



**Delta  
Stewardship  
Council**

A CALIFORNIA STATE AGENCY

February 17, 2026

Russell E. Ryan  
Reclamation District 756  
343 East Main Street, Suite 715  
Stockton, CA 95202

Delivered via email: [rryan@mwdh2o.com](mailto:rryan@mwdh2o.com)

715 P Street, 15-300  
Sacramento, CA 95814

916.445.5511  
[DELTACOUNCIL.CA.GOV](http://DELTACOUNCIL.CA.GOV)

**CHAIR**  
Julie Lee

**VICE CHAIR**  
Gayle Miller

**MEMBERS**  
Diane Burgis  
Susan Talamantes Eggman  
Maria Mehranian  
Ann Patterson  
Daniel Zingale

**EXECUTIVE OFFICER**  
Jessica R. Pearson

**RE: Comments on the Draft Initial Study/Mitigated Negative Declaration for the Bouldin Island Multi-Benefit Levee Setback Project, SCH# 2026011047**

Dear Russell Ryan:

Thank you for the opportunity to review and comment on the Bouldin Island Multi-Benefit Levee Setback Project (levee setback project) Draft Initial Study/Mitigated Negative Declaration (Draft IS/MND). The Delta Stewardship Council (Council) recognizes the objective of Reclamation District 756 (RD 756) to implement a levee setback along the Mokelumne River on Bouldin Island to create a waterside planting bench for shaded riverine aquatic habitat, rehabilitate the levee to sustainably meet Bulletin 192-82 standards, and replace a pump station.

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 levee setback project location and scope described in the Draft IS/MND, the levee setback 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.<sup>1</sup>*

---

<sup>1</sup> 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

As the agency approving, funding, or carrying out a project, RD 756 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.)

## **Delta Plan Policies that May Apply to the Proposed Action**

The following section describes regulatory Delta Plan policies that may cover the levee setback project based on materials provided in the Draft IS/MND. (Wat. Code § 85057.5, subd. (a)(1).) This information could be used to support a future filing of a certification of consistency with the Council.

### *Delta Plan Policy 4: Expand Floodplains and Riparian Habitats in Levee Projects*

Delta Plan Policy **ER P4** (Cal. Code Regs., tit. 23, § 5008.) requires specified levee projects to be evaluated and, where feasible incorporate, alternatives to increase floodplains and riparian habitats.

In a future certification of consistency, RD 756 should document the process undertaken when evaluating the incorporation of feasible floodplain and riparian habitats into the design and construction of the levee setback project.

### *Delta Plan Policy 5: Avoid Introductions of and Habitat Improvements for Invasive Nonnative Species*

Delta Plan Policy **ER P5** (Cal. Code Regs., tit. 23, § 5009.) requires that covered actions fully consider and avoid or mitigate the potential for new introductions of, or improved habitat conditions for, nonnative invasive species, striped bass, or bass in a way that appropriately protects the ecosystem.

In a future certification of consistency, RD 756 should describe efforts to fully consider and avoid the introduction of, or the improvement of habitat conditions for, nonnative invasive species during and after construction, including, but not limited to, emerging species of concern, such as nutria and golden mussel. In the event that mitigation is warranted, mitigation and minimization measures should include Mitigation Measure 4-1(e) (available in [Delta Plan Appendix O](#)) or equally or more effective measures.

---

related past, present, or reasonably foreseeable future projects.” (Cal. Code Regs., tit. 23, § 5001, subd. (ss).)

The following policies also apply in the event one or more of the preceding policies covers the proposed action.

*General Policy 1: Detailed Findings to Establish Consistency with the Delta Plan*

Delta Plan Policy **G P1** (Cal. Code Regs., tit. 23, § 5002.) specifies what is required to be addressed in a certification of consistency for a covered action. The following is a subset of policy requirements that a covered action is required to fulfill to be considered consistent with the Delta Plan.

*Mitigation Measures*

Delta Plan Policy **G P1(b)(2)** (Cal. Code Regs., tit. 23, § 5002, subd. (b)(2).) requires covered actions not exempt from CEQA to include all applicable feasible mitigation measures adopted and incorporated into the Delta Plan as amended June 23, 2022, unless the measures 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 finds are equally or more effective. These mitigation measures are identified in Delta Plan regulations as [Appendix O](#).

The Draft IS/MND identifies potentially significant environmental impacts that can be mitigated to a less-than-significant level with the implementation of proposed mitigation measures for Biological Resources and Cultural Resources (IS/MND pgs. 10-13). Before submitting a certification of consistency to the Council, RD 756 should review Appendix O and ensure that the mitigation measures for the levee setback project are equally or more effective than the Delta Plan mitigation measures.<sup>2</sup>

*Best Available Science*

Delta Plan Policy **G P1(b)(3)** (Cal. Code Regs., tit. 23, § 5002, subd. (b)(3).) states that actions subject to Delta Plan regulations are required to document the use of best available science as relevant to the purpose and nature of the project. The Delta Plan defines best available science as “the best scientific information and data for informing management and policy decisions.” (Cal. Code Regs, tit. 23, § 5001, subd. (g).) Best available science is also required to be consistent with the guidelines and criteria in Delta Plan [Appendix 1A](#). (Cal. Code Regs, tit. 23, div., 6 ch. 2, app. 1A.)

---

<sup>2</sup> Please note specific mitigation requirements related to nonnative invasive species described under Ecosystem Restoration Policy 5 (ER P5) above.

Bouldin Island Multi-Benefit Levee Setback Project  
Russell Ryan

February 17, 2026

If RD 756 determines that the levee setback project is a covered action, a future certification of consistency should identify how the levee setback project addresses each Appendix 1A criterion.

## **CLOSING COMMENTS**

The Council invites RD 756 to engage Council staff in early consultation prior to the submittal of a certification of consistency to promote consistency with the Delta Plan. More information on covered actions, early consultation, and the certification process can be found on the Council website <https://deltacouncil.ca.gov/covered-actions/>

Council staff are available to discuss issues outlined in this letter as RD 756 proceeds in the next stages of its levee setback project and approval processes. Please contact Eva Bush at [eva.bush@deltacouncil.ca.gov](mailto:eva.bush@deltacouncil.ca.gov) with any questions.

Sincerely,

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

Jeff Henderson  
Deputy Executive Officer