

## Final Staff Draft Delta Plan

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This memo presents recommendations for Council action on the Final Staff Draft Delta Plan.

The Final Staff Draft Delta Plan was released for public review on May 14, 2012. June 13, 2012 was the deadline for written public comments on the Final Staff Draft Delta Plan. At the June 28 and 29 meeting, the Council considered changes to the Final Staff Draft Delta Plan. Specifically, these proposed changes consisted of two lists. The first was a "Council Action Checklist" which included Council directed changes and other substantive changes recommended by the staff, including changes in policies and recommendations in response to stakeholder comments. The second was a "Consent Checklist" which included: staff errata and minor technical or nonsubstantive changes proposed by Council members or recommended by the staff. Most of the items on these lists were adopted by the Council. At the request of Council members, some items on the Council Action Checklist were held over or pulled from the Consent Checklist for further consideration and discussion by the Council members.

For this meeting staff has prepared two lists for the Council to review and subsequently provide direction for changes to the Final Draft Delta Plan. The two lists are a "Council Action Checklist" and an "Items Pulled by Council Members from Consent List".

Changes to the Final Staff Draft Delta Plan as directed by the Council at this meeting will be incorporated into a Final Draft Delta Plan that will then serve as the basis for recirculating a supplement to the plan's Environmental Impact Report. It also will serve as the basis for submittal of draft regulations to the Office of Administrative Law (OAL).

### **Reduce Reliance on the Delta and Improve Regional Self-Reliance (WR P1)**

At the June 28 and 29, 2012 meeting, the Council authorized Council members Randy Fiorini and Patrick Johnston to work with staff to refine the language of the revised policy WR P1 (Reduce Reliance on the Delta and Improve Regional Self-Reliance) that they proposed on June 29 .

The Council members met with staff and met or spoke with representatives of the Metropolitan Water Agency of Southern California, the Agricultural-Urban Coalition, the Association of California Water Agencies, the Natural Resources Defense Council and the Bay Institute. On July 10<sup>th</sup>, the Council members, in discussion with staff, came to agreement on the following:

- No new changes to the types of proposed actions covered by WR P1.
- The explanatory text accompanying WR P1 was reorganized. A preamble to WR P1 was inserted which clearly articulates the state's policy of reduced reliance

and improved regional self reliance and the intent of the Council through WR P1 to ensure that urban and agricultural water suppliers are taking appropriate actions to contribute to the achievement of reduced reliance on the Delta. The preamble draws upon the June 29<sup>th</sup> draft reviewed by the Council, but includes minor additions in the second paragraph to clarify the Council's intent.

- Minor revisions were made to clarify the actions that urban and agricultural water suppliers need to take to comply with WR P1. These revisions include citations to the applicable code sections for compliance with SB 7x7, Urban Water Management Plans and Agricultural Water Management Plans; clarification that implementation under action #2 should be consistent with the schedule set in the suppliers' adopted management plan; and the addition of 2015 as the date by which action #3 would become effective.

See the attached Council Action Checklist for revised WR P1 as proposed by Council members Fiorini and Johnston.

### **Locate New Development Wisely (DP P1) and items related to Bethel Island**

At the June 28 and 29 meeting, the Council directed staff to work with Contra Costa County and Bethel Island residents regarding the designation of Bethel Island as a Legacy Community and the implications of that designation for land uses and flood protection in new subdivisions on the island. The staff met with Contra Costa County Supervisor Mary Nejedly-Piepho and John Greitzer of the Contra Costa County Department of Conservation and Community Development on July 9 and with the Bethel Island Municipal Improvement District Advisory Committee on July 10, and came to agreement on the following:

- The Delta Plan will note that Bethel Island is one of the Legacy Communities designated in Public Resources Code 32301(f).
- Bethel Island will not be exempt from policy DP P1, which limits significant new development in rural areas. DP P1 will be revised to refer to a list of communities that does not include Bethel Island to indicate where significant new urban development may be appropriate, rather than using the term "Legacy Community". Maps of the listed communities, omitting Bethel Island, are still presented in Appendix K. Narrative in Chapter 5 will be revised to indicate that any development on Bethel Island must to be consistent with land use designations in the current Contra Costa County General Plan which restrict development due to flood risk and limited evacuation routes.
- Bethel Island will not be exempt from policy RR P2, which requires 200-year flood protection for new residential development in rural areas. RR P2 will be revised to indicate which areas, including the communities mapped in Appendix K, are exempt from this policy.

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- Appendix K will include Delta communities which are exempt from policies DP P 1 and RR P2 and the map of Bethel Island removed.
- ER P3 (Protect Opportunities to Restore Habitat) will be revised to remove the list of areas where the policy does not apply. This is no longer needed now that the Delta Plan includes maps where it does apply.

See the Council Action Checklist for proposed changes to the language of these policies.

### **Prioritization of State Investments in Delta Levees and Risk Reduction (RR P1)**

At the June 28 and 29 meeting, the Council directed staff to work with Council member Nottoli and stakeholders to revise Policy RR P1 (Prioritization of State Investments in Delta Levees and Risk Reduction) to clarify the priorities for State funds for Delta levee improvements. Staff met with Council member Nottoli and stakeholders on July 10 and developed language that appeared to address their concerns.

See the Council Action Checklist for proposed changes to the language of this policy.

### **Consent List**

These items are presented for Council discussion and action. Staff attempted to contact each of the three Council members that removed items from the consent list to determine why they removed the items from the consent list. In most cases, the Council members only wanted clarification of the issue and afterwards were comfortable with or supportive of the original staff recommendation. Two additional changes are presented in response to Council member Nottoli's concerns. Unfortunately staff was unable to speak with Council member Gray to address her concerns prior to this meeting.

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### **List of Attachments**

Attachment 1: Council Action Checklist

Attachment 2: Items Pulled by Council Members from Consent List

### **Contact**

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