



**Delta  
Stewardship  
Council**

A CALIFORNIA STATE AGENCY

Feb 2, 2026

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Delivered via email: [Ryan.Curry@sjafca.org](mailto:Ryan.Curry@sjafca.org)

**RE: Comments on the Draft Environmental Impact Report for the  
Mossdale Tract Area Urban Flood Risk Reduction Project,  
SCH#2022040471**

Dear Ryan Curry:

Thank you for the opportunity to review and comment on the Draft Environmental Impact Report (Draft EIR) for the Mossdale Tract Area Urban Flood Risk Reduction Project (UFRR) proposed by the San Joaquin Area Flood Control Agency (SJAFCA). The Delta Stewardship Council (Council) recognizes the objective of the UFRR is to provide increased public safety benefits by rehabilitating and improving flood management infrastructure for the 22,400-acre Mossdale Tract area, which includes Reclamation District 17 and portions of the cities of Stockton, Lathrop, Manteca and unincorporated San Joaquin County.

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. (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 UFRR location and scope described in the Draft EIR, the proposed flood risk reduction project 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 (Pub. Resources Code, § 21000 et seq.; CEQA) 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 proposed action, SJFACA must determine if that proposed action 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).)

The Council's May 23, 2022, Notice of Preparation (NOP) comment letter identified Delta Plan regulatory policies that cover the proposed action. Council staff do not repeat those here. Rather, these comments are provided with the intent of identifying remaining gaps relative to that NOP letter, and to outline practical actions SJAFCA could take to address those gaps prior to, or in coordination with, a future certification of consistency.

Overall, the Draft EIR and supporting technical documents reflect substantial effort and technical rigor, and they respond to many of the issues raised by the Council during scoping. The comments below focus on areas where additional clarification, framing, or modest commitments—rather than new modeling or redesign—would strengthen alignment with the Delta Plan.

### 1. Adaptive Management for Restoration and Long-Term Performance Transparency (Delta Plan Policy G P1(b)(4); Cal. Code Regs., tit. 23, § 5002, subd. (b)(4).)

The Council's 2022 comments emphasized the importance of adaptive management concepts consistent with Appendix 1B, (Cal. Code Regs., tit. 23, app. 1b.) particularly for ecosystem restoration components of covered actions.

The Draft EIR provides a project-level analysis for multi-benefit ecosystem restoration Sites 13, 14, and 16 (Chapter 3, Section 3.1) and identifies a three-year maintenance schedule and revegetation plan for restoration components (Table 2-10). These elements demonstrate that early establishment and short-term maintenance of restoration features have been considered.

**Remaining gap:**

Consistent with historical Delta Plan interpretation, Council regulations do not require an adaptive management plan for flood control projects (see [SJAFCA Smith Canal Gate Project Determination](#), p. 26). While the Draft EIR identifies near-term maintenance activities, it does not include a comprehensive, long-term Adaptive Management Plan (AMP) for restoration Sites 13, 14, and 16 that defines performance standards beyond the initial three-year window or establishes clear remedial action triggers if ecological objectives are not met over time.

**Recommended action:**

- Commit to developing a project-specific AMP for restoration Sites 13, 14, and 16 that includes quantitative performance standards (e.g., native plant survival thresholds), monitoring protocols, and defined remedial actions beyond the initial three-year maintenance period.

**2. Avoid Introductions of and Habitat Improvement for Invasive Nonnative Species (Delta Plan Policy ER P5; Cal Code Regs., tit 23, §5009.)**

The Council's 2022 NOP comment letter emphasized the importance of fully considering and avoiding or mitigating for the potential for new introductions of, or improvement of habitat conditions for, nonnative invasive species. The Council's NOP comment letter identified that "in the event that mitigation is warranted, mitigation and minimization measures must include Delta Plan Mitigation Measure 4-1 or substitute equally or more effective measures." The Draft EIR does not present or require an avoidance or mitigation plan describing how the UFFR will address these issues at restoration Sites 13, 14, and 16 (Draft EIR Ch. 3, Appendix C-2).

**Remaining gap:**

The Draft EIR describes the ecological community as highly disturbed and identifies nonnative invasive species in the area (Draft EIR Ch. 3). However, the UFFR does not present or require plans to avoid the introduction of, or the improvement of habitat conditions for, nonnative invasive species during construction, including, but not limited to, improving habitat for emerging species of concern, such as nutria and Golden Mussel.

**Recommended action:**

The Final EIR should describe how SJAFCA fully considered and will avoid conditions that would lead to the introduction of or improvement of habitat for nonnative

invasive species. Addressing these items in the Final EIR would support a future certification of consistency with the Delta Plan.

### 3. System-Wide Flood Risk Redistribution (Delta Plan Policies RR P2, RR P3, RR P4; Cal. Code Regs., tit. 23, §§ 5013, 5014, 5015.)

The Council's 2022 comment letter framed UFRR as having implications for flood risk management affecting people, property, and state interests in the Delta. This framing reflects the Delta Plan's objective to reduce flood risk across the Delta system, rather than solely at individual project locations.

The Draft EIR's hydraulic modeling demonstrates that UFRR would eliminate 200-year flood risk within the Mossdale Tract while redistributing floodwaters within the Lower San Joaquin River system. Appendix G shows that the proposed dryland levee extension prevents floodwaters from flanking into the Mossdale Tract during the 200-year event, thereby eliminating approximately 3,650 acres of flooding within the project area. Floodwaters that would have entered the Mossdale Tract are instead redirected back into the Lower San Joaquin River system. This redistribution of flow results in modest increases in in-channel water surface elevations—approximately 0.1 feet in Old River and up to 0.2 feet in the San Joaquin River—and contributes to new overbank inundation west of the San Joaquin River. Under UFRR conditions, approximately 2,970 acres of previously dry land would experience new inundation. Flood depths in most of these areas are shallow, generally less than three feet; however, localized low-lying areas experience deeper ponding, with modeled flood depths reaching approximately six feet in isolated locations west of the San Joaquin River.

Because floodwaters are redirected rather than eliminated, it is important to ensure that adjacent levee systems—particularly those identified in the Draft EIR as geotechnically fragile—are not incrementally stressed over time.

#### **Remaining gap:**

While the Draft EIR characterizes these impacts as minor because agricultural lands are only temporarily affected by floodwaters, the discussion does not place flood risk redistribution within a Delta-wide system context, nor does it clearly explain how the redistribution aligns with Delta Plan objectives related to coordinated flood risk management, best available science, and protection of state interests.

#### **Recommended actions:**

- Explicitly acknowledge that preventing floodwaters from flanking into the Mossdale Tract through the proposed dryland levee results in a quantified redistribution of flood flows within the Lower San Joaquin River system, as reflected by modest increases in in-channel water surface elevations and new overbank inundation elsewhere.
- Clarify that SJAFCA will continue coordinating with neighboring Reclamation Districts, the Central Valley Flood Protection Board, and other relevant public agencies to ensure that a redistribution of floodwaters does not create unintended risks to adjacent levee systems.
- Explain that evaluation of cumulative and system-wide flood risk redistribution is addressed through regional and state planning efforts (e.g., Central Valley Flood Protection Plan (CVFPP) updates and Delta Plan implementation), rather than through project-specific mitigation.

#### 4. Cumulative Effects in a Delta Plan Context (Delta Plan Policies RR P3, RR P4; Cal. Code Regs., tit. 23, §§ 5014, 5015.)

The cumulative impacts analysis in the Draft EIR satisfies CEQA requirements. However, the Council's 2022 comments anticipated environmental documentation that could support Delta Plan consistency determinations, which often require consideration of system evolution over time.

##### **Remaining gap:**

The Draft EIR does not qualitatively address how UFRR, in combination with other flood risk reduction efforts along the Lower San Joaquin River, may incrementally alter flood pathways, floodplain connectivity, or residual risk across the Delta.

##### **Recommended actions:**

- Add a qualitative narrative acknowledging that multiple flood risk reduction projects may collectively influence Delta hydraulics over time.
- Reference existing coordination and planning mechanisms, such as the CVFPP and interagency flood management efforts, that are intended to manage these cumulative system effects.

**4. Climate Change Uncertainty and Future Conditions Regulatory Context:**  
(Delta Plan Policies G P1(b)(3); Cal. Code Regs., tit. 23, § 5002, subd. (b)(3); RR P3; Cal. Code Regs., tit. 23, § 5014.)

The Draft EIR evaluates future conditions using 2022 CVFPP hydrology and incorporates sea level rise assumptions at downstream boundaries, as documented in Appendix G. These assumptions are consistent with current flood planning guidance and represent best available science for project design.

**Remaining gap:**

The analysis relies primarily on a single median climate projection for the year 2072. The Delta Plan's Best Available Science regulation (Cal. Code Regs., tit. 23, § 5002, subd. (b)(3).) emphasizes consideration of uncertainty and encourages transparent discussion of how projects may perform if future conditions exceed median assumptions.

**Recommended actions:**

- Augment the Final EIR narrative to qualitatively describe how the UFRR's 200-year Urban Level of Protection safety margin would perform under higher-end climate futures, without requiring additional modeling.
- Clarify whether hydraulic modeling assumptions, such as Manning's n values (roughness coefficients), account for future conditions including mature vegetation associated with the proposed 40+ acres of riparian restoration, as vegetation roughness can influence final water surface elevations.

In summary, the Draft EIR substantially addresses many of the issues identified by the Council during the NOP scoping phase. The remaining gaps identified above relate primarily to clarity, framing, and scale rather than to deficiencies in technical analysis. Addressing these items through targeted clarifications and coordination commitments would strengthen alignment with the Delta Plan and support an efficient and transparent covered action review.

If you have any questions regarding the contents of this letter, please contact Ashok Bathula at [Ashok.Bathula@deltacouncil.ca.gov](mailto:Ashok.Bathula@deltacouncil.ca.gov).

Sincerely,



Mossdale Tract Urban Flood Risk Reduction Project  
Ryan Curry  
Jeff Henderson  
Deputy Executive Officer

Feb 2, 2026