



ACTION ITEM

Delta Protection Commission Recreation and Tourism Update to the Economic Sustainability Plan Comment Letter

Summary: Staff will present the Delta Protection Act of 1992 requirements for the Council's review of the adoption or amendment of the Delta Protection Commission's (Commission) Economic Sustainability Plan (ESP) for consistency with the Delta Plan (Public Resources Code section 29761.5(b)). Staff will also present a draft comment letter with proposed findings on the Update to the Recreation and Tourism Chapter of the 2012 Economic Sustainability Plan (ESP Update). Commission staff will present the ESP Update. As this represents a formal Council advisory function under Public Resources Code section 29761.5(b), staff is seeking Council approval to submit a comment letter containing findings to the Commission.

REQUESTED ACTION

The Council's role pertaining to the review of the ESP Update for consistency with the Delta Plan is defined in Public Resources Code section 29761.5(b). Pursuant to this section, the Council is required to review the ESP Update for consistency with the Delta Plan within 180 days of the Commission's adoption or amendment of the ESP, which occurred on March 18, 2021.

Staff recommends that the Council approve submittal of a proposed comment letter containing findings on the consistency of the ESP Update with the Delta Plan (provided as **Attachment 1** to this staff report).

BACKGROUND

Authority Under the Delta Reform Act and Delta Protection Act

The 2009 amendments to the Delta Protection Act require the Commission to prepare an ESP for the Delta region (Pub. Res. Code, § 29759). The ESP was originally published in January 2012 and includes information and recommendations on a range of topics, including Delta agriculture, recreation and tourism, public safety, levees, and potential conveyance and restoration impacts. In addition, the 2012 ESP informed 2013 Delta Plan policies pertaining to the socio-economic sustainability of the Delta. Since 2012, several factors have impacted or may impact recreation and tourism in the Delta, including the 2019 designation of the Delta as a National Heritage Area (NHA), continued work on the Great Delta

Trail, the creation of a marketing task force (www.visitCAdelta.com), the proposed Delta Conveyance project (and prior iterations), and most recently, the COVID-19 pandemic. The Recreation and Tourism Chapter of the 2012 ESP is superseded by the ESP Update, which the Commission approved by unanimous vote on March 18, 2021.

The Delta Protection Act grants the Council specific authority to review the adoption of, and amendments to, the ESP for consistency with the Delta Plan. The Delta Protection Act requires the Commission to transmit copies of the ESP and any subsequent amendments to the Governor, Legislature, each local government as defined in Public Resources Code section 29725, and the Council within 60 days of adoption or amendment. Within 180 days of the Commission's adoption or amendment of the economic sustainability plan, the Council shall review the ESP for consistency with the Delta Plan (Pub. Res. Code § 29761.5(b)).

UPDATE TO THE RECREATION AND TOURISM CHAPTER OF THE 2012 ECONOMIC SUSTAINABILITY PLAN

According to the ESP Update, the overall Delta recreation and tourism economy declined by approximately 20 percent between 2012 and 2019. Challenges facing these sectors have been relatively constant since 2012. Key concerns include facility maintenance, water quality, programming and promotion of recreational and tourism destinations, and public access and safety. The ESP Update consists of an analysis of recreation preferences and how they may change alongside factors such as climate change, conveyance, and habitat restoration. It also describes expectations regarding how the NHA designation, alongside continued development of the Great Delta Trail and associated enhancements, can help to elevate the Delta as an evolving place and recreational destination.

The ESP Update recommends several actions and cites responsible parties to address ongoing constraints to recreation and tourism in the Delta, including expanding access to public facilities; providing permitting assistance to small businesses; coordinating the removal of hazards and abandoned vessels; expanding existing campaigns; increasing marketing efforts and implementing the NHA designation; and identifying a facilitator organization to coordinate these actions.

The ESP Update is available at: <http://delta.ca.gov/wp-content/uploads/2021/05/ESP-Rec-Tour-Chp-Update-508.pdf>

UPDATE ON STAFF ACTIVITY

As noted above, the Council is required to review the adopted or amended ESP for consistency with the Delta Plan. Commission staff conducted two virtual public workshops on the draft ESP Update in December 2020 and January 2021. Council staff participated in both workshops and submitted a comment letter addressing the Update. Erik Vink, the Commission's Executive Director, provided the Council with a summary of the draft ESP Update at the March 25, 2021 Council meeting. On May 20, 2021, the Commission submitted the adopted ESP Update to the Council.

COMMENT LETTER

Council staff has reviewed the ESP Update and prepared a draft comment letter containing recommended findings regarding the consistency of the ESP Update with the Delta Plan pursuant to Public Resources Code section 29761.5(b) (provided as **Attachment 1** to this staff report). The following section summarizes the staff's review and the resulting recommended findings.

Consistency with the Delta Plan

The ESP Update covers an analysis of visitation, the status of facilities and access, economic activity, and trends surrounding recreation and tourism in the Delta. While no specific projects are outlined in the ESP, it does include recommendations for addressing the trends discussed. Therefore, in the Council's analysis of the ESP Update's consistency with the Delta Plan, and to ensure the protection of the unique recreational, natural resource, and agricultural values of the Delta, Council staff have included the Delta Plan policies related to land use and ecosystem restoration, below.

Land Use

The ESP Update recognizes and provides examples of existing regulations to limit some recreation facilities and related development (ESP Update, p. 66). However, the ESP Update does not discuss the specific growth limitation requirements of Delta Plan Policy **DP P1** (Cal. Code. Regs., tit. 23, § 5010). **DP P1** may protect existing agriculture and natural resources valuable to recreation and tourism. However, it could also limit non-commercial recreation or agritourism facilities in some locations. Given the high-level nature of the ESP Update, no specific projects are identified. The Council expects that future projects proposed in alignment with the ESP Update that are determined to be covered actions and are not exempt as commercial recreational visitor-serving uses or local crop processing facilities, would submit a certification of consistency addressing **DP P1** to the Council.

***Recommended Finding:** Based on the review of the ESP Update, pursuant to Public Resources Code section 29761.5(b), staff recommends that the Council find that the ESP Update is not inconsistent with Delta Plan Policy **DP P1**, which limits new urban development in the Delta. The draft comment letter provided as Attachment 2 includes this recommended finding.*

Delta Plan Policy **DP P2** (Cal. Code. Regs., tit. 23, § 5011) may apply to the siting of future water management facilities, ecosystem restoration, and flood management infrastructure projects that may conflict with existing or planned recreational uses. Therefore, staff encourage the Commission, a potential future joint powers authority (JPA, discussed further below), entities involved in managing and enhancing recreation opportunities, and agencies proposing water management facilities, ecosystem restoration, and flood management infrastructure, to consult with the Council as needed in the future to consider both existing and planned uses, if and when this policy may be triggered.

***Recommended Finding:** Based on the review of the ESP Update, pursuant to Public Resources Code section 29761.5(b), staff recommends that the Council find that the ESP Update is not inconsistent with the Delta Plan Policy **DP P2**, which requires siting water management facilities, ecosystem restoration, and flood management infrastructure to avoid or reduce conflicts with existing uses or uses depicted in city or county general plans, where feasible.*

Ecosystem Restoration Policies

Actions to improve recreation, such as construction or expansion of a marina, could trigger other Delta Plan policies. For example, the Delta Plan includes five policies related to ecosystem restoration. One of these, **ER P3** (Cal. Code Regs., tit. 23, § 5007), states that significant impacts to the opportunity to restore habitat must be avoided or mitigated in six priority habitat restoration areas that have a high potential for large-scale habitat restoration. Another policy, **ER P5** (Cal. Code Regs., tit. 23, § 5009), requires avoidance of introductions of and habitat improvements for invasive nonnative species. These policies should be considered for future recreation plans or projects that state or local public agencies establish, fund, or approve that are identified to be covered actions.

***Recommended Finding:** Based on the review of the ESP Update, pursuant to Public Resources Code section 29761.5(b), staff recommends that the Council find that the ESP Update is not inconsistent with the Delta Plan Policies **ER P3** or **ER P5** regarding ecosystem restoration.*

Other Considerations

Joint Powers Authority

The ESP Update recommends a more coordinated approach to managing and improving recreation in the Delta, potentially through the creation of a Joint Powers Authority (JPA). Identification of JPA members, funding, and authority should be established with input from Delta stakeholders and within existing regulations. Furthermore, if a JPA is pursued, the Council requests ongoing updates regarding this process and recommends that the three Delta state agencies – the Commission, the Sacramento-San Joaquin Delta Conservancy, and the Council – all have a role in this process.

Multi-benefit Projects

The Council encourages the Commission to support multi-benefit projects in places where public access and recreation are compatible with restoration, to bring multiple benefits to the community, ensuring that recreation and ecosystem restoration efforts do not negatively affect one another when feasible.

Climate Change

The Council appreciates recognition in the ESP Update of the ongoing Delta Adapts initiative as a resource that can be used to understand how people, communities, recreational opportunities, and the Delta economy will be impacted by climate change. The Council encourages the Commission to remain engaged in this effort and offer input on recreation and tourism considerations during the development of the adaptation strategy.

Environmental Justice

As the Commission works to coordinate and implement recreation and tourism actions in the Delta, the letter encourages the Commission to consider environmental justice and access to recreation. The Council anticipates developing an environmental justice issue paper in the coming year that could both help inform the implementation of the Update and share insights and lessons learned with the Commission and other partners. The letter also encourages the Commission to engage with Council staff on this effort.

TODAY'S MEETING

At today's meeting, Commission staff will summarize the changes made to ESP Update and respond to questions from Councilmembers. Following the

presentation, discussion, and public comments, staff recommends that the Council approve submittal of a draft comment letter containing findings on the consistency of the ESP Update with the Delta Plan (provided as **Attachment 1** to this staff report). Following Council approval, staff will submit the letter to the Commission, inclusive of any comments received from the Council at today's meeting.

FISCAL INFORMATION

Not applicable.

LIST OF ATTACHMENTS

Attachment 1: Council's Draft Economic Sustainability Plan Update Comment Letter

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