Council, with detailed findings demonstrating that the covered action is consistent with the Delta Plan.

A Certification of Consistency has been submitted electronically for this Proposed Project, via the Delta Stewardship Council's website online form. The purpose of this document is to provide detailed findings in support of this Certification of Consistency, specifically with Delta Plan regulatory policy GP1 which includes adequate coverage of mitigation measures and documentation of use of Best Available Science. Since the covered action is a risk reduction project (i.e., neither an ecosystem restoration nor a water management covered action), an adaptive management plan is not required. Nonetheless, a monitoring plan for the habitat enhancement and establishment elements of the covered action on the San Joaquin River West Biological Mitigation Site (SJR West Site) – including described performance standards, success criteria, monitoring parameters and protocols – are provided in this certification of consistency.

Mitigation Measures

To support this Delta Plan Certification of Consistency, a comprehensive table is uploaded which crosswalks all mitigation measures included in the Delta Plan EIR Mitigation Monitoring and Reporting Program (MMRP) with Project specific environmental commitments and/or mitigation measures specifically identified in the project's MMRP included in the Final Supplemental EIR released in 2023. Please refer to **Attachment_MMRP Crosswalk_TS30L**

Best Available Science

Monitoring Plan

The project's SJR West Site Monitoring Plan is based on best available science, as described by the Delta Plan's **Appendix 1A**. These include the following elements:

- Well-stated objectives
- Conceptual understanding of life history requirements and ecological restoration trajectories
- The best professional judgment of experts

For more information regarding the scientific understanding used for development of the project, please refer to **Attachment_SJR West Site Monitoring Plan** and the information cited in the Supplemental Environmental Impact Report prepared for TS_30_L.

Design Considerations

Topographic Survey

The design topography was provided by a ground survey completed by the U.S. Army Corps of Engineers (USACE) in July 2020. To develop a more complete overview of the levee and surrounding project area, lidar-based survey data from the California Department of Water Resources' (DWR's) Central Valley Floodplain Evaluation and Delineation (CVFED) Program was added in the Brookside Development area. All survey data was referenced to the North American Vertical Datum of 1988 (NAVD88) for vertical control and the North American Datum of 1983 (NAD83) for horizontal control.

Geotechnical Analysis

The Geotechnical Basis of Design Report (GBODR) summarizes the geotechnical engineering evaluation, conclusions, and recommendations for this project. The scope of this report includes evaluating the existing and with-project conditions for under-seepage, through-seepage, levee embankment slope stability, and seismic slope stability.

Several geotechnical reports, which include subsurface explorations, were available near the TS_30_L levee for literature review. Previous reports were conducted for the existing TS_30_L levee by DWR, USACE, and two private consulting firms, Kleinfelder and Moore & Taber. Reports generally consisted of subsurface explorations, engineering analysis and design recommendations. Additionally, previous explorations associated with the design and development of the adjacent residential property located to the east of TS_30_L, conducted by Kleinfelder were also available for review. Finally, construction records, plans and quality control reports were available for review.

The USACE Sacramento District and DWR performed laboratory tests on selected soil samples taken from the subsurface exploratory excavations to determine the geotechnical characteristics and engineering properties. These engineering material properties were used in the seepage and stability models and to develop the geotechnical engineering design recommendations for earthwork and ground improvements. Based on the material behavior and properties extrapolated from field and laboratory data, subreaches were analyzed under various hydraulic loading conditions.

Based on analysis of subsurface investigation data, it was recommended that a cut-off wall and levee reshaping be conducted along the TS_30_L levee to decrease under-seepage concerns and increase levee embankment slope stability.

Please refer to **Attachment_95_percent_GBODR** for additional details.

Hydraulic Analysis

The 100% Hydraulic Basis of Design Report (HBODR) states that the design levee height for the entire TS_30_L levee should match the existing levee height of 18.6 ft (NAVD88). The other design recommendations from the HBODR are provided below:

- Design Water Surface Elevation (DWSE) = 13.6 ft (NAVD88)
- Minimum Top of Levee Elevation (MTOL) = 14.9 ft (NAVD88)
- Design Levee Height = Highest elevation of the following:
 - Existing Levee Height = 18.6 ft (NAVD88)
 - MTOL = 14.9 ft (NAVD88)
 - DWSE + 3 ft = 16.6 ft (NAVD88)
- Waterside Erosion Control = rock to match existing condition from the levee toe to the existing top of levee

Conclusion

Based on the analysis summarized above, including information include in the aforementioned attachments, the covered action is consistent with the requirements specified in **Delta Plan Policy GP1**.