



980 NINTH STREET, SUITE 1500
SACRAMENTO, CALIFORNIA 95814
HTTP://DELTACOUNCIL.CA.GOV
(916) 445-5511

DELTA STEWARDSHIP COUNCIL

A California State Agency

MEMORANDUM

Date: May 24, 2018

To: Jessica Law, Chief Deputy Executive Officer

From: Ron Melcer, Senior Environmental Scientist (Supervisor)

Subject: Update on the Approach and Timeline of the Ecosystem Amendment to the Delta Plan

Chair
Randy Fiorini

Members
Frank C. Damrell, Jr.
Michael Gatto
Maria Mehranian
Susan Tatayon
Skip Thomson
Ken Weinberg

Executive Officer
Jessica R. Pearson

At the February 2018 Council meeting, staff provided an informational briefing on recent and ongoing efforts to develop the Ecosystem Amendment to the Delta Plan. The update focused on incorporating best available science for climate change, conservation planning and restoration, and the Delta's aquatic and terrestrial ecosystems through research and peer review. This memorandum provides an update to the Council on progress since the February meeting, as well as an updated amendment timeline.

Background

The Delta Reform Act of 2009 requires that the Council adopt a Delta Plan to achieve the coequal 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 (Water Code Section 85000). The Delta Plan was adopted in 2013, with reviews intended to occur every five years.

Since 2013, significant progress in project implementation and a shift in State and federal priorities in the Delta have resulted in new opportunities for Delta ecosystem protection, restoration, and enhancement. In addition, new research and scientific information provides an improved understanding of key issues such as climate change effects and restoration approaches within the Delta and its watershed. As such, Council staff is developing an amendment of the Plan's Chapter 4, *Protect, Restore, and Enhance the Delta Ecosystem* that will capitalize on these advances and develop a new amendment suited to achieve the ecological goals of the Delta Reform Act.

"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

Overall Progress

Staff is continuing an ongoing review of the current ecosystem chapter content, including the plan narrative, policies, recommendations, and performance measures. Staff is preparing an amendment framework for Council consideration at a future meeting based on findings of the science synthesis work, technical analyses related to climate change and restoration potential, and feedback and input received through outreach and engagement. Key objectives of the Ecosystem Amendment are:

- 1) Integrating climate resiliency concepts and strategies within the Delta Plan,
- 2) Addressing the importance and interdependence of a healthy ecosystem to the Delta as an evolving place,
- 3) Identifying strategies to improve conservation benefits on working landscapes,
- 4) Updating restoration outcomes based on new understanding of conservation needs and opportunities, and
- 5) Reducing governance barriers to implementation of restoration projects.

Council staff are also working closely with the consultant team to complete major tasks. These include:

- Review and integrate comments and feedback on the science synthesis papers on the development of the amendment framework.
- Conduct technical analyses and coordination with external expert scientists. This includes analyzing of tidal datums and sea-level rise projections, evaluating land subsidence and potential for subsidence reversal, and assessing ecosystem restoration potential.
- Assist with development of draft amendment content including policy analysis and refinement of plan narrative, policies, recommendations, and performance measures.
- Planning for the California Environmental Quality Act (CEQA) process by assessing scope and level of effort.

A key intermediate milestone will be an Ecosystem Amendment framework and set of draft revised performance measures for Council review in August 2018, followed by a revised Delta Plan Chapter 4 for Council review in September 2018 for purposes of initiating CEQA review. Outreach and engagement activities will continue to occur throughout the process. The Interagency Committee (IC) has met to review synthesis paper findings. A public meeting was also held on February 22, 2018 where Staff received input on the comprehensiveness of the science synthesis paper findings.

Synthesis Papers

Council staff discussed the *findings* of the synthesis papers during the Council Meeting on February 22, 2018. A public workshop was held that same evening in Clarksburg, where staff

presented the science synthesis work to Delta residents and other stakeholders, and participated in an open house discussion on the amendment. Comment letters and communications on the synthesis papers have been received from expert scientists and stakeholders including Restore the Delta, U.S. Geological Survey, California Department of Fish and Wildlife, California Department of Water Resources, and the State Water Resources Control Board. Council staff are reviewing and integrating comments received from various forums including the February 22 public workshop, a review by the IC, and stakeholder comments.

On April 3, 2018, Council staff presented a summary of findings of the synthesis papers at the Delta Independent Science Board (Delta ISB) meeting, at which time staff requested a formal review of the papers by the Delta ISB. The Delta ISB shared preliminary comments with staff during the May 3, 2018 Delta ISB meeting. The Delta ISB will consider approval of final comments on the synthesis papers on June 1, 2018.

On April 9, 2018 the Council staff released public draft versions of the science synthesis papers, which summarize the best available science in a number of topic areas and synthesize data and conclusions to support the Ecosystem Amendment. The following synthesis papers were posted to the Council's website (http://deltacouncil.ca.gov/delta-plan-ecosystem-amendment#delta_plan_ecosystem_amendment-block-1).

- *Climate Change and the Delta: A Synthesis*
- *Delta Ecosystem Stressors: A Synthesis*
- *Towards the Protection, Restoration, and Enhancement of the Delta Ecosystem: A Synthesis* (including Appendix A).

Collectively, this body of work reviews and synthesizes the best available science and considers related 2013 Delta Plan narrative, policies, recommendations, and performance measures for whether and how they could be affected by findings from the science review.

Development of an Ecosystem Amendment Framework

Findings of the synthesis papers described above will inform staff's development of a framework for the Ecosystem Amendment, which includes proposed refinements to the current policies, recommendations, and performance measures. The California Water Code, Section 85210(i) authorizes the Council "to adopt regulations and guidelines as needed" to carry out agency powers and duties. Delta Plan Chapter 4 currently includes five regulatory policies and nine recommendations addressing the protection, restoration, and enhancement of the Delta ecosystem.

Water Code Section 85308(b) states that the Delta Plan shall "include quantified or otherwise measurable targets associated with achieving the objectives of the Delta Plan." The Delta Plan currently includes 22 administrative, five output, and five outcome performance measures related to the Delta ecosystem that provide the Council a platform from which to evaluate the efficacy of Delta Plan implementation.

Staff will be seeking input from the IC on a proposed amendment framework including policies, recommendations, and performance measures, including the technical basis of the baselines, metrics, and targets, and effectiveness of the performance measures as indicators of Delta Plan implementation. Staff anticipate presenting a draft framework for the Ecosystem Amendment to the Council at the August 2018 Council meeting. Staff will incorporate feedback from the Council and the IC on the draft framework within the draft Ecosystem Amendment.

- Potential policy refinements include:
 - Incorporating new scientific information and State guidance in technical figures in Chapter 4, such as Figure 4-6: “Habitat Types Based on Elevation, Shown with Developed Areas in the Delta and Suisun Marsh”.
- Potential recommendations refinements include:
 - Providing guidance to partner agencies on Delta Plan implementation.
- Potential Performance Measures refinements include:
 - Considering new scientific information and data that improve the understanding of conditions of the Delta ecosystem, including new vegetation and land use mapping, assessments of barriers to fish migration, and remote sensing of seasonal inundation of floodplains.

Timeline & Anticipated Deliverables

Based on the approach outlined above, following is a schedule-based summary of Ecosystem Amendment milestones for future Council meetings:

- June – July 2018: Staff reviews and integrates synthesis paper feedback from Delta stakeholders, the IC, and the Delta ISB to develop a draft Ecosystem Amendment framework. Staff conducts additional outreach and engagement with local governments, partner agencies, and other interested parties regarding development of the Ecosystem Amendment framework.
- August 2018: Staff provides an informational briefing at Council meeting, presenting the draft Ecosystem Amendment framework for discussion, including policies, recommendations, and performance measures.
- September 2018: Staff presents a draft of the Chapter 4 amendment to the Council. Council reviews and provides input on proposed Chapter 4 narrative, policies, recommendations, and performance measures. Council considers approving the draft ecosystem amendment as the proposed project description for purposes of the California Environmental Quality Act (CEQA).
- October 2018: Staff releases Notice of Preparation and initiates CEQA scoping meetings.
- Summer 2019: Anticipated certification of CEQA document and final approval of Ecosystem Amendment.