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## DELTA STEWARDSHIP COUNCIL

*A California State Agency*

August 10, 2018

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**RE: Comments on Envision Stockton 2040 General Plan Update and Draft Environmental Impact Report for the General Plan Update and Utility Master Plan Supplements**

Dear Mr. Stagnaro:

Thank you for the opportunity to review and provide comments on the Draft Envision Stockton 2040 General Plan Update and Draft Environmental Impact Report (Draft EIR) for the General Plan Update and Utility Master Plan Supplements. Delta Stewardship Council (Council) staff also appreciated the opportunity to attend a workshop on the General Plan Update on July 30, 2018 and to discuss certain aspects of the General Plan Update and Draft EIR with you via telephone on August 6, 2018.

The Council is an independent State of California agency established by the Sacramento-San Joaquin Delta Reform Act of 2009 (SBX7 1; Delta Reform Act). The Council is charged with furthering California's coequal goals for the Delta through the adoption and implementation of the Delta Plan, regulatory portions of which became effective on September 1, 2013.

As stated in the Delta Reform Act, the State has "'coequal goals' (which) means 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" (Water Code section 85054).

Through the Delta Reform Act, the Council was directed to review and provide timely advice to local and regional planning agencies regarding the consistency of local and regional planning documents with the Delta Plan. The Council's input includes, but is not limited to, reviewing the consistency of local and regional planning documents with the ecosystem restoration needs of the Delta and reviewing whether the lands set aside for natural resource protection are sufficient to meet the Delta's ecosystem needs. (Water Code section 85212).

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*– CA Water Code §85054*

## **Covered Action Status**

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. To do this, the Delta Plan contains a set of regulatory policies with which State and local agencies are required to comply. The Delta Reform Act specifically established a certification process for compliance with the Delta Plan. This means that State and local agencies that propose to carry out, approve, or fund a qualifying action in whole or in part in the Delta, called a "covered action," must certify that this covered action is consistent with the Delta Plan and must file a certificate of consistency with the Council that includes detailed findings.

As noted in the Draft General Plan, most of the western portion of Stockton's Planning Area is located within the Legal Delta, and thus subject to State oversight through the Delta Plan. The City of Stockton (City) has identified the need for the General Plan to be consistent with the Delta Plan (Draft General Plan, p. 3-17). The City has also identified that the Delta Plan includes a requirement for consistency findings for covered actions, which include the proposed General Plan (Draft EIR, pp. 4.2-3, 4.4-6, 4.10-4). The City also acknowledges the role of the Delta Plan's policies to address flood protection for residential development and limit encroachment in floodplains (Draft EIR, p. 4.9-7).

It should be noted that the Delta Reform Act establishes specific criteria and categories for exempting actions from the Council's regulatory authority. One of these exemptions is for actions within the Secondary Zone of the Delta that a metropolitan planning organization determines are consistent with its sustainable communities strategy (SCS). Such proposed actions are not covered actions regulated by the Council (Water Code section 85057.5(b)(4)).

The Draft EIR analyzes consistency with the San Joaquin Council of Governments' (SJCOG) 2014 Regional Transportation Plan/Sustainable Communities Strategy (RTP/SCS) (Draft EIR, p. 4.10-18). An updated 2018 RTP/SCS was adopted by SJCOG on June 28, 2018. With respect to land use, the 2018 RTP/SCS is consistent with the Delta Plan. The City may request an evaluation of the updated General Plan's consistency with SJCOG's 2018 RTP/SCS. If SJCOG determines that the updated General Plan is consistent, the proposed project would be exempt from the Council's covered action process.

Additional information on covered actions and the certification process can be found on the Council website, <http://deltacouncil.ca.gov/covered-actions>.

### **Comments on the Draft General Plan**

Based on our review, Council staff has not identified any specific inconsistency between the Draft General Plan and the Delta Plan pursuant to Water Code section 85212. In fact, several General Plan policies align with the Delta Reform Act and the Delta Plan, including the following:

- **General Plan Land Use Designations.** Council staff is pleased to see that the General Plan Update will re-designate areas depicted as “Village” in the southern portion of the Planning Area to “Open Space/Agriculture”. The Council supports this proposed change, which contributes to consistency between the General Plan and the Delta Plan.

Other land use designation changes in the Planning Area within the secondary zone of the Legal Delta appear to align with **Delta Plan Policy DP P1, Locate New Urban Development Wisely** (23 Cal. Code of Regs. section 5010). This includes redesignation of areas north of the City Limits from “Village” to “Economic and Education Enterprise,” as the subject area was previously designated for development in the City’s General Plan as of the date of the Delta Plan’s adoption (May 16, 2013).

- **Climate Change.** The Council supports General Plan Policy CH-5.1A which outlines the City’s intention to conduct a “comprehensive climate change vulnerability assessment to inform the development of adaptation and resilience policies and strategies”. In a closely related effort, over the next couple of years, the Council will be undertaking a *Climate Change Vulnerability Assessment and Adaptation Strategy for the Sacramento – San Joaquin Delta* that seeks to incorporate stakeholder input, best available science, and identifies specific high-priority options for adapting to the changing climate. Council staff look forward to working with the City as a collaborative stakeholder in this process.

Council staff requests the City incorporate the following technical correction to the Draft General Plan regarding the Delta Plan:

- Land Use Element, p. 3-17, second paragraph. Please change the reference to the “Delta Reform Plan” to the “Delta Plan.”

### **Comments on the Draft EIR**

Council staff appreciates the City’s consideration and incorporation of comments we offered on the Notice of Preparation (NOP) for the 2040 General Plan Update and Utility Master Plan Supplements EIR in a letter dated June 22, 2017.

Council staff notes that the City evaluates the potential for conflict with the Delta Plan within the Draft EIR in the discussion of Impact LU-2, on p. 4.10-23. The analysis focuses on how

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General Plan goals SAF-3 (Sustain Clean and Adequate Water Supplies) and LU-5 (Protect, Maintain, and Restore Natural and Cultural Resources) and associated policies support the coequal goals. The analysis also identifies that, as discussed above, the proposed General Plan does not allow new residential, commercial, or industrial development in the Delta that was not already allowed in the existing 2007 General Plan, noting consistency with Delta Plan Policy **DP P1**. The City concludes that implementation of the proposed General Plan policies and actions would support, rather than conflict with the Delta Plan. This information will be useful for the City to present as part of the record accompanying a certification of consistency with the Delta Plan, should it be determined that the General Plan Update is a covered action.

### **Closing Comments**

We encourage the City to continue early consultation with Council staff and to work collaboratively with SJCOG, as appropriate, to discuss the consistency certification process for the General Plan Update. Continued consultation is an important step to ensure consistency between the 2040 General Plan and the Delta Plan, so that the two plans are complementary and serve to protect the Delta. Please contact Kate Anderson of my staff at (916) 445-5028 or [kate.anderson@deltacouncil.ca.gov](mailto:kate.anderson@deltacouncil.ca.gov) with any questions, comments, or concerns.

Sincerely,

*Original signed by*

Jeff Henderson, AICP  
Deputy Executive Officer  
Delta Stewardship Council