

**AIPCP Certification of Consistency**  
Draft to assist with web application

## Step 1 - Agency Profile

**A. GOVERNMENT AGENCY:**

*Check State Agency*

*Enter contact info:*

California Division of Boating and Waterways (DBW)  
Edward Hard  
One Capitol Mall - Suite 500  
Sacramento, CA 95814  
916.327.1865  
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**B. GOVERNMENT AGENCY ROLE IN COVERED ACTION**

*Check all three options: Will Carry Out – Will approve – Will fund*

## Step 2 - Covered Action Profile

**A. COVERED ACTION PROFILE**

*Check Program*

Title: Aquatic Invasive Plant Control Program (AIPCP)

**B. PROPONENT CARRYING OUT COVERED ACTION**

N/A (Same state agency)

**C. AT LEAST 10 DAYS PRIOR TO THE SUBMISSION OF A CERTIFICATION...**

*Check Yes*

**D. COVERED ACTION SUMMARY:**

The AIPCP is an adaptively managed program designed to keep waterways navigable by controlling the growth and spread of invasive aquatic plants in the Sacramento-San Joaquin Delta (Delta), its surrounding tributaries, and Suisun Marsh in support of the environment, economy, and public health. There are currently eight floating and submersed aquatic weed species in the AIPCP. The AIPCP incorporates all previous Delta programs conducted by DBW, including the Water Hyacinth Control Program (WHCP), Spongeplant Control Program (SCP) and *Egeria densa* Control Program (EDCP), and new invasive plant species incorporated through the process defined by Assembly Bill (AB) 763. The AIPCP project area includes eleven counties that encompass much of the Sacramento-San Joaquin Delta and its upland tributaries. The AIPCP is an integrated pest management program including three primary types of control methods: herbicides, physical/mechanical controls, and biological control agents. Please see the Biological Assessment, Section 3: Description of the Proposed Action for more information.

The broad benefits of the AIPCP to the Delta ecosystem are likely to be significant and lasting. By minimizing the spread of invasive aquatic plants, AIPCP activities will lead to five primary interrelated benefits: (1) food web benefits; (2) reduced physiochemical impacts; (3) biological benefits; (4) reduced potential for significant detrimental impacts, and (5) increased ecosystem restoration opportunities.

The AIPCP is consistent with Delta Plan and the Collaboration Guidelines for Delta AIP Control (Guidelines); please see the uploaded documents that demonstrate alignment with the Delta Plan and Guidelines. [INSERT LINK TO OUR UPLOADED FILE]

**E. STATUS IN THE CEQA PROCESS**

Will have submitted Final PEIR

**F. STATE CLEARINGHOUSE NUMBER**

2017082031

**G. COVERED ACTION ESTIMATED TIME LINE:**

Start: 3/1/2018 End: 12/31/2022

**H. COVERED ACTION TOTAL ESTIMATED PROJECT COST:**

Approximately \$13 million per year

**I. IF A CERTIFICATION OF CONSISTENCY FOR THIS COVERED ACTION WAS PREVIOUSLY SUBMITTED...**

N/A

**J. SUPPORTING DOCUMENTS**

- Mitigation Measures Crosswalk
- Programmatic Environmental Impact Report (PEIR) (both volumes)
- Programmatic Biological Assessment (BA)
- Environmental Assessment (EA)
- WHCP/SCP/EDCP Operations Management Plans
- Collaboration Guidelines
- AIPCP Compliance Binder
- PDF fish presence maps
- CDFW Routine Maintenance Agreement and Streambed Alteration Agreement

## Step 3 - Consistency with the Delta Plan

### DELTA PLAN CHAPTER 2

**a. Mitigation Measures**

Is the covered action consistent with this portion of the regulatory policy?

*Check Yes*

*Answer Justification:* Please see uploaded Consistency Crosswalk. The AIPCP is consistent with applicable mitigation measures. *[INSERT LINK TO OUR UPLOADED FILE]*

**b. Best available science**

*Check Yes*

*Answer Justification:* Please see uploaded PEIR and Biological Assessment, which document the best available science about the effectiveness and impacts of the AIPCP control methods. Throughout the AIPCP planning process, DBW consulted scientific journals, government reports, government web pages, and subject matter experts in order to assess the most updated scientific information about treatment methods, including their potential positive and negative impacts on public health, non-target species, and the environment. Note that the PEIR cites 259 references, and the BA cites 622 references (there is overlap between the references cited in these two documents). *[INSERT LINK TO OUR UPLOADED FILE]*

**c. Adaptive management**

*Check Yes*

*Answer Justification:* Please see uploaded PEIR and Biological Assessment, which document the AIPCP's multi-year planning, implementation, and monitoring actions in support of adaptive management that are targeted to site-specific conditions. Within the PEIR, please see Appendix

2a AIPCP Adaptive Management Plan and Selected Program Alternative (p. 2-8 through 2-15; especially Exhibit 2-7 and the discussion of Demonstration Research Zones that support adaptive management) and Mitigation Measure #8 (page 2-47). Within the BA, please see sections entitled “Overall Framework” (p. 3-31 through 3-39), “Prioritization of Treatment Sites and Methods” (p. 3-49 through 3-54), and “2018 AIPCP Integrated Pest Management Plan” (BA Appendix 3). The AIPCP has adequate resources to implement an adaptive management program. (UPLOAD DOC/INSERT LINK)

## DELTA PLAN CHAPTER 3

### **WR P1 – Reduce reliance on Delta through Improved Regional Water Self-Reliance**

Is this covered action consistent with this regulatory policy?

*Check N/A*

*Answer Justification:* The covered action does not export water from or transfer through the Delta. The covered action does utilize water in the Delta, but the following conditions do not apply: water suppliers that would receive water have not failed to contribute to reduced reliance in the Delta and water suppliers would not receive water as a result of the covered action. The covered action will not affect whether or not water suppliers receive water from the Delta.

### **WR P2 – Transparency in Water Contracting**

Is this covered action consistent with this regulatory policy?

*Check N/A*

*Answer Justification:* The covered action does not involve contracting for water from the State Water Project and/or the Central Valley Project.

## DELTA PLAN CHAPTER 4

### **A conservation measure proposed to be implemented pursuant to a natural community conservation plan or a habitat conservation... Is a statement confirming the nature of the conservation measure from the California Department of Fish and Wildlife available?**

*Check N/A*

*Answer Justification:* The covered action does not include a natural community conservation plan or a habitat conservation plan.

### **ER P1 – Delta Flow Objectives**

Is this covered action consistent with this regulatory policy?

*Check N/A*

*Answer Justification:* The covered action does not significantly affect flow in the Delta.

### **ER P2 – Restore Habitats at Appropriate Elevations**

Is this covered action consistent with this regulatory policy?

*Check N/A*

*Answer Justification:* The covered action does not directly restore habitats. DBW does coordinate and collaborate with the Department of Water Resources (DWR) to support its ecosystem restoration, but DBW does not conduct restoration directly. AIPCP does not select specific restoration methods that are utilized by DWR in these locations. DWR follows required guidelines in determining restoration actions.

### **ER P3 – Protect Opportunities to Restore Habitat**

Is this covered action consistent with this regulatory policy?

*Check Yes*

*Answer Justification:* The covered action includes avoidance and mitigation measures to minimize any adverse impact on the opportunity to restore habitat. In addition to being consistent with this policy to avoid significant adverse impacts, the AIPCP actively supports other state agency efforts to restore habitat.

Aquatic invasive plants have a plethora of negative effects, including out-competing native plants, negative effects on native zooplankton and plankton, low dissolved oxygen under mats, negative effects on birds, ecosystem engineering effects, providing mosquito habitat, and impeding navigation and water pumps. As with all invasive species control programs, AIPCP activities seek to minimize the potential effects of control while obtaining the benefits of control. The broad benefits of the AIPCP to the Delta ecosystem are likely to be significant and lasting. By minimizing the spread of invasive aquatic plants, AIPCP activities will lead to five primary interrelated subsidies: (1) food web benefits; (2) reduced physiochemical impacts; (3) biological benefits; (4) reduced potential for significant detrimental impacts, and (5) increased ecosystem restoration opportunities. Please see the Biological Assessment section entitled "Subsidies of the AIPCP" (p. 6-128 through 6-132) for further discussion of how the AIPCP protects and enables opportunities to restore habitats. Please also see the Statement of Overriding Considerations in the PEIR Volume III. (UPLOAD DOC/INSERT LINKS TO STATEMENT AND BA)

#### **ER P4 – Expand Floodplains and Riparian Habitats in Levee Projects**

Is this covered action consistent with this regulatory policy?

*Check N/A*

*Answer Justification:* The covered action does not construct new levees or substantially rehabilitate or reconstruct existing levees.

#### **ER P5 – Avoid Introductions of and Habitat for Invasive Nonnative Species**

Is this covered action consistent with this regulatory policy?

*Check Yes*

*Answer Justification:* This policy applies because the covered action has a reasonable probability of introducing or improving habitat conditions for nonnative invasive species. However, the covered action employs numerous safeguards and best management practices that are consistent with this policy. Such safeguards include the use of curtains to contain plant fragments from treated plants; off-site disposal of removed plant biomass on land where the plants will dry out and die; and training its staff and marina operators about best practices to reduce the spread of invasive plants. Furthermore, the AIPCP prioritizes early identification of invasive plants in order to target treatments before the invasive plants spread further throughout the project area. AIPCP staff take every effort to minimize the spread and introduction of invasive aquatic plants. See PEIR Exhibit 2-19, Mitigation Measure 11 for more information. (UPLOAD DOC/INSERT LINK)

## **DELTA PLAN CHAPTER 5**

#### **DP P1 – Locate New Urban Development Wisely**

Is this covered action consistent with this regulatory policy?

*Check N/A*

*Answer Justification:* The covered action does not involve new residential, commercial, or industrial development.

#### **DP P2 – Respect Local Land Use When Siting Water or Flood Facilities or Restoring Habitats**

Is this covered action consistent with this regulatory policy?

*Check N/A*

*Answer Justification:* The covered action does not involve the siting of water management facilities, ecosystem restoration, or flood management infrastructure. DBW does coordinate and collaborate with the Department of Water Resources (DWR) to support its ecosystem restoration, but DBW does not site the restoration projects.

## **DELTA PLAN CHAPTER 7**

#### **RR P1 – Prioritization of State Investments in Delta Levees and Risk Reduction**

Is this covered action consistent with this regulatory policy?

*Check N/A*

*Answer Justification:* The covered action does not involve discretionary State investments in Delta flood risk management including levee operations, maintenance, and improvements.

**RR P2 – Require Flood Protection for Residential Development in Rural Areas.**

Is this covered action consistent with this regulatory policy?

*Check N/A*

*Answer Justification:* The covered action does not involve new residential development.

**RR P3 – Protect Floodways**

Is this covered action consistent with this regulatory policy?

*Check N/A*

*Answer Justification:* The covered action does not involve encroachment in a floodway or a regulated stream. In addition, most AIPCP actions occur during the off-season when flooding is not a concern. The AIPCP will use certain control methods that may have the potential to impede flow (such as booms, curtains, and floating barriers), however the AIPCP will use them only in locations where they will not unduly impede the free flow of water or jeopardize public safety. Please refer to the PEIR Project Description for more information about the use of booms and barriers (PEIR p. 2-33).

As explained in the Mitigation Measure crosswalk section 4.4, AIPCP's use of floating barriers and screens/curtains in certain locations could have minimal and temporary impacts on flow. However, screens and curtains are made of porous materials that will continue to allow water flow and sediment to occur without significant changes. In addition, curtains will not extend beyond one meter water depth.

(UPLOAD DOC/INSERT LINKS TO PEIR AND MITIGATION MEASURES CROSSWALK)

**RR P4 – Floodplain Protection**

Is this covered action consistent with this regulatory policy?

*Check N/A*

*Answer Justification:* The covered action does not involve encroachment in the following floodways: the Yolo Bypass in the Delta, the Cosumnes River-Mokelumne River Confluence, or the Lower San Joaquin River Floodplain Bypass Area.