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May 15, 2025

Central Valley Flood Protection Board
3310 El Camino Ave., Suite 170
Sacramento, CA 95821

Delivered via email: YBCSMP@water.ca.gov

RE: Comments on the Yolo Bypass Cache Slough Partnership Draft Master Plan

Thank you for the opportunity to review and comment on the Yolo Bypass Cache Slough Partnership Draft Master Plan (Draft Master Plan) released in April 2025 as part of the Yolo Bypass Cache Slough Partnership Multibenefit Program (Wat. Code, § 8512.). The Draft Master plan is a document developed by the Department of Water Resources (DWR) in coordination with the Central Valley Flood Protection Board (Flood Board). The document was developed with input from members of the Yolo Bypass Cache Slough Partnership and tribes. The Yolo Bypass Cache Slough Partnership includes several state, federal, and local governmental agencies in the region and was first established pursuant to a memorandum of understanding in 2016 and then codified in Water Code section 8511, which took effect in 2022.¹

¹ Yolo Bypass Cache Slough Partnership members include Department of Fish and Wildlife, DWR, Natural Resources Agency, Central Valley Flood Protection Board, Central Valley Regional Water Quality Control Board, County of Solano, County of Yolo, Reclamation, District No. 2068, Sacramento Area Flood Control Agency, Solano County Water Agency, State Water Resources Control Board, U.S.

The Delta Stewardship Council (Council) recognizes the objective of the Draft Master Plan to provide a framework for the implementation of future projects in the Yolo Bypass-Cache Slough region² that will contribute to the goals of the Central Valley Flood Protection Plan (CVFPP) and the pillars of the Yolo Bypass Cache Slough Partnership.

The Council is an independent state agency established by the Sacramento-San Joaquin Delta Reform Act of 2009. (Wat. Code, § 85000 et seq.; Delta Reform Act) The Delta Reform Act charges the Council with furthering California's coequal goals of providing a more reliable water supply and protecting, restoring, and enhancing the Sacramento-San Joaquin Delta (Delta) ecosystem. (Wat. Code, § 85054.) The Delta Reform Act further states that the coequal goals are to 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.

The Council adopted and implements the Delta Plan, a comprehensive long-term management plan for the Delta and Suisun Marsh. (Wat. Code, § 85300.) The Delta Plan contains regulatory policies, which are set forth in California Code of Regulations, title 23, section 5001 et seq. Through the Delta Reform Act, the Council was granted specific regulatory and appellate authority over certain actions of state or local public agencies that take place in whole or in part in the Delta. (Wat. Code, §§ 85210, 85225, 85225.10.) A state or local agency that proposes to undertake a covered action is required to prepare a written Certification of Consistency with detailed findings as to whether the covered action is consistent with the Delta Plan and submit that certification to the Council prior to implementation of the project. (Wat. Code, § 85225.)

DRAFT MASTER PLAN CONTENT AND FRAMEWORK

The Draft Master Plan provides a vision for the future of the Yolo Bypass-Cache Slough region. Council staff recognize the amount of time, thought, and coordination with numerous partners that clearly has been dedicated to development of the Draft Master Plan. While high level, the Draft Master Plan

Army Corps of Engineers, U.S. Bureau of Reclamation, U.S. Fish and Wildlife Service, U.S. National Marine Fisheries Service, West Sacramento Area Flood Control Agency.

² The Yolo Bypass-Cache Slough region is located in the Counties of Solano and Yolo, approximately from the Fremont Weir in the north to the city of Rio Vista in the south.

provides a framework that brings together numerous partners under single plan. Below are comments on areas where Council staff have identified additional clarifying information would be helpful in a future Certification of Consistency.

- **Planning Area Boundaries:** The planning area (Figure 1-1) was informed by the approximate boundaries for a suite of identified projects. It could be helpful to include a figure to supplement this by showing geographic boundaries, such as watersheds or elevations, and adjacent projects that contribute to the function of the region. This could alternatively be used to supplement Figure 3-1 (see below).
- **Project Locations:** Thirty-eight projects are identified that could collectively contribute to one of more of the Draft Master Plan pillars (Illustrated in Figure 3-1 and listed in Appendix C). One of the additional criteria for including a project is that construction would start after July 2019. As the Draft Master Plan is finalized, Council staff suggest reviewing project status at that time and consider identifying on Figure 3-1 any projects that have been completed. In addition, it could be useful to separately list or map all known past projects in the region that contribute to one or more of the pillars Council staff have compiled spatial data depicting restoration and multiple-benefit projects overlapping with the Yolo Bypass portion of the planning area and can provide this if there is interest.
- **CVFPP Update:** The Draft Master Plan notes the overlap and alignment with the CVFPP and CVFPP Conservation Strategy (pp. 1-25—1-26). Council staff encourage the Flood Board to incorporate in the Draft Master Plan relevant information from or updates to the CVFPP that may be available prior to the completion of the final Master Plan.
- **Federal Planning Process:** In Section 2.3, the Draft Master Plan describes the Comprehensive Study of the Yolo Bypass System being performed by the U.S. Army Corps of Engineers. This study is in progress, but the scope includes several potential considerations, including nature-based solutions, tribes, resiliency, and economically disadvantaged communities. If the federal government chooses not to include these considerations when finalizing the study, Council staff recommend that the final Master Plan identify potential roles and responsibilities for other entities to address these important topics.

- **The Delta Plan:** Section 2.4.2 mentions the Council and the Delta Plan. Council staff appreciate that the Council being highlighted and the importance of the Delta Plan. Please note that the Delta Plan was most recently amended in June 2022 and not 2018 as currently described. This section also notes that the Flood Board submitted a Certification of Consistency to the Council focused on “the management actions and area of geographic overlap with the Delta Plan.” It could be helpful to clarify that this certification of consistency was specifically for the 2022 CVFPP Update.
- **Regional Planning Processes:** Section 2.5 lists several regional planning processes relevant to the Draft Master Plan. The Council is revising a draft of its climate change initiative, Delta Adapts. The draft includes strategies that align with the Draft Master Plan. If the Adaptation Plan is adopted, this effort could be listed under Section 2.5. More information is available online or from Council staff: <https://deltacouncil.ca.gov/delta-plan/climate-change>.

COVERED ACTION DETERMINATION AND CERTIFICATION OF CONSISTENCY WITH THE DELTA PLAN

Based on the project location and scope of the Draft Master Plan, it appears to meet the definition of a covered action. Water Code section 85057.5, subdivision (a), defines a covered action as a plan, program, or project, as further defined pursuant to the California Environmental Quality Act in Public Resources Code section 21065, that meets all of the following conditions:

- (1) Will occur, in whole or in part, within the boundaries of the Delta or Suisun Marsh.*
- (2) Will be carried out, approved, or funded by a state or a local public agency.*
- (3) Is covered by one of the provisions of the Delta Plan.*
- (4) Will have a significant impact on achievement of one or both of the coequal goals or the implementation of government-sponsored flood control programs to reduce risks to people, property, and state interests in the Delta.*

A state or local agency approving, funding, or carrying out a covered action is required to file a Certification of Consistency with the Council prior to project implementation. (Wat. Code, § 85225; Cal. Code Regs., tit. 23, § 5001(o)(3).)

COMMENTS REGARDING DELTA PLAN POLICIES AND POTENTIAL CONSISTENCY CERTIFICATION

Council staff previously commented on the August 2022 Notice of Preparation for a Program Environmental Impact Report for the Draft Master Plan.³ In these comments, Council staff identified Delta Plan policies that might apply to the Draft Master Plan. **Please review that letter and consider those policies when submitting a Certification of Consistency.** For your information, the Council recently adopted a new Delta Plan regulation, which took effect April 1, 2025.

Please also note that individual projects identified in the Draft Master Plan may be covered actions and would be expected to submit certifications of consistency.

Ecosystem Restoration Policy A: Disclose Contributions to Restoring Ecosystem Function and Providing Social Benefits

Delta Plan Policy **ER PA** (Cal. Code Regs., tit. 23, § 5005.1.) applies to a covered action that includes the protection, enhancement, or restoration of the ecosystem and requires the submission of a completed Appendix 3A (Cal. Code Regs., tit. 23, app. 3A.) identifying contributions to restoring ecosystem function and social benefits associated with the covered action. The Draft Master Plan describes several areas of potential contributions in these areas. In a future Certification of Consistency, the Flood Board should review the applicability of this regulation and include information supporting consistency with those regulatory requirements.

CLOSING COMMENTS

Council staff are available to discuss issues outlined in this letter as the Flood Board proceeds with the next stages of finalizing the Master Plan. Please contact Eva Bush at eva.bush@deltacouncil.ca.gov with any questions.

³ September 8, 2022, Comment Letter: <https://deltacouncil.ca.gov/pdf/council-meeting/outgoing-correspondence/2022-09-08-comments-on-notice-of-preparation-of-a-program-eir-for-the-yolo-bypass-cache-slough-partnership.pdf>

Sincerely,

A handwritten signature in dark ink, appearing to read "Jeff Henderson", with a long horizontal flourish extending to the right.

Jeff Henderson
Deputy Executive Officer