

"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



DELTA STEWARDSHIP COUNCIL

## Understanding the Delta Plan Processes

The Delta Reform Act of 2009 created the Delta Stewardship Council and directed it, among other things, to develop and implement a “legally enforceable” management plan for the Delta that furthers two coequal goals: a more reliable water supply for California and a restored Delta ecosystem.

There are three distinct – but linked – processes that, when completed, will yield a final enforceable Delta Plan by summer 2013.

### The Delta Plan itself

- The Delta Plan is a single blueprint to guide in-Delta and related statewide actions to ensure that we as Californians achieve the coequal goals established in law.
- To this end, the Plan includes 14 policies and 71 targeted recommendations that address governance, water supply reliability, ecosystem restoration, the Delta as a place, water quality, risk reduction, and finance.
- The Delta Plan was developed over the course of more than two years with the input of hundreds of groups and individuals through eight public drafts and nearly 100 public meetings.

Once adopted by the Council:

- Elements of the Delta Plan -- the 14 policies – will become enforceable at the conclusion of the rulemaking process, anticipated in July 1 or October 1, 2013, depending on the required Office of Administrative Law’s review.
- State or local entities approving, funding or carrying out significant actions in the Delta may be subject to the Delta Plan’s rules and must demonstrate consistency with those rules.
- The Council serves as an appellate body for those actions whose consistency with the Delta Plan is challenged.
- The Council will establish an Implementation Committee of agencies to coordinate progress towards completing the recommended actions in the Delta Plan.

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### The Environmental Impact Report (EIR) Process

- In Fall 2011 the Council released a draft EIR that was based on the fifth staff draft Delta Plan. Comments received on the EIR, as well as on the Plan itself, resulted in several changes to the draft Plan.
- The subsequent final Draft Delta Plan changed significantly enough that staff recirculated an additional EIR volume to thoroughly review environmental impacts from those changes.
- The draft recirculated EIR was released November 30, 2012, for a 45-day comment period that ended January 14, 2013.
- Staff is currently reviewing and preparing responses to comments which would inform preparation of a final EIR.
- The final EIR, which includes responses to all comments, including those submitted on the recirculated EIR, would then be available for certification in April or May 2013, prior to the Delta Plan's adoption.

### The Rulemaking Process

- This is the process required by the State Administrative Procedures Act that turns the Delta Plan's policies into enforceable state regulations.
- This applies only to the policies in the Delta Plan, not to recommendations.
- This process requires, among other things, an analysis of the fiscal impacts of the proposed rules.
- This process, like the EIR process, requires a 45-day comment period, which ran Nov. 30, 2012 through January 14, 2013.
- A specific rulemaking hearing was held on January 24<sup>th</sup> after the comment period closed. The Council elected to add an additional comment period in response to public request for additional comment opportunity.
- Comments received through this process are being considered in the development of final regulations, which will be submitted to the State Office of Administrative Law for approval after the Council certifies the EIR and adopts the Delta Plan, including the regulations.
- After approval by the OAL, regulations will be submitted to the Secretary of State and become effective 30 days after that, likely July 1, 2013, but an alternative date is October 1<sup>st</sup>, depending on length of OAL review.