



**DELTA STEWARDSHIP COUNCIL**  
*A California State Agency*

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December 5, 2014

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Raymond Hoo, Senior Planner  
San Joaquin County, Community Development Department  
1810 E. Hazelton Avenue  
Stockton, CA 95205

**Executive Officer**  
Jessica R. Pearson

rhoo@sjgov.org

**RE: San Joaquin County 2035 General Plan Update and Draft Master EIR,  
SCH# 2013102017**

Dear Mr. Hoo:

Thank you for the opportunity to comment on the Draft San Joaquin County 2035 General Plan (draft general plan) and its Draft Environmental Impact Report (Draft EIR). The Delta Stewardship Council (Council) staff has appreciated the opportunity to talk with County staff to gain a better understanding of the general plan update and its consistency with the Delta Plan.

The Delta Reform Act of 2009 specifically directs the Council to provide “advice to local and regional planning agencies regarding the consistency of local and regional planning documents with the Delta Plan” (Water Code sec 85212). Council staff appreciates that the Delta Plan, including its policies and recommendations, has been acknowledged in the Draft EIR’s description of the project’s regulatory setting for each applicable section.

As we have discussed, the Council has specific regulatory and appellate authority over certain actions that take place in whole or in part in the Delta, known as “covered actions”. To this end, the Delta Plan contains a set of regulatory policies with which state and local agencies are required to be consistent as of September 1, 2013. The Delta Reform Act established a certification process for compliance with the Delta Plan (Water Code sec 85022).

San Joaquin County has stated in the Draft EIR that the proposed general plan update meets the statutory definition of a “covered action” and, as such, requires a certification of consistency (Water Code sec 85057.5). While many aspects of proposed general plan are consistent with the Delta Plan, there are a few areas of potential conflict. We encourage you to consult with Council staff to discuss how to resolve the inconsistencies with the Delta Plan we have identified.

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*“Coequal goals” means the two goals of providing a more reliable water supply for California and protecting, restoring, and enhancing the Delta ecosystem. The coequal goals shall 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.”*

– CA Water Code §85054

## Comment Summary

Council staff reviewed the Draft San Joaquin County General Plan and developed the attached list of detailed comments. Some of the key points from that analysis are summarized below.

- **Habitat Restoration. Delta Plan Policy ER P3** calls for protecting opportunities to restore habitat in six priority habitat restoration areas, including the Lower San Joaquin River Floodplain in San Joaquin County. Proposed general plan policy **D-4.9, Conversion of Delta Farmland to Wetlands**, states that “The County shall not allow the conversion of prime farmland within the Delta into wetlands.” Rather than “protecting opportunities to restore habitat” as required by **Delta Plan Policy ER P3**, this policy would severely restrict opportunities to restore habitat the Lower San Joaquin River Floodplain, much of which is comprised of prime farmland. Council staff recommends eliminating or revising this policy due to its inconsistency with **Delta Plan Policy ER P3**.
- **Delta as a Place. Delta Plan Policy DP P1** establishes urban boundaries that are intended to strengthen existing Delta communities while protecting farmland and open space, providing land for ecosystem restoration needs, and reducing flood risk. According to the Draft EIR, the 2035 General Plan update proposes changing the designation of several areas from agriculture or open space to commercial or industrial land uses within the Delta, compared to the 2010 General Plan adopted in 1992 and amended in 1993. These proposed changes would create inconsistencies with **Delta Plan Policy DP P1**. To achieve consistency, the county should retain existing agricultural land designations for all six areas proposed for conversion to commercial or industrial use that are located in the Delta and outside city limits and spheres of influence.
- **Flood Risk Reduction.** The Draft EIR finds that the proposed general plan will have less than significant impacts to hydrology and water quality, including flood risk, but the document could benefit from a better explanation of the basis of this conclusion. For example, it wasn't clear to us whether the carrying capacity of the existing flood control system will be diminished by encroachments into floodways, critical floodplains, and existing floodplain or bypass locations in the Delta. It is important to analyze how the general plan may facilitate future actions that will have significant impacts to regional flood risk, especially considering that proposed land use changes in the draft general plan will allow industrial or commercial development in floodplains.

In addition to comments on the draft general plan and Draft EIR, the attachment also includes, for your reference, a discussion of the requirements of state law regarding flood risk management and an explanation of why the general plan update is not eligible for an exemption from the covered action process through determination of consistency with the Sustainable Communities Strategy developed in accordance with SB 375.

Raymond Hoo, Senior Planner  
San Joaquin County, Community Development Department  
December 5, 2014  
Page 3

## **Conclusion**

Council staff looks forward to working with you to ensure that the San Joaquin County General Plan Update moves forward in a timely manner and is consistent with the Delta Plan. I encourage you to contact Jessica Davenport at [jdavenport@deltacouncil.ca.gov](mailto:jdavenport@deltacouncil.ca.gov) or (916) 445-2168 with your questions, comments, or concerns.

Sincerely,

A handwritten signature in blue ink that reads "Cindy Messer". The signature is written in a cursive style.

Cindy Messer  
Deputy Executive Officer

cc: Erik Vink, Delta Protection Commission  
Len Marino, Central Valley Flood Protection Board