



December 12, 2025

Jim Bermudez  
Deputy City Manager  
City of Suisun City  
701 Civic Center Boulevard  
Suisun City, CA 94585

Delivered via email: [SuisunExpansion@suisun.com](mailto:SuisunExpansion@suisun.com)

**RE: Comments on Notice of Preparation of a Draft  
Environmental Impact Report for the Suisun Expansion  
Project, SCH# 2025110452**

Dear Jim Bermudez:

Thank you for the opportunity to review and comment on the Notice of Preparation (NOP) of a Draft Environmental Impact Report (Draft EIR) for the Suisun Expansion Project (Suisun Expansion). The Delta Stewardship Council (Council) recognizes the objective of the Suisun Expansion is to expand the boundaries of Suisun City (City) through annexation of 22,873 acres of unincorporated Solano County. Within the annexation area, the Suisun Expansion would establish the Suisun Area Plan (Area Plan) and Suisun Expansion Specific Plan (Specific Plan). The proposed 7,136-acre Area Plan generally would maintain the zoning of the designations in the currently applicable Solano County Code. The proposed Specific Plan would establish new General Plan designations and zoning to guide development of a new 15,737-acre community in the City, excluding areas located within the Travis Protection Zone.

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The Specific Plan would authorize future land uses for industrial, commercial, residential, and parks, as well as institutional uses, including utility and transportation infrastructure located within and outside the Specific Plan area.

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 River Delta and Suisun Marsh (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. (Wat. Code, § 85054.) The Council is charged with furthering California's coequal goals for the Delta through the adoption and implementation of 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, sections 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 initiation of the implementation of the action. (Wat. Code, § 85225.)

## **COVERED ACTION DETERMINATION AND CERTIFICATION OF CONSISTENCY WITH THE DELTA PLAN**

Based on the Suisun Expansion location and scope described in the NOP, land uses identified in the proposed Area Plan and Specific Plan may meet the definition of a covered action. Water Code section 85057.5, subdivision (a), states that a covered action is a plan, program, or project, as 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.*

For purposes of Water Code section 85057.5, subdivision (a)(4), “significant impact” means “a substantial positive or negative impact on the achievement of one or both of the coequal goals or the implementation of a government-sponsored flood control program to reduce risks to people, property, and State interests in the Delta, that is directly or indirectly caused by a project on its own or when the project's incremental effect is considered together with the impacts of other closely related past, present, or reasonably foreseeable future projects.” (Cal. Code Regs., tit. 23, § 5001, subd. (ss).)

As the agency approving, funding, or carrying out a project, the City must determine if that project is a covered action (Cal. Code Regs., tit. 23, § 5001, subd. (o)(3).) and, if so, file a certification of consistency with the Council prior to implementation. (Wat. Code, § 85225; Cal. Code Regs., tit. 23, § 5001, subd. (o)(1).)

### **Delta Plan Policy that Covers the Suisun Expansion**

The following section describes a regulatory Delta Plan policy that may cover the Suisun Expansion based on materials provided in the NOP and available planning documents, which identify a portion of the Specific Plan area located within the legal Delta. (Wat. Code, § 85057.5, subd. (a)(1).) This information is offered to assist the City in determining if the Suisun Expansion is a covered action, and if so, to prepare a record that can be used to support a future filing of a certification of consistency with the Council.<sup>1</sup>

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<sup>1</sup> Additional Delta Plan regulatory policies may cover the Suisun Expansion as additional details become known. For additional information regarding Delta Plan regulatory policies, please visit the Council's website at <https://www.deltacouncil.ca.gov/delta-plan/regulations>

### *Delta as Place Policy 1: Locate New Urban Development Wisely*

Delta Plan Policy **DP P1** (Cal. Code Regs., tit. 23, § 5010.) places certain limits on new urban development within the Delta. As it applies to the Suisun Expansion, **DP P1** requires that new residential, commercial, or industrial development within the Delta be limited to areas that city or county general plans designate for such development as of the date of the Delta Plan's adoption (May 16, 2013). These areas are generally depicted in the Delta Plan's regulatory provisions Appendix 6 and Appendix 7.<sup>2</sup> (Cal. Code Regs., tit. 23, app. 6, 7.)

The City should acknowledge **DP P1** in the regulatory settings for the Land Use and Transportation section of the Draft EIR, as well as in the growth inducement discussion. These sections of the Draft EIR should analyze potential impacts related to all of the following:

- the proposed extension of State Route 12 and potential for residential mixed-use development just south of the westerly Delta boundary.
- the intended type of open space use depicted within the Specific Plan area located within the Delta.
- the potential to induce new residential, commercial, or industrial development in the Delta that would be inconsistent with this policy.

These considerations are essential to determine if the Suisun Expansion is covered by **DP P1**.

### **CLOSING COMMENTS**

Because the City would be approving the Suisun Expansion, (Wat. Code, § 85057.5, subd. (a)(1).) the City must determine if the Suisun Expansion is a covered action and, if so, file a certification of consistency with the Council prior to implementation. (Wat. Code, § 85225.)

As the City proceeds with the design, development, and environmental impact analysis of the Suisun Expansion, the Council invites the City to engage Council staff in early consultation prior to the submittal of a certification of consistency to

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<sup>2</sup> Links to Appendix 6 and Appendix 7 are available on the Council's website at <https://www.deltacouncil.ca.gov/delta-plan/regulations>

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discuss its covered action determination and Suisun Expansion features and mitigation measures that would promote consistency with the Delta Plan. Council staff will continue to review the Suisun Expansion and may offer potential revisions that would better align the proposed Suisun Expansion with the Delta Plan during consultation meetings. Additional information on covered actions, early consultation, and the certification process can be found on the Council's website, <https://coveredactions.deltacouncil.ca.gov>. Please contact Pat Kelly at [patricia.kelly@deltacouncil.ca.gov](mailto:patricia.kelly@deltacouncil.ca.gov) with any questions.

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