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SUBJECT:      DELTA PLAN CONSISTENCY  
NORTHWEST LEVEE IMPROVEMENT PROJECT AND STONE ROAD SEEPAGE REDUCTION  
PROJECT

April 9, 2019

**INTRODUCTION**

Bethel Island Municipal Improvement District (BIMID) appreciates the assistance we received from you and other colleagues at the Delta Stewardship Council (DSC) in preparing and submitting required documentation consistent with the Delta Plan requirements. These documents provide the necessary information to the DSC as part of filing process for certification of consistency. BIMID examined the Delta Plan policies pertaining to consistency certification and believe this submittal will satisfy the Delta Plan requirements for the Northwest Levee Improvement Project and Stone Road Seepage Reduction Project (Project). BIMID acknowledges the following:

1. The proposed work meets the definition of a project under the California Environmental Quality Act (CEQA) Public Resources Code section 21065.
2. The Project will occur within the Delta legal boundary in the Secondary Zone.
3. The Project has been made possible through a State grant by the Department of Water Resources and will be carried out by BIMID, a local public agency.

BIMID understands the intent of the Delta Reform Act of 2009 and establishment of the self-certification process for demonstrating consistency with the Delta Plan. Furthermore, BIMID believes that the proposed Project does not have any significant adverse impacts on the co-equal goals.

BIMID staff maintained communications with the DSC staff and participated in early consultation meetings to discuss the consistency certification in more detail. This submittal has been prepared following the instruction provided to BIMID by DSC staff.

**PROJECT DESCRIPTION**

BIMID intends to provide higher flood protection by improving the existing levee from Station 0+00 to 130+00, consistent with California Department of Water Resources (DWR) *Bulletin 192-82* standards. The proposed levee reach for this project is located on the northwestern side on Bethel Island, a total project length of approximately 2.5 miles (see Figures 1 and 2). DWR *Bulletin 192-82* criteria for

urbanized communities in the Sacramento – San Joaquin Delta (Delta) include design for the 300-year flood with a minimum freeboard of 3 feet, a minimum 16-foot wide crest, a waterside slope of 2:1, and a land side slope varying between 5H:1V and 7H:1V (depending on the depth of peat soil in the project area). The proposed multi-benefit levee improvement project was generated with the objectives of minimizing the impacts to riparian forest, making the project more cost effective, and providing a stable levee system meeting the requirements of the *Bulletin 192-82* and includes geotechnical measures to assure structural integrity of the facility. This project, once completed, will provide up to about 4500 linear feet of waterside bench for fish friendly habitat.

### **MEETING CEQA**

BIMID has prepared an Initial Study and proposed Mitigated Negative Declaration and a Mitigation Monitoring and Reporting Program (Attached) for the project in accordance with the California Environmental Quality Act (CEQA) Guidelines. Based on the Initial Study, it has been determined that the proposed project would not have any significant adverse effects on the physical environment after implementation of mitigation measures. This conclusion is supported by the following findings:

- The proposed project would have no impacts on land use and planning, mineral resources, population and housing, public services and recreation.
- The proposed project would have less-than-significant impacts on aesthetics, agriculture and forestry resources, greenhouse gas emissions, tribal cultural resources, and utilities and service systems.
- The proposed project would have potentially significant impacts on air quality, biological resources, cultural resources, geology and soils, hazards and hazardous materials, hydrology and water quality, noise, and transportation / traffic but mitigation measures are proposed to avoid or reduce these effects to less-than-significant levels.

The IS/MND includes a summary of mitigation measures that would be implemented by BIMID to avoid or minimize environmental impacts. Implementation of these mitigation measures would reduce the environmental impacts of the proposed project to a less-than-significant level.

### **PERMITS**

BIMID has applied for all necessary federal and State permits including.

- Harbor Act Section 404 – U.S. Army Corps of Engineers
- Clean Water Act Section 401 Water Quality Certification - State Water Resources Control Board
- Notification of Lake or Streambed Alteration – California Department of Fish and Wildlife

### **DELTA PLAN POLICIES**

Following paragraphs examine various policies related to the consistency certification.

- *DELTA PLAN CHAPTER 3*
  - WR P1 / 23 CCR SECTION 5003: This policy covers all Proposed Actions that would export water from, transfer water through, or use water in the Delta, but does not cover any such action unless one or more water suppliers would receive water as a result of the proposed action.

**RESPONSE: N/A**

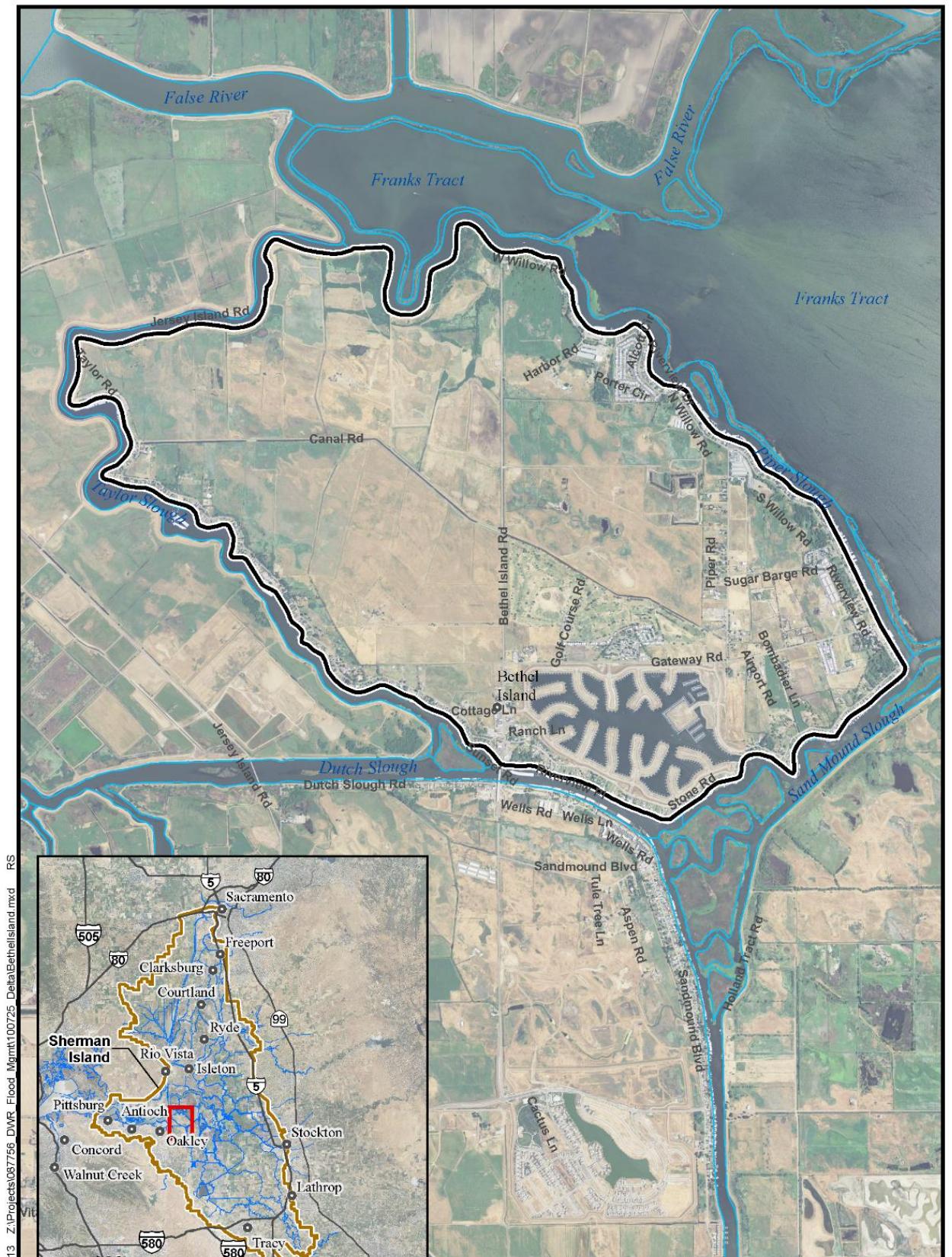
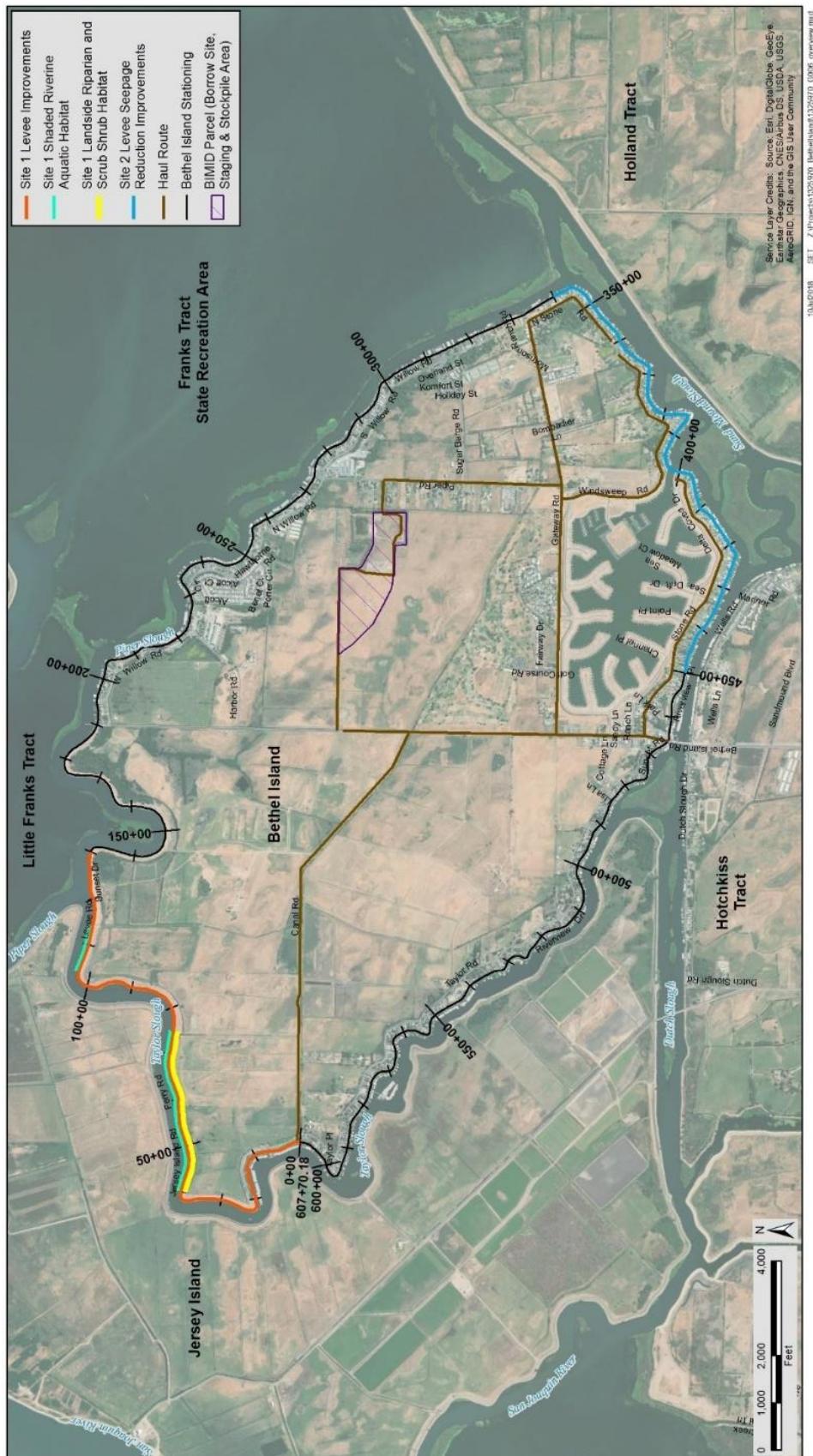


Figure 1: Vicinity Map



*Figure 2: Project Area*

- [WR P2 / 23 CCR SECTION 5004](#): This policy covers all Proposed Actions that involve water supply or water transfer contracts from the State Water Project (SWP) and/or the Central Valley Project (CVP).

**RESPONSE:** N/A

- ***DELTA PLAN CHAPTER 4 –***
  - [ER P1 / 23 CCR SECTION 5005](#): This policy covers all Proposed Actions that could significantly affect flow in the Delta.

**RESPONSE:** *The project will not violate the water quality objectives established by the State Water Resources Control Board. Nevertheless, BIMID will seek the State Water Resources Control Board approval through the application process for Clean Water Act Section 401 Water Quality Certification. The Project will be implemented by adhering to the water quality conditions of the certification. Additionally, BIMID will hire professionals experienced in all elements of the Storm Water Pollution Prevention Plan (SWPPP) monitoring during and after the construction. BIMID understands that dischargers shall ensure that all inspection, maintenance repair and sampling activities at the project location shall be performed or supervised by a Qualified SWPPP Practitioner (QSP).*

*The QSP will provide training, supervision, and oversight to BIMID staff and employees who may perform the inspections, monitoring, corrective action of BMPs, and documentation. BIMID staff and employees will work under the direction of the QSP, as allowed by the permit, and will receive the following trainings.*

- *An initial training session to instruct them on the inspection and documentation requirements; how to take rain gauge readings; how and when to take non-visible pollutant samples; mandatory BMPs; proper installation of BMPs; and when corrective action is necessary.*
- *BIMID staff and employees will be trained to enter their inspections reports on a secured and shared database for everyone use.*
- *A QSP will inspect the site at least once a month to make sure that BMPs conform to the SWPPP that the required documentation is being performed.*

*BIMID will require a QSP to be on call and available if needed. BIMID staff and employees will be furnished with all necessary monitoring equipment and safety gears to perform their job.*

- [ER P2 / 23 CCR SECTION 5006](#): This policy covers all Proposed Actions that include habitat restoration.

**RESPONSE:** *Per the California Water Code §12300 et seq., the California Department of Fish and Wildlife (DFW) is the authority on no net loss of habitat and net gain of habitat. DFW oversee the progress of this element of the project. A restoration and Monitoring Plan will be prepared for submittal to DWR and DFW, a copy will be made available to DSC once completed. The plan will discuss the benefits of fish friendly habitat on the waterside and other restoration work for fish and wildlife.*

*The habitat is a source of organic matter inputs through leaf litter, which would provide nutrient inputs for invertebrates and other small organisms that in turn serve as food sources for higher order organisms in the food web. In addition, fallen waterside vegetation can provide large woody material that act as habitat and cover for fish and other aquatic organisms. The enhanced habitat is also expected to create additional rearing habitat as well as provide hydraulic and predation refuge for migrating salmonids. The*

*enhancement may also provide additional spawning habitat for Delta smelt; as well as spawning, cover, and forage habitat for other delta fish species including the longfin smelt, green sturgeon, white sturgeon, pacific lamprey, and river lamprey.*

*The plan will also talk about the physical characteristic of the proposed site and lays out a planting plan with suitable species to create connectivity. The plan will also address maintenance and monitoring of the enhancement sites for at least 3 years after completion.*

- ER P3 / 23 CCR SECTION 5007: This policy covers all Proposed Actions in the priority habitat restoration areas depicted in Appendix 5. It does not cover actions outside those areas.

**RESPONSE:** N/A

- ER P4 / 23 CCR SECTION 5008: This policy covers all Proposed Actions that would construct new levees or substantially rehabilitate or reconstruct existing levees.

**RESPONSE:** N/A

- ER P5 / 23 CCR SECTION 5009: This policy covers all Proposed Actions that have the reasonable probability of introducing or improving habitat conditions for nonnative invasive species.

**RESPONSE:** *This project doesn't increase the probability of introducing or improving habitat conditions for nonnative invasive species. Similarly, there would be no new opportunities for striped bass. Any unavoidable impacts will be mitigated in a way that appropriately protects the ecosystem. Refer to the IS/MND attached.*

- **DELTA PLAN CHAPTER 5 -**

- DP P1 / 23 CCR SECTION 5010: This policy covers all Proposed Actions that involve new residential, commercial, and industrial development that is not located within the areas described in Appendix 6 and Appendix 7. In addition, this policy covers any such action on Bethel Island that is inconsistent with the Contra Costa County general plan effective as of the date of the Delta Plan's adoption. This policy does not cover commercial recreational visitor-serving uses or facilities for processing of local crops or that provide essential services to local farms, which are otherwise consistent with this chapter.

**RESPONSE:** N/A

- DP P2 / 23 CCR SECTION 5011: This policy covers all Proposed Actions that involve the siting of water management facilities, ecosystem restoration, and flood management infrastructure.

**RESPONSE:** *This project is located in the Secondary Zone of the Delta and is within the prescribed easement of BIMID. The project avoids conflicts with existing uses or those uses described or depicted in city and county general plans for their jurisdictions or spheres of influence.*

- ***DELTA PLAN CHAPTER 7 –***
  - RR P1 / 23 CCR SECTION 5012: This policy covers all Proposed Actions that involve discretionary State investments in Delta flood risk management, including levee operations, maintenance, and improvements.

**RESPONSE:** *Bethel Island is a disadvantage community with more than 2,300 population. The project falls under the first goal in the priority table. The project achieves the following:*

- *It protects existing Delta urban area.*
- *As one of the eight western islands, it protects water quality and water supply in the Delta.*
- *The project protects existing and provides for a net increase in fish friendly habitat.*
- RR P2 / 23 CCR SECTION 5013: This policy covers all Proposed Actions that involve new residential development of five or more parcels that are not located within the following areas:
  - (1) Areas that city or county general plans, as of the date of the Delta Plan's adoption, designate for development in cities or their spheres of influence;
  - (2) Areas within Contra Costa County's 2006 voter-approved urban limit line, except Bethel Island;
  - (3) Areas within the Mountain House General Plan Community Boundary in San Joaquin County; or
  - (4) The unincorporated Delta towns of Clarksburg, Courtland, Hood, Locke, Ryde, and Walnut Grove, as shown in Appendix 7.

**RESPONSE:** *N/A*

- RR P3 / 23 CCR SECTION 5014: This policy covers all Proposed Actions that would encroach in a floodway that is not either a designated floodway or regulated stream.

**RESPONSE:** *This project does not encroach in a floodway therefore results in no changes in the flow rates within the channel.*

- RR P4 / 23 CCR SECTION 5015: This policy covers all Proposed Actions that would encroach in any of the floodplain areas described below:
  - (1) The Yolo Bypass within the Delta;
  - (2) The Cosumnes River-Mokelumne River Confluence, as defined by the North Delta Flood Control and Ecosystem Restoration Project (McCormack-Williamson), or as modified in the future by the Department of Water Resources or the U.S. Army Corps of Engineers (Department of Water Resources 2010a); and,
  - (3) The Lower San Joaquin River Floodplain Bypass area, located on the Lower San Joaquin river upstream of Stockton immediately southwest of Paradise Cut on lands both upstream and downstream of the Interstate 5 crossing. This area is described in the Lower San Joaquin River Floodplain Bypass Proposal, submitted to the Department of Water Resources by the partnership of the South Delta Water Agency, the River Islands Development Company, Reclamation District 2062, San Joaquin Resource Conservation District, American Rivers, the American Lands Conservancy, and the Natural Resources Defense Council, March 2011. This area may be modified in the future through the completion of this project.

**RESPONSE:** *N/A*

We look forward to continuing working with you on this project. Please contact me at (925) 684-2210 or Mike Mirmazaheri at (916) 631-4523 should you have any questions.

Sincerely,

Regina Espinoza  
District Manager  
Bethel Island Municipal Improvement District

Attachments