

TS_30_L

Delta Plan Certification of Consistency

Respect Local Land Use When Siting Water or Flood Facilities or Restoring Habitats

DP P2 (Cal. Code Regs., tit. 23, § 5011) Respect Local Land Use when Siting Water or Flood Facilities or Restoring Habitats

- a) *Water management facilities, ecosystem restoration, and flood management infrastructure must be sited to avoid or reduce conflicts with existing uses or those uses described or depicted in city and county general plans for their jurisdictions or spheres of influence when feasible, considering comments from local agencies and the Delta Protection Commission. Plans for ecosystem restoration must consider sites on existing public lands, when feasible and consistent with a project's purpose, before privately owned sites are purchased. Measures to mitigate conflicts with adjacent uses may include, but are not limited to, buffers to prevent adverse effects on adjacent farmland*
- b) *For purposes of Water Code section 85057.5(a)(3) and section 5001(j)(1)(E) of this Chapter, this policy covers proposed actions that involve the siting of water management facilities, ecosystem restoration, and flood management infrastructure.*

Summary

The main components of the San Joaquin River Basin, Lower San Joaquin River Reach TS_30_L Levee Improvement Project (TS_30_L) lie on the border of the City of Stockton and unincorporated San Joaquin County but within the city's sphere of influence and general plan planning area. The TS_30_L levee, barge off-haul site, and San Joaquin River West Biological Mitigation Site (SJR West Site) are located on the far west side of Stockton; the Stockton East Water District (SEWD) borrow site is located on the far east side of Stockton. According to the City of Stockton's General Plan Land Use Map, land directly east (landside) of the TS_30_L levee is designated Low Density Residential; land directly west (waterside) of the TS_30_L levee, as well as the barge off-haul site, is designated Open Space/Agriculture; land upon which the SEWD borrow site is located is designated Institutional. According to the San Joaquin County General Plan Land Use Map, the TS_30_L levee site, SJR West Site, and SEWD borrow site are designated General Agricultural (A/G); and the lands adjacent to the San Joaquin River where the barge off-haul site would be located are designated Open Space/Resource Conservation (OS/RC). No forest land or timberland exists on or adjacent to the project area.

The project includes shifting and reshaping the levee, which will require an increased levee footprint. This proposed 20-foot westward shift to the levee configuration would require realignment of the existing waterside irrigation ditch and would move the landside levee toe 10 feet toward the waterside (providing 15 feet of separation between the landside levee toe and the existing property line). The levee shifting and replacement would alter Prime Farmland and Unique Farmland located in the existing levee toe and easement with development of the project's reshaped levee's waterside slope and levee access road and relocation of the irrigation ditch. However, as this area of land was already located within the existing levee's easement and would remain in the reshaped levee's easement, this alteration would not constitute a change from agricultural to non-agricultural use. In addition, the project's relocation of the irrigation ditch along the TS_30_L levee would be considered a compatible agricultural use and would still serve agricultural irrigation customers. Development of the SJR West Site would result in approximately 49 acres of Prime Farmland being converted from Prime Farmland to wetland and riparian habitat, a non-agricultural use. However, development of the SJR West Site would not impact the underlying soil quality or characteristics that are considered when designating Prime Farmland. Accordingly, unlike a conversion to commercial or residential development, the SJR West Site would not affect the site's potential quality as an agricultural site. In addition, development of the SJR West Site would not fragment surrounding agricultural lands or disrupt drainage or irrigation of surrounding agricultural lands. To the contrary, creation of the SJR West Site, would improve the productivity, quality, and resiliency of surrounding farmland by facilitating drainage and flood control on a regional basis and by improving the ecological quality and biodiversity of surrounding habitats.

The barge off-haul site is located in an active Williamson Act contract area. However, activities at the barge off-haul site would be temporary in nature and would be returned to pre-construction conditions once construction is completed and would not result in a conflict with the Williamson Act. The barge off-haul site will only be used if borrow material is supplied by Dutra Materials at Decker Island. The Solari mitigation site is also located on lands under Williamson Act contract. Development of these lands as wetland and riparian habitat would maintain open space uses and would therefore be considered allowable uses under the Williamson Act.

Consideration of Comments from Local Agencies and Delta Protection Commission

Delta Plan Policy DP P2 calls for considering comments from local agencies and the Delta Protection Commission. No formal comments were received from the Delta Protection Commission regarding this project or for the U.S. Army Corps of Engineer's (USACE's) San Joaquin River Basin, Lower San Joaquin River Integrated Interim Feasibility Report/Environmental Impact Statement/Environmental Impact Report (2018 FR/EIS/EIR). The only local agency comment received during the California Environmental Quality Act (CEQA) process specifically for the covered action described herein (i.e., the Supplemental EIR for the TS_30_L) was from the San Joaquin Valley Air Pollution Control District (District); the comments from the District were specifically related to the air quality analysis and not on land use conflicts that are germane to this assessment of the project's consistency with Delta Plan Policy DP P2.

Comments were received from local agencies in response to the 2018 FR/EIS/EIR. These comments thus were in response to the entire Lower San Joaquin River Project, not the TS_30_L covered action specifically. The local agencies that commented on the 2018 FR/EIS/EIR included the San Joaquin Council of Governments, City of Manteca, City of Stockton, City of Lathrop, Reclamation District 17, and San Joaquin County Flood & Water Conservation District. The comments from these local agencies predominantly focused on providing feedback on the USACE's evaluation of federal interest in investing in a 200-year level of flood protection for areas within Reclamation District 17's jurisdiction. These various comment letters from local agencies did not specifically raise concerns regarding the project's ability to conflict with existing uses or those uses described or depicted in city and county general plans. As such, while these local agency comment letters raised points that are relevant to the CEQA and National Environmental Policy Act (NEPA) review processes, they were ultimately not considered relevant for the purposes of evaluating consistency of the proposed action with Delta Plan Policy DP P2.

Conclusion

Overall, as assessed and disclosed in the CEQA documents, the modest changes in land uses from implementation of the covered action would ultimately not conflict with land use plans, policies or regulations. The project would not result in any displacement of landowners and tenants. As such, the project is considered to be consistent with **Delta Plan Policy DP P2**.