S J C O G, I N C.

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THE COUNTY OF
SAN JOAQUIN

January 30, 2012

Phil Isenberg
Delta Stewardship Council
980 Ninth Street, Suite 1500
Sacramento, CA 95814

Re: Delta Plan -Fifth Draft Comment Letter Pertaining to SJMSCP

Dear Chairman Isenberg:

SJCOG, Inc. is the administrator of the San Joaquin County Multi-Species Habitat Conservation and Open Space Plan (SJMSCP). Our staff has continued to be involved with the Delta Plan under the Delta Stewardship Council created by State statute as we have been in a very similar way with the Bay Delta Conservation Plan (BDCP). After reading the Delta Plan Fifth Staff Draft, our staff continues to have the same concerns expressed in our comment letter to the third draft of the plan which were not addressed in this current draft of the Delta Plan. The concerns with the Delta Plan are very similar to those our agency has voiced in the development of the Bay Delta Conservation Plan (BDCP). They are:

- The unforeseen impacts to the SJMSCP with regards to the federal and state permits being implemented under the existing SJMSCP to balance development and protection of species within San Joaquin County which the Delta Plan drafts have never fully addressed.
- Certain proposed activities and oversight of the Delta Plan such as the extent of restoration areas in the Delta Plan and BDCP, may have a negative impact on existing preserves and our ability to acquire future preserves within San Joaquin County.

A further concern our staff had after review of the Delta Plan Fifth Staff Draft is all the Delta counties which have or are developing HCPs or NCCPs are being considered the same and treated the same within the Delta Plan (except for the BDCP). The Delta Plan's assumption of all plans being the same is erroneous.

Except for the East Contra Coast Habitat Conservation Plan/Natural Communities Conservation Plan, the other Delta plans are still in the development process which may

allow for adaption of the impacts of the Delta Plan within their development process. The SJMSCP is a permitted habitat conservation plan containing existing agreements with federal (United States Fish and Wildlife Service) and state (California Department of Fish and Game) agencies including a very complicated Biological Opinion issued with the take permits. These existing agreements are a major difference between SJMSCP and the others under development.

The development of the SJMSCP was a long and expensive seven year process in the late 1990's which led to implementation in 2001. The development of the SJMSCP was conducted under CEQA and NEPA review of EIR/EIS documents for the plan which ultimately was permitted by the US Fish and Wildlife Service and California Department Fish and Game (2001) as a 50 year plan to establish and protect habitat for over 97 species in San Joaquin County. The SJMSCP plan area covers approximately one-third of the Sacramento-San Joaquin Delta in both the Primary and Secondary Zones.

The SJMSCP has been diligently fulfilling the terms of the Implementation Agreement and issued federal and state take permits by mitigating for development in San Joaquin County through acquisition of conservation easements and establishment of habitat preserves under an existing conservation strategy which include areas considered under the proposed Delta Plan.

Therefore, SJCOG, Inc. strongly recommends:

- All aspects of the SJMSCP (present and future) should be incorporated into the Delta Plan as part of the existing baseline conditions similar to the action of the Delta Plan for incorporation of the still developing BDCP.
- SJCOG, Inc. requests the Delta Plan Staff address **ALL** potential impacts of the Delta Plan to the existing SJMSCP fully in the future Environmental Impact Report for the Delta Plan.

Our staff looks forward to working with the Delta Stewardship Council, staff and consultants on the continued development of the Delta Plan to insure a greater likelihood that the Delta Plan and SJMSCP will be complimentary to each other rather than conflicting.

Sincerely,

STEVE DIAL
Deputy Executive Director / Chief Financial Officer

Cc: SJCOG, Inc. Board
Josh Emery, United States Fish and Wildlife Service
Todd Gardner, California Department of Fish and Game