



ACTION 2022

Delta Protection Commission
Annual Report



Letter from the Chair



January 20, 2023

Honorable Gavin Newsom, Governor of California
Honorable Members, California State Legislature
State Capitol
Sacramento, CA 95814

Re: 2022 Annual Report of the Delta Protection Commission

Dear Governor Newsom,

Pursuant to the provisions of Public Resources Code § 29780, I am proud to submit the 2022 Delta Protection Commission Annual Report for your review.

The Commission and its dedicated staff made great strides towards the protection, maintenance, enhancement, and enrichment of the overall quality of the Delta environment and economy.

It is our mission to support agriculture, recreation, cultural heritage, and natural resources in the Delta. We continue our dedication to that mission through the ongoing advancement of our Strategic Plan (Vision 2030) while being adaptable to emerging challenges and opportunities.

With full support by all the Commission members, it is an honor to offer you the Delta Protection Commission Action 2022.

Sincerely,

A handwritten signature in blue ink that reads "Diane Burgis". The signature is fluid and cursive.

Diane Burgis
Chair

Background

The Delta Protection Act was adopted by the Legislature in 1992 and last amended in 2009. The [Delta Protection Act](#) declares that the Sacramento-San Joaquin Delta is “a natural resource of statewide, national, and international significance, containing irreplaceable resources, and that it is the policy of the State to recognize, preserve, and protect those resources of the Delta for the use and enjoyment of current and future generations.”

The 1992 Act created the Delta Protection Commission to recognize and protect the unique cultural, recreational, natural, and agricultural resources of the Delta, and the 2009 amendments to the Act further defined it as “the appropriate agency to identify and provide recommendations to the Delta Stewardship Council on methods of preserving the Delta as an evolving place.” With this mandate, the Commission focuses on oversight of Delta land use and resource management, levees and emergency response, the support of Delta agriculture, recreation, tourism, and local economic development, and the protection of Delta historic, cultural, and natural resources.

The fifteen members of the Commission include a member of the County Board of Supervisors from each of the five Delta counties (Contra Costa, Sacramento, San Joaquin, Solano, and Yolo); three elected city council members representing cities throughout the Delta; representatives from North, Central, and South Delta Reclamation Districts; and representatives from the California State Transportation Agency, California Natural Resources Agency, California Department of Food and Agriculture, and California State Lands Commission. Two ex-officio members represent the California State Senate and the California State Assembly.

As required by Public Resources Code § 29780, each year the Commission submits to the Governor and the State Legislature this Annual Report, describing the progress Commission actions have made towards fulfilling the requirements of the Delta Protection Act.

2022 Actions

Land & Water

- Commission staff reviewed hundreds of local and regional land use projects for consistency with the [Land Use and Resource Management Plan \(LURMP\)](#) and sent comment letters on twenty-three land use projects (detailed on pages 5 through 12).
- Commission staff participated in or monitored activities related to Department of Water Resources' (DWR) [Delta Conveyance Project](#) (Delta tunnel), including:
 - The progress of the draft [Environmental Impact Report](#) (DEIR) which was published on July 27, 2022, through periodic briefings with DWR's Delta Conveyance Office staff.
 - Meetings of the Delta Conveyance Design and Construction Authority (DCA), since the DEIR relied heavily on their Engineering Project Reports and Technical Memos.
 - The U.S. Army Corps of Engineer's (Corps) National Environmental Policy Act process for a new [Environmental Impact Statement](#) (EIS), published December 19, 2022.
 - A proposed Programmatic Agreement under Section 106 of the National Heritage Preservation Act. Commission staff continued to participate as a consulting party to the Corps and the State Historic Preservation Office. Staff is providing resources and information on Delta cultural landscape elements to inform this document in coordination with the Delta Counties Coalition and local historic and cultural resource experts.
 - DWR's [Community Benefits Program](#). Commission staff reviewed the Draft Framework published in May 2022.
- Commission staff convened the [Delta as Place Interagency Working Group](#), a quarterly forum to highlight initiatives of local governments, special districts, and state agencies to accomplish "Delta as Place" recommendations in the Delta Plan.

Regional Economy

- Commission staff monitored the California Middle Mile Advisory Committee, chaired by the Department of Technology (CDT), the California Public Utilities Commission (CPUC), the California Broadband Council, and others, to track how Delta broadband deployment and affordable high-speed options can be improved. Significant additional federal funds are being directed to the states to improve broadband access to rural and underserved areas, and the state has multiple mechanisms for rolling out programs.
- The CDT and CPUC recently requested assistance from local and state entities in such efforts as improving accuracy of Federal Communications Commission mapping. Staff are working with the City of Isleton and the Connected Capital Area Broadband Consortium manager

Valley Vision to improve the mapping, as well as renew or repurpose last year's National Telecommunications Information Administration grant application.

Recreation & Tourism

- The Commission approved the [Great California Delta Trail](#) (Delta Trail) Master Plan in January. Copies were distributed to stakeholders and other interested parties.
- Commission staff initiated a committee to work to support and promote Delta Trail segment additions such as the Carquinez Strait Scenic Loop Trail in Solano and Contra Costa counties and others in earlier planning stages, for example in Sacramento and Yolo counties.
- Commission staff led projects related to the [Delta Tourism Awareness 5-Year Marketing Plan](#), including:
 - Promotion of the Delta as a recreation and tourism destination on the [Visit CA Delta](#) website and on the social media services [Facebook](#), [Twitter](#), and [Instagram](#).
 - The Commission was awarded and accepted a \$430,000 Clean California grant administered by the California Department of Transportation to install wayfinding and interpretive signs in the Delta.
 - Continuing to implement the “Welcome to the Sacramento-San Joaquin Delta National Heritage Area” sign project. Upon approval of required encroachment permits by Caltrans, signs are anticipated to be placed in eleven locations in Yolo and Sacramento counties in the first quarter of 2023.

Heritage

- Commission staff engaged in various efforts related to the preparation of the Sacramento-San Joaquin Delta National Heritage Area (Delta NHA) Management Plan, including:
 - Holding six meetings with the [Delta NHA Management Plan Advisory Committee](#) and eleven meetings with the Heritage Development and Tourism, Interpretive Planning, Organization, and Resource Stewardship task groups.
 - Presenting to local officials, including the Sacramento County Board of Supervisors, about potential partnerships with the NHA.
 - Meeting with tribal representatives as part of a tribal consultation process and with key stakeholders to form the foundations of the Management Plan.
 - Engaging the public through hosting the 5th Annual [Delta Heritage Forum](#) in November in Walnut Grove. The Forum had more than fifty attendees and fourteen presenters.
 - Developing components of the Management Plan with Point Heritage Development Consulting and California State Parks including mission and vision statements, objectives, strategies, actions, potential roles, interpretive framework, and resource inventory.

- Together, Commission staff and Delta Leadership Program participants initiated planning efforts for the America250 celebration – the 250th anniversary of American independence in 2026 – in the Delta and National Heritage Area, including holding a workshop on America250 at the Delta Heritage Forum.

Outreach & Education

- Delta Flood Preparedness Week was held October 22 to 29 in coordination with the overall state efforts of [California Flood Preparedness Week](#). Commission staff continued to promote www.deltafloodready.com, a website created to address the unique flood awareness and preparedness needs of Delta residents and businesses, using new branding developed in 2021.
- Commission staff continued their consistent efforts to share information with the public across multiple channels, including:
 - Weekly Delta Happenings emails and bi-monthly Delta Heritage Courier.
 - Recordings of three Commission meetings, three Delta Protection Advisory Committee meetings, and three Delta NHA Management Plan Committee meetings posted to the [Commission’s YouTube channel](#).
 - Regular posts to the Commission’s [Facebook](#), [Twitter](#), and [Instagram](#).

Leadership & Development

- Three vacant positions were filled and another advertised for recruitment.
- Moved to a smaller office suite to save costs while accommodating staff’s teleworking schedules.

LAND USE PROJECT COMMENT LETTERS

Multi-County

Delta Conveyance Project Draft EIR

Draft Environmental Impact Report. The Project would construct an underground tunnel to convey water with associated above-ground features such as tunnel launch and retrieval sites, maintenance shafts, material stockpiles, access roads, fish screens, parking lots, and concrete manufacturing facilities. The preferred tunnel route is running roughly parallel to and west of Interstate 5 near Hood to a site south of the Byron Highway and Clifton Court Forebay adjacent to Bethany Reservoir. Project features would be located in Sacramento, San Joaquin, Contra Costa and a non-Delta portion of Alameda counties with impacts also potentially affecting Yolo and Solano counties. Tunnel is sized to move 6,000 cubic feet per second of water from an intake located on the Sacramento river.

Authority: Non-jurisdictional project that may affect Delta resources, CEQA reviewing agency

Zone: Primary and secondary

Comments: Requested a longer comment period and in-person meetings to be held. Recommend evaluation of a “no-project” alternative in more detail than presented in DEIR. Found and commented on numerous deficiencies in DEIR, including omissions, inadequate data collection and overly narrow thresholds of significance leading to minimization of significant impacts findings.

Project Size: Preferred project is a 45-mile long project tunnel alignment in a construction corridor ranging from 3 to 5 miles wide and would include several above-ground facilities and construction sites.

Farmland Conversion: Seeking clarification based as part of DEIR comments. Many indirect impacts were not tallied.

Delta Levee Investment Strategy Rulemaking Process

Authority: Non-jurisdictional project that may affect Delta resources

Zone: Primary and secondary

Comments: Support improving all Delta levees to the DWR Bulletin 192-82 standard. Amend the definition of “levee operation and maintenance” to include levee rehabilitation, as those activities are currently undertaken through the Delta Levees Maintenance Subventions Program.

Project Size: Delta-wide

Farmland Conversion: None

Draft 2022 Update to the Central Valley Flood Protection Plan

Draft for comments.

Authority: Non-jurisdictional project that may affect Delta resources

Zone: Primary and secondary

Comments: Provide support for grant programs and funding support for Delta levees. Include recreation in levee projects. Provide better descriptions of sea level rise models.

Project Size: Delta-wide

Farmland Conversion: None

Mokelumne Aqueducts Resiliency Project

Notice of Preparation of Draft Environmental Impact Report. Project proposes to abandon and replace two of the three Mokelumne Aqueducts owned and operated by East Bay Municipal Utility District with a 16.5-mile buried tunnel and associated facilities.

Authority: Jurisdictional project; California Environmental Quality Act (CEQA) reviewing agency

Zone: Primary and secondary

Comments: Evaluate impacts on land use and planning, noise, agriculture, geology and soils including levees, drainage facilities, and tunnel material disposition. In localized areas, also evaluate aesthetic impacts of the access shafts, air quality near sensitive receptors, and historic/cultural resources. Phase project construction to minimize disruption. Ensure local agencies, businesses, and affected residents are consulted as mitigation measures are developed, evaluated, and implemented.

Project Size: 16.5 miles

Farmland Conversion: 2.9 acres, temporary impacts to up to 19.8 additional acres

North Delta Drought Salinity Barriers

Public notice of application for Corps permit for the discharge of dredged or fill material and work. The Project entails DWR installing temporary rock fill barriers in Steamboat and Miner Sloughs to prevent the intrusion of high-salinity water into the Delta.

Authority: Non-jurisdictional project that may affect Delta resources

Zone: Primary and secondary

Comments: Encourage the Corps to evaluate potential project impacts to levees, local water supply, and recreation in Steamboat and Miner Sloughs.

Project Size: 1.6 acres

Farmland Conversion: None

State Route 4 River Bridge Maintenance Project

Negative Declaration. Project entails the California Department of Transportation conducting preservation actions related to the Old River Bridge on State Route 4. The bridge is listed on the California Register of Historical Resources and is eligible for listing on the National Register of Historic Places.

Authority: Non-jurisdictional project that may affect Delta resources, Delta NHA coordinating entity, CEQA reviewing agency

Zone: Primary

Comments: Support projects to preserve historic bridges and other historic resources in the Delta.

Project Size: 5.42 acres of temporary impacted area

Farmland Conversion: None

West False River Drought Salinity Barrier Project

Notice of Preparation and Draft Environmental Impact Report. Project entails DWR constructing a temporary barrier in the West False River up to two times between 2023 to 2032 if drought conditions occur.

Authority: Non-jurisdictional project that may affect Delta resources, CEQA reviewing agency

Zone: Primary

Comments: Evaluate barrier's impacts to surface water elevations and increased water temperatures in West False River and nearby waterways, recreational boating in West False River, and traffic. Consider mitigation to minimize recreation impacts.

Project Size: 3.12 acres

Farmland Conversion: None

Yolo Bypass Cache Slough Master Plan

Notice of Preparation of Draft Environmental Impact Report.

Authority: Jurisdictional, CEQA reviewing agency

Zone: Primary and secondary

Comments: Review any proposed projects and mitigation measure for compliance with the Land Use and Resources Management Plan (LURMP). Take advantage of the Yolo Bypass for recreational activities. Involve Delta people in the planning process. Utilize "good neighbor" practices when

implementing habitat or species mitigation measures. Prioritize use of existing public lands for habitat. Identify if any projects or mitigation measures will lie within the primary zone.

Project Size: 41 miles long, 3 miles wide

Farmland Conversion: None at this time, but potential for short- and long-term conversion of farmland for Yolo Bypass improvements, use of borrow material, or habitat-based mitigation or enhancements

Sacramento County

Georgiana Slough Salmonid Migratory Barrier

Notice of determination. The Project entails DWR installing and operating a Bio-Acoustic Fish Fence at the Georgiana Slough and Sacramento River junction for 8 years starting in late 2022/early 2023.

Authority: Non-jurisdictional project that may affect Delta resources, CEQA reviewing agency

Zone: Primary

Comments: Consider potential impacts to the passage of deep draft vessels through Georgiana Slough. Coordinate with local reclamation districts to ensure project will not impact critical levee repair activities.

Project Size: 6.66 acres of staging areas and 1,240 feet long Bio-Acoustic Fish Fence plus appurtenant facilities

Farmland Conversion: No permanent conversion of farmland, temporary impacts to 6.66 acres of farmland

Gutierrez & Garcia Tentative Parcel Map

Application for tentative parcel map, Special Development Permit, and design review. The Project would subdivide a 56.27-acre parcel into two parcels consisting of a 2.85-acre property with a single-family dwelling unit and a 53.41-acre parcel for farming.

Authority: Jurisdictional project

Zone: Primary

Comments: Generally oppose subdivision of agriculturally-zoned land that results in parcels that deviate from the minimum lot size; however, the County is requiring the owners of the property to restrict residential development on the remainder of the property.

Project Size: 56.27

Farmland Conversion: None

Hood Septic to Sewer Conversion Project

Notice of Preparation and Draft Environmental Impact Report. The Project entails extending public sewer service to up to 137 parcels in the community of Hood.

Authority: Jurisdictional project, CEQA reviewing agency

Zone: Primary

Comments: Project is consistent with the LURMP and the Hood Community Action Plan. Consider how traffic impacts may affect agricultural operations during the harvest season.

Project Size: Approximately 215.7 acres (up to 137 parcels)

Farmland Conversion: None

McCormack-Williamson Tract Levee Modification and Habitat Restoration Project – Phase B

Draft Supplemental Environmental Impact Report. The Project consists of lowering and repairing sections of levees, enhancing landside levee slope and habitat, and modifying landform to restore previous agriculture land and habitats on McCormack-Williamson Tract.

Authority: Non-jurisdictional project that may affect Delta resources, CEQA reviewing agency

Zone: Primary

Comments: Support projects that provide needed flood protection and stability for the Delta and restore natural habitat. Consider possible locations for trails and potentially incorporate these into the Great CA Delta Trail.

Project Size: 1,635 acres

Farmland Conversion: None

Zacharias Ranch Mitigation Bank

Public notice of application for Corps permit for the discharge of dredged or fill material and work. Project entails Westervelt Ecological Services establishing an approximately 571-acre mitigation bank in or adjacent to the Snodgrass Slough watershed.

Authority: Non-jurisdictional project that may affect Delta resources

Zone: Primary

Comments: Review project for compliance with the LURMP. Any farmland converted to non-agricultural uses or taken out of production should be mitigated. Consider potential impacts to surrounding properties, including impacts to agricultural operations and seepage, and water quality impacts on nearby irrigated farmland.

Project Size: 571 acres

Farmland Conversion: 33 acres

Contra Costa County

Contra Costa County 6th Cycle Housing Element Update

Notice of Preparation of Draft Environmental Impact Report.

Authority: Jurisdictional project, Delta Trail, CEQA reviewing agency

Zone: Primary and secondary

Comments: Suggest that the Draft Environmental Impact Report assess and mitigate for potential loss of agricultural land, increased traffic, and impacts to land in the primary zone. Advise County to review LURMP policies related to agriculture and land use. Hope to work on possible locations for trails and potentially incorporate these into the Delta Trail.

Project Size: Countywide

Farmland Conversion: Unknown. Notice of Preparation states potential sites in Housing Elements Site Inventory could be on prime farmland. Additional information needed to assess impacts to farmland.

San Joaquin County

Bacon Island Levee Rehabilitation Project

Initial Study/Mitigated Negative Declaration. Project entails rehabilitation of approximately 3.5 miles of levees on the north and south sides of Bacon Island to meet minimum levee design standards and improve emergency access.

Authority: Jurisdictional project, CEQA reviewing agency

Zone: Primary

Comments: Support projects that provide needed flood protection and stability for the levee system within the Delta.

Project Size: 3.5 miles of levees

Farmland Conversion: None

McDonald Island Dredged Material Placement Site

Mitigated negative declaration. Project entails the construction of a new 18-acre placement site on McDonald Island for dredged material resulting from maintenance dredging activities conducted by the Corps in the Stockton Deepwater Ship Channel.

Authority: Non-jurisdictional project that may affect Delta resources, CEQA reviewing agency

Zone: Primary

Comments: Work with technical experts to ensure that the dredged material can support continued agricultural production on McDonald Island. Any loss of farmlands should be avoided. Discharge pipeline could impact recreational boating in the surrounding waterways. Identify and mitigate potential impacts to recreation.

Project Size: 18 acres

Farmland Conversion: Temporary impacts to 18 acres of farmland

Mossdale Tract Area Urban Flood Risk Reduction Project

Notice of Preparation of Draft Environmental Impact Report. Project entails construction and operation of fix in place and potential levee setback improvements to State Plan of Flood Control levees and a non-SPFC dryland levee in and adjacent to the Mossdale Tract area.

Authority: Non-jurisdictional project that may affect Delta resources, Delta Trail, CEQA reviewing agency

Zone: Secondary

Comments: Support projects that provide needed flood protection and stability for the Delta. Project should employ the Delta Stewardship Council's Good Neighbor Checklist. Encourage project proponent to work with Commission staff on possible Great Delta Trail locations.

Project Size: 22,400 acres

Farmland Conversion: None

Solano County

Cache Slough Mitigation Bank

Public notice of application for Corps permit for the discharge of dredged or fill material and work. Project entails Westervelt Ecological Services establishing an approximately 350-acre mitigation bank immediately northeast of the City of Rio Vista.

Authority: Non-jurisdictional project that may affect Delta resources

Zone: Primary

Comments: Review project for compliance with the LURMP. Consider potential impacts to surrounding properties, including impacts to agricultural operations and seepage.

Project Size: 350 acres

Farmland Conversion: None

Yolo County

AT&T Jefferson Cell Tower Project

Initial Study/Mitigated Negative Declaration. The Project entails Yolo County issuing a use permit to allow construction of a 40-foot by 50-foot wireless communication facility.

Authority: Jurisdictional project

Zone: Primary

Comments: Support projects that provide permanent wireless access within the Delta. Encourage consideration of visual impacts on the surrounding landscape.

Project Size: 5.61 acres

Farmland Conversion: None

Barn at Utter Ranch Historic Landmark Designation

Request for designation of the Barn at Utter Ranch as a County recognized Historic Landmark.

Authority: Non-jurisdictional project that may affect Delta resources, Delta NHA coordinating entity

Zone: Primary

Comments: Supportive of projects that encourage agricultural tourism and promote recognition of the Delta as a place by educating individuals about the rich agricultural heritage.

Project size: None provided

Farmland Conversion: None

Bogle Family Limited Partnership Lot Line Adjustment and Rezone Project

The Project entails adjusting the existing property lines on three parcels and expanding the zone boundary of the approximately 59.78-acre Agricultural-Industrial zoned parcel to encompass approximately 91.82 acres in total through the proposed lot line adjustment.

Authority: Jurisdictional project

Zone: Primary

Comments: Support projects that maintain the agricultural economy. Advise County to review LURMP policies related to agriculture and land use.

Project Size: 91.82 acres

Farmland Conversion: None

Proposed Amendments to Zoning Regulations, Article 11: Energy and Telecommunications

Development Standards

Project entails amending Article 11: Energy and Telecommunications Development Standards of the Yolo County zoning code, particularly Sections 8-2.1102 (Wireless Telecommunication Facilities), 8-2.1104 (Small and Medium Solar Energy Systems), and 8-2.1105 (Large and Very Large Solar Energy Systems).

Authority: Jurisdictional project

Zone: Primary

Comments: Support projects that provide wireless access in the Delta. Telecommunication facilities, solar energy systems, and energy storage facilities should be permitted in a manner that avoids or minimizes conversion of agricultural land. Where conversion of agricultural land is unavoidable, loss of agricultural land should be mitigated to the fullest extent feasible.

Project Size: Countywide

Farmland Conversion: None at this time, but future projects could covert farmland in the primary zone if approved

Tentative Parcel Map for Dwyer Parcel

Project entails creation of 10 parcels, not less than 80 acres, from an approximately 1,054.54-acre property and reconfiguration of the parcels to follow the existing farming operations.

Authority: Jurisdictional project

Zone: Primary

Comments: Project is consistent with the LURMP because the reconfigured parcels are large enough to sustain long-term agricultural production and all the parcels meet the minimum requirement for the Agriculture-Intensive Zone.

Project Size: 1,054.53 acres

Farmland Conversion: None

2022 Membership

Commissioners

Don Nottoli, Out-going Chair
Supervisor, Sacramento County

Diane Burgis, In-coming Chair
Supervisor, Contra Costa County

Chuck Winn, Out-going Vice Chair
Supervisor, San Joaquin County

John Vasquez, In-coming Vice Chair
Supervisor, Solano County

Oscar Villegas
Supervisor, Yolo County

Ron Kott
Mayor, City of Rio Vista

Paul Steele
Councilmember, City of Isleton

Alan Nakanishi
Councilmember, City of Lodi

James Paroli
Representative, Central Delta Reclamation Districts

Tom Slater
Representative, North Delta Reclamation Districts

Nick Mussi
Representative, South Delta Reclamation Districts

Toks Omishakin
Secretary, California State Transportation Agency

Karen Ross
Secretary, California Department of Food and Agriculture

Wade Crowfoot
Secretary, California Natural Resources Agency

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Land Management Division Chief,
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