



## PUBLIC NOTICE AND MEETING AGENDA Delta Protection Commission

**Amended 11/4/25**

Thursday, November 13, 2025, 5-7 p.m. (end time is approximate)  
The Willow Ballroom, 10724 California 160, Hood, CA

### **Agenda**

1. Call to order and Flag Salute
2. Welcome & Roll Call
3. Public Comment – an opportunity for members of the public to address the Commission regarding items not on the agenda
4. Presentation of award by Sacramento Valley Section, American Planning Association for the National Heritage Area Management Plan - Blake Roberts, Program Manager

### **Closed Session Agenda**

5. The Commission will meet in closed session to discuss potential litigation pursuant to Government Code, Section 11126(e)(2)(B), (e)(2)(C).

### **Consent Agenda**

6. Approval of Draft November 3, 2025, Meeting Minutes

### **Regular Agenda**

- ~~7.—Approval of 2026 Meeting Schedule (if not acted on at 11/3/25 Commission meeting)—Amanda Bohl, Executive Director (action taken on 11/3/25)~~
- ~~8.—Consideration and Potential Approval of Proposed Consent Agreement with Department of Justice and Delegation of Authority to the Executive Director to Execute the Agreement (if not acted on at 11/3/25 Commission meeting)—Amanda Bohl, Executive Director and Nicole Rinke, Counsel (action taken on 11/3/25)~~

9. Review of the Delta Conveyance Project's Benefit-Cost Assessment and Economic Implications – Dr. Jeff Michael, Director, Bureau of Business and Economic Research, University of Montana ([p. 4](#))
10. Consideration, potential approval, and direction to staff, including any delegation as appropriate, on Commission response to the Department of Water Resource's Submittal of a Certification of Consistency for the Delta Conveyance Project to the Delta Stewardship Council on October 17, 2025, including four potential options:
  - a. Filing appeal with the Delta Stewardship Council;
  - b. Submitting comments to the Delta Stewardship Council on any appeals filed by others;
  - c. Filing appeal with Delta Stewardship Council and submitting comments to the Delta Stewardship Council on any appeals filed by others;
  - d. Taking no action.
    - Virginia Gardiner, Program Manager ([staff report on p. 6](#), Attachment 2 in separate document)

#### 11. Commissioner Comments/Announcements

#### 12. Adjourn

The agenda items listed above may be considered in a different order at the Commission meeting, subject to the discretion of the Chair. At the discretion of the Commission, all items appearing on this agenda, whether or not expressly listed for action, may be deliberated upon and may be subject to action. The Commission welcomes and encourages participation in its meetings. The Commission limits testimony to not more than three minutes per person, or more time at the discretion of the Chair.

### Questions, Comments, and Requests

If you have any questions or have a request for reasonable modification or accommodation due to a disability, please contact the Delta Protection Commission at [dpc@delta.ca.gov](mailto:dpc@delta.ca.gov) or (916) 375-4800. Attachments and additional information can be found on the Delta Protection Commission website: [delta.ca.gov](http://delta.ca.gov).

Comments submitted to [submit@delta.ca.gov](mailto:submit@delta.ca.gov) by noon on November 12, 2025, will be shared with Commissioners prior to the meeting to the extent possible. Public comments on each agenda item will follow the order of: 1) emailed comments, 2) those verbally requesting to make comments after notice offered by Chair during meeting.

### Delta Protection Commission Members

**Diane Burgis, Chair**, Contra Costa County Board of Supervisors | **John Vasquez, Vice Chair**, Solano County Board of Supervisors | **Oscar Villegas**, Yolo County Board of Supervisors | **Patrick Hume**, Sacramento County Board of Supervisors | **Sonny Dhaliwal**,

San Joaquin County Board of Supervisors | **Anissa Williams**, Cities of Contra Costa and Solano counties | **David Kent**, Cities of Sacramento and Yolo Counties | **Cameron Bregman**, Cities of San Joaquin County | **Jim Paroli**, Central Delta Reclamation Districts | **Tom Slater**, North Delta Reclamation Districts | **TBD**, South Delta Reclamation Districts | **Toks Omishakin**, CA State Transportation Agency | **Karen Ross**, CA Department of Food and Agriculture | **Wade Crowfoot**, CA Natural Resources Agency | **TBD**, CA State Lands Commission

**EX OFFICIO MEMBERS:** **Rhodesia Ransom**, California State Assembly | **Jerry McNerney**, California State Senate

## **Delta Protection Commission Meeting**

November 13, 2025

### **AGENDA ITEM 9: Review of the Delta Conveyance Project's Benefit-Cost Assessment and Economic Implications**

**Prepared by:** Virginia Gardiner, Program Manager

**Presented by:** Dr. Jeffrey Michael, Director, Bureau of Business and Economic Research, University of Montana

**Recommended Action: Receive and discuss**

**Type of Action:** Discussion

---

#### **Background**

In May 2024, the Department of Water Resources (DWR) published a benefit-cost analysis for the Delta Conveyance Project (DCP) asserting that the benefits of the DCP far exceed and clearly justify the costs.

Dr. Jeffrey Michael currently serves as Director at the University of Montana's Bureau of Business and Economic Research. Prior to his current position, Dr. Michael had a long association with the University of the Pacific in Stockton, first as Executive Director of the Center for Business and Policy Research and then as Director of the Masters in Public Administration and Masters in Public Policy programs at the McGeorge School of Law. He has conducted numerous analyses of the Delta agricultural economy, including major contributions to the Economic Sustainability Plan<sup>1</sup> and the *State of Delta Agriculture: Economic Impact, Conservation and Trends* Report.<sup>2</sup> Dr. Michael received his MS in Natural Resource Economics and Policy from the University of Maine, and his PhD in Economics from North Carolina State University.

#### **Current Status**

Dr. Michael reviewed DWR's benefit-cost analysis and will present on his findings and conclusions.

<sup>1</sup> Delta Protection Commission (2012)

<sup>2</sup> Delta Protection Commission (2020)

## **Recommended Action**

Receive the report.

### ***Relationship to Vision 2030 (Commission strategic plan)***

#### Water 1 (Strategic Theme)

Support Delta water solutions that reduce reliance on Delta fresh water supplies, provide through-Delta fresh water conveyance to protect Delta water quality and water rights, and protect and enhance the Delta's natural resources, recreation, agriculture, adjacent urban areas and economies.

- 1.1 Create or disseminate products (e.g. white papers, videos, brochures, etc.) to inform and educate the public, opinion leaders and policymakers on the benefit of through-Delta conveyance on water quality, water rights, and regional ecosystem and economy.

## **Delta Protection Commission Meeting**

November 13, 2025

**AGENDA ITEM 10: Consideration, potential approval, and direction to staff, including any delegation as appropriate, on Commission response to the Department of Water Resource’s Submittal of a Certification of Consistency for the Delta Conveyance Project to the Delta Stewardship Council on October 17, 2025, including four potential options:**

- a. Filing an appeal with the Delta Stewardship Council;
- b. Submitting comments to the Delta Stewardship Council;
- c. Filing appeal with Delta Stewardship Council and submitting comments to the Delta Stewardship Council;
- d. Taking no action.

**Prepared by:** Amanda Bohl and Virginia Gardiner

**Presented by:** Amanda Bohl and Virginia Gardiner

**Recommended Action:** Approval of action, direction to staff, and delegation of authority to the Executive Director to execute direction.

**Type of Action:** Vote

---

### **Background**

The Legislature refined the Delta Protection Commission’s (Commission’s) mandate in 2009 when it amended the 1992 Delta Protection Act with passage of the Delta Reform Act of 2009 (Chapter 5, Statutes of 2009). That Act declares that the State’s coequal goals for the Delta are to provide a more reliable water supply for California and protect, restore, and enhance the Delta ecosystem, and that the coequal goals “*shall* be achieved in a manner that protects and enhances the unique cultural, recreational, natural resource and agricultural values of the Delta as an evolving place.” (Public Resources Code (PRC) Section 29702(a) and Water Code Section 85054, emphasis added.)

In addition, state law identifies the Commission as a “forum for Delta residents to engage in decisions regarding actions to recognize and enhance the unique cultural, recreational, and agricultural resources of the Delta” ( PRC Section 29703.5(a)) and directs the Commission to lead and support a variety of recommendations in the Delta Stewardship Council’s Delta Plan, many related to protecting and enhancing the Delta’s unique values.

The Commission is also unique in its makeup. Although the Commission is a state agency, eleven of its fifteen members are locally elected representatives, four are from the state and two are nonvoting legislative members. (PRC sections 29735, 29740.) This means the Commission has a unique and more locally based perspective than other state agencies.

On October 17, 2025, the Department of Water Resources (DWR) submitted its final Certification of Consistency of the Delta Conveyance Project (DCP) with the Delta Plan to the Delta Stewardship Council (Council). The Council's consideration of the Certification is a significant step towards implementation.

The Commission has objected to predecessors of the current project, such as the Bay-Delta Conservation Plan (2013 to 2015), and more recently with California WaterFix, or the "Twin Tunnels," in 2018. The Commission and staff have also actively commented on the DCP.

### **Current Status**

The DWR Certification of Consistency filing on October 17 triggered a 30-calendar day appeal period during which parties may file appeal(s) challenging the consistency of the project with the Delta Plan. Because the 30<sup>th</sup> day falls on a weekend, the appeal deadline is Monday, November 17 per the Council's Regulations (Title 23 of the California Code of Regulations (CCR), section 5021(b).)

Pursuant to the Commission's and the Council's statutory authorities, the Commission has several options for how it may now participate in the Council's consideration of the Certification of Consistency. During the Commission's November 3, 2025, meeting, the Commission discussed the following options:

- A. **Provide Comments and Recommendations to the Council** regarding the DCP's consistency with the Delta Plan. (PRC 29773 and 23 CCR, Section 5028.) This option is the course of action the Commission took with respect to California WaterFix, and with the DCP Geotechnical Investigations in 2024. The exact timeline for this option will not be known until after the November 17 appeals deadline has passed. We do, however, anticipate the Council to establish a deadline of early December for submission of a comment letter and to schedule the appeals hearing for mid-January.
- B. **Appeal the Certification of Consistency.** The Commission could file an appeal with the Council if it believes the proposed DCP is inconsistent with the Delta Plan and will, as a result, have significant adverse effects on the achievement of the coequal goals of the Delta Reform Act or on effective flood control within the Delta.

(23 Cal. Code of Regs., 5022.) The deadline for filing an appeal is 5:00 PM, November 17, 2025.

**C. Appeal the Certification *and* Provide Comments and Recommendations to the Council Pursuant to PRC 29773.** This option would include the same elements as both options B and C.

**D. Take no action.** The Commission's implementing authority does not require it to file an appeal or provide comments.

While no action was taken during the November 3, 2025, Commission meeting, the Commission discussed the pros and cons of each of the four options. In response to the discussion, staff has prepared an outline for options A and B (Attachment 1) which would allow the Commission to consider the merits of pursuing either option or option C, which includes both options A and B. Attachment A is an outline that includes the primary substantive points that may be included in a comment letter and/or appeal, but does not represent the complete text of what would be submitted.

Attachment 2 includes a series of maps that could be referenced in options A, B, and C. Attachment 3 provides the language for the relevant Delta Plan policies.

At this point in time, because of the tight timelines, staff is only presenting an outline of options A-C (rather than complete draft submissions). In addition, we will not know all of the points that could be included in a comment letter on an appeal until that appeal is submitted on November 17, 2025. However, the substantive points in Attachment 1 are the points that we would draw from, if that is approved by the Commission.

Both a comment letter (option A) and an appeal (option B) or both (option C) would, as applicable, include the following:

- I. Introduce the Commission and our past engagement in efforts related to BDCP, California WaterFix, and the DCP.
- II. State role of the Commission in the Council's appeal proceedings via filing its own appeal and/or commenting under PRC 29773 and 23 CCR 5022 and 5028.
- III. If the Commission also appeals, recognize this and state that the Commission is fully exercising its authority to both appeal and comment and the expectation that the Council recognize both roles.
- IV. A focus on policies G P1(b)(2), G P1(b)(3) and DP P2.
- V. Make clear that although the Commission is focusing on the referenced policies, this should not be taken to imply that the Commission considers the DCP to be consistent with other Delta Plan policies focused on water quality, supply, or



natural resource restoration or that the Commission has made any judgment on the adequacy of the record.

VI. A high-level description of the interests of the Commission and its concerns with the DCP:

- a. The project as proposed has adverse effects on the Delta's unique cultural, recreational and agricultural values, and is inconsistent with the coequal goals;
- b. The DCP would create significant impacts for a generation of Delta residents and their communities;
- c. The DCP took a top-down approach from the beginning and does not respect local land use authorities;
- d. The DCP conflicts with Delta as Place values;
- e. The DCP does not address the seismic risk to the Delta levee system;
- f. DWR failed to adequately consider other possible options that could ensure water supply reliability and ecosystem health while also respecting the Delta as an evolving place and the alternatives it did consider were conceptually similar; and
- g. The community benefits program is insufficient to properly address the multiple impacts to Delta communities.

VII. The Commission recognizes that something must be done to ensure water supply reliability for the people and farms outside of the Delta who rely on Delta water. The Commission would welcome the opportunity to be part of conversations to identify a path forward that respects all aspects of the coequal goals and not just water supply reliability.

VIII. Framing, particularly for an appeal, pursuant to the standard of review: "The council shall make specific written findings either denying the appeal or remanding the matter to the state or local public agency for reconsideration of the covered action based on the finding that the certification of consistency is not supported by substantial evidence in the record before the state or local public agency that filed the certification." (Water Code 85225.25.)

IX. Framing, again particularly for an appeal, pursuant to the Council's regulations, section 5022(c)(5), which state that an appeal must provide as follows:

- (5) A list of the specific Delta Plan policies that the appellant alleges the proposed covered action is inconsistent with, and for each policy identified, both of the following:

(A) A concise statement of the authority, evidence, and arguments relied on to support the appellant's claim that the proposed covered action is inconsistent with the Delta Plan policy.

(B) How the claimed inconsistency will have a significant adverse impact on one or both of the coequal goals or the implementation of a government-sponsored flood control program to reduce risks to people and property in the Delta.

VII. The substantive concerns outlined in Attachment 1, as applicable, will be included and set forth as they relate to the substantial evidence standard and the Council's appeals procedures.

### **Recommended Action**

Based on the feedback staff heard during the November 3, 2025 Commission meeting, staff recommends that the Commission direct staff to respond to the Department of Water Resource's Submittal of a Certification of Consistency for the Delta Conveyance Project to the Delta Stewardship Council on October 17, 2025 by delegating authority to the Executive Director to submit an appeal and comment letter(s) (pursuant to 23 Cal. Code of Regs. (CCR), Section 5022 and 5028 and Public Resources Code Section 29773) to the Council consistent with the outline and substantive points described in the staff report and its appendices.

### ***Relationship to Vision 2030 (Commission strategic plan)***

The DCP touches the full range of the Commission's strategic plan themes protecting the unique values that are Delta as Place, and including those related to water, agriculture, levees, economy, heritage, recreation and tourism, and education and outreach.

### **Attachments**

*Attachment 1:* Outline of substantive points to be included, as applicable, in a comment letter or appeal of the Department of Water Resource's Submittal of a Certification of Consistency for the Delta Conveyance Project to the Delta Stewardship Council on October 17, 2025.

*Attachment 2:* Maps

*Attachment 3:* Referenced Delta Plan Policies

**Attachment 1: Outline of substantive points to be included, as applicable, in a comment letter or appeal of the Department of Water Resource’s Submittal of a Certification of Consistency for the Delta Conveyance Project to the Delta Stewardship Council on October 17, 2025.**

**I. G P1(b)(2): Mitigation measures.**

**A. Loss of agricultural land.**

Agriculture is the dominant land use and economic driver in the rural Delta region. According to the latest data gathered in the Commission’s 2020 report, *The State of Delta Agriculture*, Delta agriculture supported 15,717 jobs, \$1.3 billion in value-added, and \$2.7 billion in output in the five Delta counties in 2016. Across the State of California, Delta agriculture supported 23,064 jobs, over \$2.17 billion in value-added, and over \$4.59 billion in output.<sup>1</sup>

Agricultural land conversion as a result of the DCP will be permanent, inadequately mitigated or insufficiently compensated: DCP mitigation does not provide for the level of mitigation required in the Delta Plan. The Delta Plan EIR Mitigation Measure (MM) 7-1 states that a project that will result in permanent conversion of Farmland should preserve lands in perpetuity with a “minimum target ratio of 1:1, depending on the nature of the conversion and the characteristics of the Farmland to be converted.”<sup>2</sup>

Chapter 15 of the DCP Final EIR adopts essentially the same mitigation measures found in the California WaterFix Final EIR/EIS and in the Bay-Delta Conservation Plan (BDCP) EIR/EIS<sup>3</sup>. These have been consolidated into two mitigation measures, Mitigation Measure AG-1 (Preserve Agricultural Land), and Mitigation Measure AG-3 (Replacement or Relocation of Affected Infrastructure Supporting Agricultural Properties) as well as an Agricultural Land Stewardship (ALS) Plan from previous tunnel iterations now repackaged as a set of Strategies. This is described in the FEIR Appendix 15B (Agricultural and Land Stewardship Considerations) as a “voluntary, collaborative process utilizing a selection of strategies for agriculture and land stewardship in the Sacramento–

<sup>1</sup> University of the Pacific Center for Business and Policy Research and California State University, Chico Geographic Information Center. *The State of Delta Agriculture: Economic Impact, Conservation and Trends*, Prepared for DPC, February 3, 2020, 27.

<sup>2</sup> DSC, Delta Plan Amendments MMRP 14-15.

<sup>3</sup> DWR. *Bay Delta Conservation Plan /California WaterFix Final Environmental Impact Report/Environmental Impact Statement*, DWR, December 2016.

San Joaquin River Delta (Delta).” This appendix describes the ALS Strategies implemented during early project planning to minimize the extent of farmland that project buildout would convert and identifies ALS Strategies which could be considered for future implementation.<sup>4</sup>

Collectively the DCP agricultural mitigation measures are vague and evaluation of effectiveness will likely be challenging.<sup>5</sup> For example, Mitigation AG-1 does not provide concrete examples of where and how acquisitions of land might occur, and without a proposed rubric for potential land acquisition it is unclear how much acreage actually could be acquired in comparison to the acreage impacted.

Mitigation Measure AG-1 states that “to the extent feasible” acquired mitigation land will “be of equal or better farmland quality than the land that was permanently converted” and that the “preservation of agricultural lands will be within the Delta counties (i.e., Sacramento, San Joaquin, Contra Costa, Alameda, Solano, and Yolo).”<sup>6</sup> Because the policy only requires acquisition “to the extent feasible”, this leaves open the potential for DWR to acquire farmland that is not of equal or better quality than the land that is permanently converted. There is also no assurance that the acquired farmland will be in or near the portions of the Delta affected by the DCP. This farmland could be located in places such as Farmington, Elverta, Rumsey, San Ramon, and Sunol that may be more than an hour away from the DCP alignment.

Appendix 15B itself contains no reference to mitigation ratios or how they would be achieved, but does include analyses of various impact areas that address broader Delta agricultural issues. Appendix 15B.2.5 (Socioeconomics) includes a statement that is repeated throughout the appendix that “The long-term effects would be reduced if many areas of the construction footprint that would not be needed for permanent infrastructure were successfully returned to agricultural production.”

Agricultural land conversion along the tunnel alignment will not be temporary, considering the estimated 13-year construction window and the definition of temporary as 2 years (final EIR Chapter 15 defines “temporary” as no longer

<sup>4</sup> DWR, Delta Conveyance Final EIR 15B-1-15B-16.

<sup>5</sup> DWR, Delta Conveyance Final EIR 15-39.

<sup>6</sup> DWR, Delta Conveyance Final EIR 15-39.

than 2 years<sup>7</sup>). Even construction sites that are not permanently part of operations will be fallow so many years and will be affected by soil modifiers and other effects from the use of the property as to be of questionable agricultural value and unlikely to be successfully reclaimed for agricultural use. Other agricultural lands, bisected by project features such as roads and facilities, will be rendered useless for farming due to their small size, or impractical or inaccessible location. The concrete batch plant complex located on Williamson Act land near the intersection of Lambert Road and Franklin Road in Sacramento County, provides one example of this acknowledged in the FEIR, where it is projected to result in permanent conversion of approximately 15 acres.<sup>8</sup> In addition, most if not all facilities such as roads and off-ramps left in place will increase pressure for non-farm use at sites that cannot be returned to agriculture.

During the DCP planning process, agriculture land was actually ranked to be preferable to other land uses for launch site locations. Appendix 15B describes DWR's "Early Implementation of Early Project Planning" which includes steps to minimize farmland impacts. Yet close reading of Appendix 15B and the Shaft Siting Study Technical Memo<sup>9</sup> shows that farmlands were prioritized to be preferable to other lands: tunnel launch shaft location criteria first excluded lands for wildlife refuges or preserves and lands managed for flood management and associated habitat – in other words, areas where there would be cost and permitting implications. Only secondarily, as sub-criteria, were farmlands given lower values that would rank them as less optimal for the launch shaft siting.<sup>10</sup>

Finally, Appendix 15B states that "While impacts on agricultural land could not be avoided, Strategy E1.3.1: *Reduce impacts on land*, E1.1: *Early project planning*, and E1.2.1: *Involve farmers and landowners in project planning*, were implemented to help reduce the magnitude of conversion of agricultural land. Avoidance of Important Farmland and Land under Williamson Act contract took precedence during the planning process over other types of farmland."<sup>11</sup>

<sup>7</sup> DWR, Delta Conveyance Final EIR 15-26.

<sup>8</sup> DWR, Delta Conveyance Final EIR 15-43.

<sup>9</sup> DWR, Delta Conveyance Final EIR Appendix 15B; DCDCA, Delta Conveyance Project Concept Engineering Report (Final Draft), DCDCA, September 30, 2024, Appendix C5. Attachments 1 and 3.

<sup>10</sup> DWR, Delta Conveyance Final EIR 15B-10.

<sup>11</sup> DWR Delta Conveyance Final EIR 15B-7.

This underscores a fundamental flaw throughout the DCP project that undermines a finding of consistency with Delta as Place values and the Delta Plan: the DCP pits Delta values against each other. High value farmland is pitted against lower value farmland and farmland is pitted against other community land uses. For example, an elementary school is pitted against farmland. In the South Delta, according to the FEIR, “Construction of Alternative 5 could result in additional traffic on roads used to access Mountain House Elementary School; however, construction traffic would be routed away from this school during the construction period to avoid impacts on the school.”<sup>12</sup> The FEIR fails to mention that the construction traffic is routed to a new haul road through an orchard.<sup>13</sup>

The project as proposed would retain Significant and Unavoidable (SU) impacts on agriculture, including permanent and temporary conversion of some 3,800 acres of Prime Farmland and other Important Farmland categories, and 1,200 acres of land under Williamson Act contracts. In addition, the Compensatory Mitigation Program (CMP) would come at a price of 1,175 acres of Important Farmland on Bouldin Island converted to habitat.<sup>14</sup>

Through design modifications, DWR has reduced some agricultural land impacts but fundamentally the severity of the impacts on Delta farmland remain unmitigated and uncompensated for and those reductions have come at the cost of creating other impacts, as noted above with respect to the Mountain House School. DWR has not demonstrated with substantial evidence that they have identified specific quantifiable and achievable measures to avoid or mitigate for known and unknown farmland losses resulting from the DCP that are equal to or more effective than all of DP MM 6-2.

Agricultural conservation easements are mentioned but left undefined as to criteria, location or available funding. In fact, Appendix 15B states that no funding is encumbered that would fund implementation and suggests that “if there is community-driven support” the Community Benefit Program (funded at \$200 million) could be used. \$200 million is insufficient to cover all unmitigated impacts. The vagueness of DCP mitigation for both permanent and temporary (but long term), agricultural land losses, the lack of a commitment to a verifiable 1:1 mitigation ratio, and the complete lack of any clear, reliable funding source

<sup>12</sup> DWR, Delta Conveyance Final EIR, 21-29.

<sup>13</sup> <https://www.dcdca.org/wp-content/uploads/2024/08/2024-06-Delta-Conveyance-Project-Map-Book.pdf>

<sup>14</sup> DWR Conveyance Final EIR 15-39-15-41.

or commitment to timing of mitigation, all demonstrate substantially inferior mitigation to the intent of Delta Plan policy G P1(b)(2). The mitigation scheme is not equally or more effective than DP MM-7-1 and 6-2, and will have an adverse impact on achievement of one or both of the coequal goals. Substantial evidence in the record does not support the claimed consistency of DCP with this policy.

#### B. Cultural landscape.

Cultural resources and legacy communities, together with agriculture and recreation, embody the region's cultural history, economic foundation, long-time human interaction with the natural environment, and visual character. The importance of the Delta to the United States' cultural and historical context has been recognized by Congress, which in 2019 designated the Delta as a National Heritage Area (NHA)<sup>15</sup>.

The cultural resources mitigation measures focus on a limited set of properties or sites and fail to assess the cultural values of the Delta in a larger context, such as those suggested by the cultural landscape approach discussed in the *Secretary of the Interior's Standards for the Treatment of Historic Properties with Guidelines for the Treatment of Cultural Landscapes*.<sup>16</sup> This approach is used in the Commission's *Draft Survey of Cultural Resources of the Sacramento-San Joaquin Delta in the Delta Conveyance Project Area*.<sup>17</sup> The proposed project could compromise all or portions of resources in the area affected and potentially disqualify them for consideration by the National Register of Historic Places as significant cultural landscapes. A cultural landscape contextual approach must be taken, given the significance and richness of the Delta's historic properties and their surroundings.

The DCP Final EIR identified mitigation for buildings and sites that are directly impacted by construction of the proposed project. The Final EIR identified 17 built-environment historical resources and 13 archaeological resources that would be affected by the construction of water conveyance features, including

<sup>15</sup> Public Law 116-9.

<sup>16</sup> Birnbaum, Charles A. and Christine Capella Peters, eds. *The Secretary of the Interior's Standards for the Treatment of Historic Properties with Guidelines for the Treatment of Cultural Landscapes*, U.S. Department of the Interior, National Park Service, 1996.

<sup>17</sup> DPC. *Draft Survey of Cultural Resources of the Sacramento-San Joaquin Delta in the Delta Conveyance Project Area*, DPC, 2023.

single family properties, a bridge, and water infrastructure projects.<sup>18</sup> The Final EIR mitigations outline future development of undescribed built environment treatment plans and a vague assurance that project proponents will consult with relevant parties prior to demolition or ground-disturbing activities.<sup>19</sup>

DWR is not proposing defined funding sources for mitigating direct or indirect impacts to cultural resources, leaving final disposition of properties and landscapes potentially eligible for the National Register to the National Historic Preservation Act (NHPA) Section 106 process without identified potential funding sources. The recently concluded NHPA Section 106 Programmatic Agreement (PA) between the Corps, DWR and the State Historic Preservation Officer (SHPO) does not identify any clear standards for future mitigation development. No clearly defined threshold exists in the PA, instead protections rely on the process and the parties to it. The process is necessarily phased over years and will need to be carefully tracked by those who are concerned about preserving the integrity of Delta landscapes.<sup>20</sup>

DWR did not early on initiate meaningful dialogue with the Commission and local community organizations (such as local historical societies or governance organizations like the Locke Management Association) about potential mitigation for cultural resources impacts. Since this was not done, avoidance and minimization through project design and construction planning have been compromised.

The lack of coordination with cultural organization representatives coupled with a future undefined process (the Section 106 process) to mitigate impacts to cultural resources will have a significant adverse impact on the Delta.

## **II. G P1(b)(3): Best available science.**

The DCP's Delta recreation data collection does not meet the best available science standard. There is no substantial evidence in the DCP record of recreational use data to support the conclusion the project either does not impact recreation significantly or that it is consistent with G P1 (b)(3). The data provided in the FEIR and

<sup>18</sup> DWR, Delta Conveyance Final EIR-ES-88, 19-3.

<sup>19</sup> DWR, Delta Conveyance Final EIR 19-45-19-48.

<sup>20</sup> U.S. Army Corps of Engineers, Sacramento District and the California State Historic Preservation Officer. *Pre-Final Programmatic Agreement, Delta Conveyance Project*, June 2025.



technical appendices fail to provide comparable data on recreation to that collected to support such issues as traffic and transportation.

Recreation is second only to agriculture in contributing to the Delta region's economy. According to the Economic Sustainability Plan (ESP) 2020 update, visitors to the Delta region generated a total of 12 million visitor-days of use annually in 2020 with a direct economic impact of more than \$250 million in spending. This included approximately 8 million resource-related (e.g., boating and fishing) visitor days of use per year, 2 million urban parks-related (e.g., golf, picnic, and turf sports), and 2 million right-of-way-related (e.g., bicycling and driving for pleasure) recreation visitors per year. Most of this visitation occurs in interior areas of the Delta that will be largely impacted by the DCP. The ESP Recreation Update noted that most spending occurs in Legacy communities and marinas, some of the areas hardest hit by DCP construction.

Some issues the Economic Sustainability Plan (ESP) Recreation update identified relevant to the impact of the DCP include an alarming decrease in the number of marinas in the Delta since 2008, from 112 to 97 in 2020, as well as a decline in recreation-related establishments located in the primary zone, from 96 in 2008 to 70 in 2020. Furthermore, the number of boat builders in the Delta has dropped by 20%, along with declines in most other boating-related services.

In the Commission's comments on the NOP, we recommended that DWR assess and mitigate recreation impacts using up-to-date information at key locations.<sup>21</sup> However, minimal data was collected on recreational use in preparation of the EIR. Unlike, for example, traffic data for the Final EIR Transportation Chapter 20, the Recreation Chapter 16 is a literature search and scant documentation of actual use, which is wide-ranging and both formal and informal. Substantial evidence in the record shows that in resource areas such as traffic and transportation routes that are of concern to DWR for the purposes of construction and operation of the tunnel, the FEIR contains extensive data collection to identify impacted areas. In Table 20A-1 of the FEIR, 120 roadway segments were identified for analysis and Appendix 20C, Delta Conveyance 2040 Traffic Analysis.

It is unacceptable that data collection for recreation, a major driver of the Delta economy, was not nearly as comprehensive as traffic data. Interviews were only

<sup>21</sup> DPC. "Delta Conveyance Notice of Preparation (NOP) Scoping Comments Attachment," DPC, April 15, 2020, [https://delta.ca.gov/wp-content/uploads/2020/06/DPC\\_NOP-Comments-Attachment-041520-FINAL-508.pdf](https://delta.ca.gov/wp-content/uploads/2020/06/DPC_NOP-Comments-Attachment-041520-FINAL-508.pdf), 16-17.

conducted with eight recreation providers and those did not include Contra Costa County or Alameda County. Only one marina operator was interviewed, despite there being dozens of marinas along the tunnel alignment whose visitation could be impacted by construction, and no bait shops, boat builders, or other recreation service providers were included despite the fact that these businesses can provide their visitation numbers and will undoubtedly be affected by construction and road closures at the very least. The numerous marinas throughout the Delta provide RV spaces and visitor travel crisscrossing from one part of the Delta to another is common. The FEIR itself identified the field reconnaissance as “limited” and undertaken on two days in February.

Data such as the number of marina berths, camping and RV spaces, and miles of known bank fishing areas along the waterways could have documented recreational use that occurs far more widely across areas of the Delta than characterized in the Final EIR. As a result, proposed project impacts are underestimated in the Final EIR, and recreation impacts were determined to be Less Than Significant.

DWR’s adherence to CEQA’s analytical requirements, rather than the independent substantive requirements of the Delta Plan resulted in a profound under-documentation of recreational uses and associated impacts much as it did in the Lookout Slough project.<sup>22</sup> Merely identifying changes in the physical environment failed to reveal informal recreational activities such as bank fishing, or undocumented uses of closed areas such as Bethany Reservoir where vehicular access was closed but many fishers simply drive, park, and ride a bicycle to their favorite fishing spot.

Project features that would result in above ground physical changes to the environment that potentially would be near existing recreation facilities and use areas, include:

- Intake structures (all alternatives);
- Geotechnical and field investigations;
- Bethany Complex, including pumping plant and surge basin, and discharge structure (Alternative 5);
- Reusable tunnel material (RTM) areas (all alternatives);
- Shaft sites (all alternatives);

<sup>22</sup> DSC. *Determination Regarding Appeals of the Revised Certification of Consistency Number C202110 of the California Department of Water Resources for the Lookout Slough Tidal Habitat Restoration and Flood Improvement Project*, DSC, April 28, 2022, 11.

Lower Roberts Island levee improvements;  
Temporary and permanent access roads (all alternatives);  
Aboveground transmission lines (all alternatives);  
Temporary concrete batch plants and fuel stations (all alternatives); and  
Compensatory mitigation (all alternatives).

At Lower Roberts Island, long-term levee construction activities associated with the Lower Roberts complex will directly affect the Turner Cut and Tiki Lagoon Resorts.<sup>23</sup> Windmill Cove Marina will also likely see major disruptions due to construction noise and activities associated with the construction and use of a rail spur and road from the Port of Stockton over the 13-plus year duration of the launch shaft facility and tunnel boring.

No mitigation has been proposed for the substantial “temporary” impacts to recreation in the Delta by the project proponents, other than creation of site-specific construction traffic management plans which are deferred to the future and as proposed will place an uncompensated burden on local public works and emergency responders, the latter which are often volunteer staffed.<sup>24</sup> While this could conceivably address roadway access to recreation areas, it does nothing to address the damage to or loss of recreation facilities themselves.

The Delta Plan EIR Mitigation Measure (MM) 18-2 states that “If substantial temporary or permanent impairment, degradation, or elimination of recreational facilities causes users to be directed towards other existing facilities, lead agencies shall coordinate with impacted public and private recreation providers to direct displaced users to under-utilized recreational facilities.”<sup>25</sup> There is no analysis in the record of temporary or permanent impacts, because there is virtually no relevant data on both formal and informal recreational uses in the project area. It should be noted that Final EIR Chapter 15 defines “temporary” as no longer than 2 years,<sup>26</sup> and construction will last over a decade and a half depending on location and facility. The lack of analysis and associated mitigation or project modifications do not meet the standard set forth in the Delta Plan MM 18-2.

<sup>23</sup> DWR, Delta Conveyance Final EIR 16-27.

<sup>24</sup> DWR, Delta Conveyance Final EIR 20-40-20-44.

<sup>25</sup> DSC, Delta Plan Amendments MMRP 48.

<sup>26</sup> DWR, Delta Conveyance Final EIR 15-26.

Scenic highways have been designated at State Routes 160, and 12. In the Commission's 2019 Visitor Preference Survey<sup>27</sup> 73% reported engaging in land-based recreation (hiking, picnicking, camping, walking or bicycling) and 58% reported engaging in water-based activities (boating, kayaking, canoeing, swimming). Of the respondents to the 2023 Delta Resident Survey Summary Report,<sup>28</sup> 66% for land recreation, 39% for water recreation. The most frequently mentioned recreational activities preferred by visitors and residents included driving for pleasure, viewing scenery and wildlife, historical sightseeing, wine tasting, and attending festivals or events, all of which involve driving through the Delta (citation). The adverse impacts on all these recreational activities that rely on the roads and highways for part of the experience are not addressed in the mitigations.

Likewise, the waterways are noted for a range of recreational experiences water sports and exploring by kayak, sail, or motorboats. These too will be disrupted by the intakes, bridges and levee construction and DWR has not shown substantial evidence in the record for the mitigation of these impacts.

DWR does not consider the DCP's impacts to recreation to be significant and as such does not mitigate these impacts. This despite the evidence that impacts will be longer than the 2-year temporary definition. This is inconsistent with Delta Plan mitigation requirements.

### **III. DP P2: Delta as Place.**

DWR has not adequately demonstrated through data in the record that DCP supports the Delta Reform Act's policy of protecting and enhancing the Delta as an evolving Place (WC Section 85020(b).) Not only does it put the long-term sustainability of small Delta communities in serious jeopardy; it also fails to offer sufficiently detailed mitigation for such impacts. The Commission's position is that DCP is not consistent with DP P2 for this among many reasons and provides additional examples below.

<sup>27</sup> DPC. *Recreation & Tourism in the Delta - A Study of Preferences for Activities and Facilities, Information Sources, and Economic Contributions of Delta Events*, California State University, Sacramento Department of Recreation, Parks, & Tourism Administration, May 2019, 8.

<sup>28</sup> DSC, Delta Science Program. *California Delta Residents Survey Data Explorer*, DSC, October 16, 2025, <https://deltascience.shinyapps.io/DeltaResidentsSurveyDataViewer>.

Delta Plan consistency is a requirement of the Delta Plan; independent of any analytical requirements of CEQA. The DCP is simply not consistent with DP P2. In its comments on the Final EIR, the Delta Independent Science Board pointed out DWR's narrow and rigid analysis of topics such as socioeconomics that should have been analyzed broadly to evaluate Delta Plan consistency:

*“While we acknowledge CEQA may not require it, we note that separating people from the environment is inconsistent with fully assessing impacts on people that may result from environmental change. As represented in the efforts of the Intergovernmental Science-Policy Platform on Biodiversity and Ecosystem Services, ‘...the NCP [Nature Contributing to People] approach recognizes the central and pervasive role that culture plays in defining all links between people and nature’ (Diaz et al. 2018). Environmental impacts arise from human activities and behaviors and ecosystem changes can profoundly influence the ability of people to thrive socially and economically.”*

Despite modifying aspects of the project to minimize impacts to Hood, DWR did not adopt mitigation measures that would meaningfully support the economic health and well-being of Delta communities, especially the town of Hood, to ensure that it will survive the construction.

- A. This Delta Plan policy is not connected to CEQA and is rather, a standalone Delta Plan policy focused on Delta as Place. Even if DWR attempted to mitigate some of these impacts, impacts remain and these impacts are inconsistent with DP P2.
- B. The record lacks substantial evidence to demonstrate that the siting of the DCP avoids or reduces conflicts with existing uses: many of these conflicts were determined to be less than significant including such things as displacement of people from their homes. As noted in the Delta Independent Science Board (DISB) review of the Draft EIR, however,

*“Impacts to communities or populations that are deemed to be of no impact or less than significant using CEQA criteria could still constitute substantial concerns to particular communities within the Delta. An example is that the land use effect “Impact LU-1: Displacement of Existing Structures and Residences and Effects on Population and Housing” has a no impact rating, despite that “Between 61 and 93 permanent structures would be removed within the water conveyance facility footprint” (Chapter 14, page 14-22). Similarly, by assuming that recreation areas are largely substitutable, the CEQA recreation impact*

*criterion fails to address the harms from lost use or inability to make low-cost or nearby substitutes specific to a lost recreation type.”<sup>29</sup>*

- C. DWR has not provided a complete picture of the overall impact of the project. Certification of consistency with DP P2 is not possible without a clear articulation of project impacts across the spectrum of Delta landscapes. The Commission recommended, in our comments on the NOP, that the EIR tabulate the acreage and map the areas affected by every adverse or incompatible feature of the project, including:

- Direct land use conversions,
- Areas of noise in excess of standards for existing or proposed land use,
- Properties where road congestion to level D or worse, impairs access, and
- Harm to landscapes surrounding visitor destinations, or other project-related damage.

The Final EIR provides much of the above information, though in a set of tables and appendices that are difficult to absorb as an integrated whole. For this reason, to make a more comprehensible picture of the entirety of the project impacts, Commission staff has taken data from the FEIR and developed a series of maps illustrating these impacts.

- D. No demonstration of avoidance or reduction of conflicts, Delta-wide. Locations across the Delta would be subject to noise impacts from construction which DWR has failed to demonstrate avoidance or reduction of, including impacts from bridge widening, bridge building, and related pile-driving.
- E. No demonstration of avoidance or reduction of conflicts for the Town of Hood. Despite modifying aspects of the project to reduce impacts to Hood, DWR did not adopt mitigation measures that would meaningfully support the economic health and well-being of Delta communities, especially the town of Hood, to ensure that it will survive the construction and it could do more to minimize the DCP’s impacts on the town of Hood.

Included among these impacts are permanent damage to community character by the DCP project’s construction activities, including declining property values,

<sup>29</sup> Delta Independent Science Board (DISB). *Review of the Draft Environmental Impact Report for the Delta Conveyance Project*. Comments submitted to the California Department of Water Resources, DISB, December 16, 2022, 17.

blight and abandonment. The DCP project presents an existential crisis for small Delta communities, especially the town of Hood, which would be most affected by the protracted, intensive construction period, the permanent re-routing of State Route 160 (a Scenic Highway), the large new permanent infrastructure, and the effects on the Delta economic drivers of agriculture, recreation, and emerging heritage tourism.

Construction of the two intakes, each with a sedimentation basin, drying lagoons (four at each intake) and the intake drop inlet itself will have the most disastrous effects on the community of Hood. The worst effects are enumerated by Final EIR Table 3D-1<sup>30</sup> and demonstrated by Attachment 2, which visualizes the impacts.

The two intake facilities, each occupying 1500 feet of the Sacramento River banks, will bookend the town with construction. The intakes will require the installation of cutoff walls, with associated dewatering. Cofferdams for dewatering will require impact pile driving for up to 15 hours for each intake.<sup>31</sup> Vibratory pile driving will create additional, localized issues.

According to the Final EIR, during dewatering of the intakes, groundwater levels would be lowered to about -20 feet mean sea level via pumping and maintained at those levels during construction of facilities in the deeper excavations, such as the Sedimentation Basin; this dewatering could result in short-term lowered groundwater levels locally at neighboring supply wells.<sup>32</sup> Construction of the facilities is projected to take place over a period of approximately 13 years according to the Final EIR's Project Description.<sup>33</sup> The proposed mitigation for the groundwater impacts of dewatering, a "series" of groundwater recharge and extraction wells installed around the external perimeter of each intake cutoff wall system to allow discharge of captured dewatering water back into the subsurface, would only compound the construction disruption and noise.<sup>34</sup>

- F. No demonstration of avoidance or reduction of conflicts related to the Twin Cities Complex and Lower Roberts Island and Bethany Complex. After the intakes, the largest landscape conversions will take place at the three major

<sup>30</sup> DWR, Delta Conveyance Final EIR 3D-2-3D-5.

<sup>31</sup> DWR, Delta Conveyance Final EIR 3D-2, 3D-4.

<sup>32</sup> DWR, Delta Conveyance Final EIR 15B-4.

<sup>33</sup> DWR, Delta Conveyance Final EIR 3-132-3-133, 3D-2-3D-5, 3D-13-3D-16, 3D-19.

<sup>34</sup> DWR, Delta Conveyance Final EIR 8-43.

complexes of Twin Cities, Lower Roberts Island, and the Bethany pumping plant and surge basin. These complexes are also areas where the 13-year “temporary” acreage impact is more likely to be effectively permanent. The effectiveness of restoring agricultural lands once they have been excavated for the 200 or 300 foot-deep, 115-foot diameter double launch shafts is questionable, and since the “reclamation” of these sites is estimated to take approximately one year following tunneling work,<sup>35</sup> it is not understood how the productivity of the land would be deemed equivalent to what it was prior to project construction. As acknowledged in the Final EIR, the effectiveness of reclamation techniques is uncertain, so farmland areas targeted for such techniques are still considered to be permanently affected.<sup>36</sup>

The proposed DCP Twin Cities Complex will be located on Prime Farmland in the Secondary Zone immediately adjacent to Interstate 5, occupying 586 acres during construction and 222 acres permanently.<sup>37</sup> The Twin Cities Complex includes areas for additional drying of tunnel muck as well as long-term storage, as do both the Lower Roberts and Bethany locations. The Final EIR evaluation of impacts to agriculture includes numerous instances at locations such as these in which it is deemed “not practicable” to avoid Important Farmland (i.e., lands ranging from Prime to Farmland of Statewide Importance, to Farmland of Local Importance) in siting tunnel muck storage.<sup>38</sup> The DCP is expected to utilize approximately 403 acres of Important Farmland for tunnel muck drying and stockpiling.<sup>39</sup>

To accommodate a double launch shaft, farmland conversion at the Lower Roberts Island Complex is even larger, with approximately 610 acres during construction and permanent impacts to 300 acres.<sup>40</sup>

The Bethany Complex adds a massive amount of excavation in the Secondary Zone near Mountain House for the Bethany Complex, including a pumping plant, surge basin with reception shaft, a buried pipeline aqueduct system, and a discharge structure to convey water to Bethany Reservoir. Excavation of the 815 feet wide x 815 feet long by 35 feet deep surge basin will produce 1,171,060

<sup>35</sup> DWR, Delta Conveyance Final EIR 3-132-3-133.

<sup>36</sup> DWR, Delta Conveyance Final EIR 15-36.

<sup>37</sup> DWR, Delta Conveyance Final EIR 3D-19.

<sup>38</sup> DWR, Delta Conveyance Final EIR 15-35.

<sup>39</sup> DWR, Delta Conveyance Final EIR 15-35.

<sup>40</sup> DWR, Delta Conveyance Final EIR, 3D-19.



cubic yards of soil, much of which will be stockpiled onsite and will require engineering described by the Delta Conveyance Design and Construction Authority independent review experts as on *the outer edge of industry practice*.<sup>41</sup>

<sup>41</sup> DWR, Delta Conveyance Final EIR 3-18; Delta Conveyance Design and Construction Authority (DCDCA), *Delta Conveyance Final Draft Engineering Project Report Update: Bethany Reservoir Alternative*, DCDCA, November 2023, 11.

## ***Attachment 2: Maps***

Commission staff have developed, from existing data in the record, a series of maps demonstrating the on-the-ground impact of the Delta Conveyance Project. These GIS-based maps utilize data from the Department of Water Resources' (DWR) and the California Natural Resources Agency (CNRA) records and specific GIS-layers received directly from the DWR. These specific datasets include: Linear Features (Power Lines, SCADA Lines, and other linear features like, RTM Conveyer, Rail Spur, Road Improvements, etc.), Polygon Features (Impact Categories for Utility Constructability and Constructability, and other polygon features like, Concrete Batch Plant, Fuel Station, Substation, RTM Area, etc.). DWR's symbology was used for consistency.

Five maps are included as attachments. Additional maps visualizing construction impacts over the estimated 13-year construction period are also being developed.

### **Attachment 3: Referenced Delta Plan Policies**

#### **G P1. 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 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 (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.

**DP P2. 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.

**DP MM 6-2**

6-2. Compensate for the loss or reduction in environmental values due to a conflict with an adopted plan or policy by implementing the following or equally effective measures:

- a) Recording a deed restriction that ensures permanent conservation and mitigation on other property of equal or greater environmental mitigation value;
- b) Creating a buffer or barrier between uses;
- c) Redesigning the project or selecting an alternate location that avoids or mitigates the impact; and/or

Restoring disturbed land to conditions to provide equal or greater environmental value to the land affected by the covered action.

**DP MM 18-1**

18-1(a). Projects shall be sited in areas that will not impair, degrade, or eliminate recreational facilities and opportunities. If this is not feasible, projects shall be designed such that recreational facilities and access to recreational opportunities (including bird-watching, hunting, recreational fishing, walking, and on-water recreation (e.g., boating or kayaking)) will be avoided or minimally affected. Once project construction activities have been completed, any affected recreational facilities and opportunities should be restored to pre-construction conditions if possible. Where impacts to existing recreational facilities and opportunities are unavoidable, new permanent or replacement facilities shall be constructed that are similar in type and capacity, and access to recreational opportunities restored, if feasible.