

FOURTH STAFF DRAFT DELTA PLAN POLICIES AND RECOMMENDATIONS

Chapter	Number of Policies	Number of Recommendations	Total
Chapter 3. Governance: Implementation of the Delta Plan	1	0	1
Chapter 4. A More Reliable Water Supply for California	4	10	14
Chapter 5. Restore the Delta Ecosystem	5	8	13
Chapter 6. Improve Water Quality to Protect Human Health and the Environment	0	9	9
Chapter 7. Reduce Risk to People, Property, and State Interests in the Delta	4	9	13
Chapter 8. Protect and Enhance the Unique Cultural, Recreational, Natural Resources, and Agricultural Values of the California Delta as an Evolving Place	0	9	9
Chapter 9. Finance Plan Framework to Support Coequal Goals	0	12	12
TOTAL	14	57	71

COMPARISON OF POLICIES AND RECOMMENDATIONS BETWEEN FOURTH AND THIRD STAFF DRAFT VERSIONS OF DELTA PLAN

CHAPTER	FOURTH STAFF DRAFT	THIRD STAFF DRAFT
<p>3. Governance: Implementation of the Delta Plan</p>	<p>G P1 Certifications of consistency with the Delta Plan must address the following:</p> <ul style="list-style-type: none"> ◆ All covered actions must be fully transparent by disclosing all potentially significant adverse environmental impacts and mitigations of those adverse impacts. ◆ As relevant to the purpose and nature of the project, all covered actions must document use of best available science (as described in Chapter 2) and information. ◆ Ecosystem restoration and water management covered actions must include adequate provisions to assure continued implementation of adaptive management consistent with the Delta Plan. This requirement shall be satisfied through: <ul style="list-style-type: none"> a) an adaptive management plan that describes the approach to be taken for each of the nine steps of the adaptive management framework of Chapter 2, and b) documentation of access to adequate resources and delineated authority by the entity responsible for the implementation of the full adaptive management process. 	<p>G P1 Certifications for consistency with the Delta Plan must address the following:</p> <ol style="list-style-type: none"> 1. All covered actions must be fully transparent by disclosing all potentially significant adverse environmental impacts and mitigations of those adverse impacts. 2. All covered actions must be based on best available science. 3. All covered actions must demonstrate managerial and financial capacity to implement the covered action over the long term. Managerial capacity includes ownership and water rights relevant to the covered action. Financial capacity includes budgeting, capital improvement planning, and a financing plan relevant to the covered action. 4. All covered actions must identify and comply with existing relevant law, including water quality regulations and water rights. 5. Large-scale ecosystem restoration and water management covered actions must include adequate provisions to assure continued implementation of adaptive management consistent with the Delta Plan. This requirement shall be satisfied through: <ul style="list-style-type: none"> ◆ an adaptive management strategy consistent with the adaptive management framework of Chapter 2; ◆ documentation of how the proposed covered action will achieve its desired result; ◆ performance measures and targets relevant to meeting the Delta Plan’s objectives enumerated in Section 85302(c), Section 85302(d), and Section 85302(e); ◆ monitoring and analyses requirements sufficient to make adaptive management decisions and to capture any effects that may help or hinder achieving the coequal goals as expressed in the Act or the Delta Plan; ◆ documentation of delineated authority by the agency responsible for the covered action to support the implementation of the full adaptive management process, including planning, implementation, monitoring, data management, analyses, obtaining the best available science, communicating results, supporting decision making, and full implementation of any changes in implementation of the covered action; and ◆ procedures ensuring public release of all information developed related to adaptive management, including, but not limited to, primary data, modeling, analyses, and syntheses of research findings.
<p>4. A More Reliable Water Supply for California</p>	<p>The following policies (WR P1, WR P2, and WR P3) can apply as regulatory policies only where a public agency approves, funds, or carries out a covered action. Where it does, that covered action is inconsistent with the Delta Plan if, and only if, one or both of the following applies:</p> <ol style="list-style-type: none"> A. The covered action involves the export of water from the Delta or involves the transfer of water through the Delta, and the need for that covered action is significantly caused by the failure of one or more water suppliers to comply with policies WR P1, WR P2, and/or WR P3. B. The covered action involves the use of water in the Delta, and the need for that covered action is significantly caused by the failure of one or more water suppliers to comply with policies WR P1, WR P2, and WR P3. <p>Where, however, neither A nor B applies, the following (WR P1, WR P2, and WR P3) are recommendations.</p>	<p>The following policies (WR P1, WR P2, and WR P3) only apply as regulatory policies as follows:</p> <ol style="list-style-type: none"> A. A covered action involving the export of water out of the Delta, or involving the transfer of water through the Delta, is inconsistent with the Delta Plan if the need for that covered action is significantly caused by a recipient region’s failure to comply with policies WR P1, WR P2, and/or WR P3. B. A covered action involving the use of water in part or in whole in the Delta is inconsistent with the Delta Plan if the need for that covered action is significantly caused by the water using region’s failure to comply with policies WR P1, WR P2, and/or WR P3. <p>In all other situations, WR P1, WR P2, and WR P3 are recommendations.</p>

COMPARISON OF POLICIES AND RECOMMENDATIONS BETWEEN FOURTH AND THIRD STAFF DRAFT VERSIONS OF DELTA PLAN

CHAPTER	FOURTH STAFF DRAFT	THIRD STAFF DRAFT
<p>4. A More Reliable Water Supply for California</p>	<p>WR P1 Water suppliers shall demonstrate compliance with existing State laws promoting water supply planning, conservation, and efficiency measures:</p> <ul style="list-style-type: none"> ◆ Urban water suppliers¹ <ul style="list-style-type: none"> • Adopt and implement an Urban Water Management Plan and all required elements and measures, meeting the standards and timelines established in Water Code section 10610 et. seq. • Adopt and implement a plan to achieve 20 percent reduction in urban per capita water use by December 31, 2020, meeting the standards and timelines established in Water Code section 10608 et. seq. ◆ Agricultural water suppliers² <ul style="list-style-type: none"> • Adopt and implement Agricultural Efficient Water Management Practices including measurement of the volume of water delivered to customers, adoption of a pricing structure based in part on the quantity delivered, and implementation of specific conservation measures that are locally cost effective and technically feasible, meeting the standards and timelines established in Water Code section 10900 et. seq. • Adopt and implement an Agricultural Water Management Plan and all required elements, meeting the standards and timelines established in Water Code section 10900 et. seq. 	<p>WR P2 Water suppliers that deliver water diverted or exported from the Delta or the Delta watershed shall, at a minimum, meet the standards and timelines established in Water Code section 10608 et.seq. and section 10800 for urban and agricultural water use efficiency.</p>

¹ “Urban water supplier” as used in this Delta Plan refers to both “urban retail water suppliers” and “urban wholesale water suppliers” under the Water Code. An “urban retail water supplier” means a water supplier, either publicly or privately owned, that directly provides potable municipal water to more than 3,000 end users or that supplies more than 3,000 acre-feet of potable water annual at retail for municipal purposes (Water Code section 10608.12(p)). An “urban wholesale water supplier” means a water supplier, either publicly or privately owned, that provides more than 3,000 acre-feet of potable water annually at wholesale for municipal purposes (Water Code section 10608.12(r)).

² “Agricultural water supplier” as used in this Delta Plan refers to both “agricultural retail water suppliers” and “agricultural wholesale water suppliers” under the Water Code. An “agricultural water supplier” means a water supplier, either publicly or privately owned, providing water to 10,000 or more irrigated acres, excluding recycled water. An “agricultural water supplier” includes a supplier or contractor for water, regardless of the basis of right that distributes or sells water for ultimate resale to customers. “Agricultural water supplier” does not include DWR (Water Code section 10608.12(a)). Any agricultural water supplier that provides water to less than 25,000 irrigated acres is not required to comply with SBX7-7 requirements unless sufficient funding is provided to the supplier to implement these provisions (Water Code section 10853).

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CHAPTER	FOURTH STAFF DRAFT	THIRD STAFF DRAFT
<p>4. A More Reliable Water Supply for California</p>	<p>WR P2 To promote accountability throughout the state in achieving the coequal goals, water suppliers shall, no later than December 31, 2015, expand an existing or add a new Water Reliability Element in their Urban Water Management Plan and/or Agricultural Water Management Plan. Water suppliers may also meet this requirement by including a Water Reliability Element in an approved Integrated Regional Water Management Plan or other water plan that provides equivalent information.</p> <p>The Water Reliability Element shall detail how water suppliers are sustaining and improving regional self-reliance and reducing dependence on the Delta through investments in local and regional programs and projects and shall document actual or projected net reduction in reliance on Delta exports. At a minimum, the Water Reliability Element shall include:</p> <ul style="list-style-type: none"> ◆ A plan for possible interruption of Delta water supply: Identify how reliable water service will be provided for a minimum periods of 6 months, 18 months, and 36 months in the event that diversions or exports from the Delta are interrupted during an average water year, dry water year, and following three dry water years.³ ◆ Implementation of planned investments in water conservation, water efficiency, and water supply development: Identify specific programs and projects that will be implemented over a 20-year planning period and how they are consistent with the coequal goals and will contribute to improved regional self-reliance and reduced reliance on the Delta, including, but not limited to, the following strategies: <ul style="list-style-type: none"> • Water conservation • Water use efficiency • Local groundwater and surface storage • Conjunctive use programs • Water transfers • Water recycling • Use of currently non-potable groundwater • Storm water capture and recharge • Saline water and brackish water desalination ◆ Evaluation of regional water balance: Provide an assessment of the long-term sustainability of the water supplies available to meet projected demands within the supplier’s hydrologic region, as defined by the 2009 California Water Plan Update, over the 20-year planning period.⁴ If the region’s demand exceeds available supplies, identify the steps being taken through the Integrated Regional Water Management Plan to bring the region into long-term balance. If the region’s demand exceeds available supplies and it does not have an Integrated Regional Water Management Plan or the Plan does not address the steps being taken to bring the region into balance, then describe how the supplier’s programs and projects are helping to bring the region into balance. ◆ Conservation-oriented water rate structure: Evaluate the degree to which the supplier’s current rate structure sustainably encourages and supports water conservation. 	<p>WR P1 To promote statewide accountability in achieving the coequal goals, water suppliers that deliver water diverted or exported from the Delta or the Delta watershed shall, by December 31, 2015, include a new Water Sustainability Element in their Urban Water Management Plan and/or Agricultural Water Management Plan (or an equivalent plan). The Water Sustainability Element shall detail how water suppliers are improving regional self-reliance and reducing dependence on the Delta through investments in local and regional programs and projects. At a minimum, the Water Sustainability Element shall include:</p> <p>A Plan for Possible Interruption of Delta Water Supply: Identify how reliable water service will be provided for a minimum period of at least six months in the event the Delta’s export operations are interrupted during an average water year, dry water year, and following three dry water years.</p> <p>Evaluation of Planned Investments in Water Conservation and Water Supply Development: Identify specific programs and projects that will be implemented over the twenty year planning period and how they contribute to the improvement of regional self-reliance and reduced dependence on the Delta, including:</p> <ul style="list-style-type: none"> • Water Conservation and Water Use Efficiency • Local Groundwater and Surface Storage • Conjunctive Use Programs • Water Recycling • Use of Currently Non-Potable Groundwater • Storm Water Capture and Recharge • Saline Water and Brackish Water Desalination <ul style="list-style-type: none"> ◆ Evaluation of Regional Water Balance: Provide an assessment of the long term sustainability of water supplies to meet projected demands within the supplier’s hydrologic region, as defined by in the 2009 California Water Plan Update, over the twenty year planning period. If the region lacks balance, indicate the steps that are being taken through the Integrated Regional Water Management Plan to bring the region into balance. If the region is not in balance and its Integrated Regional Water Management Plan is not available or does not identify the steps being taken to bring the region into long-term balance, then describe how the supplier’s programs and projects are helping to bring the region into balance. ◆ Sustainable Water Rate Structure: Evaluate the degree to which the supplier’s current rate structure sustainably encourages and supports water conservation. <p>ADDITIONAL OPTIONS FOR COUNCIL CONSIDERATION:</p> <ul style="list-style-type: none"> A. Require the addition of a Water Sustainability Element in Integrated Regional Water Management Plans. The element should includes an assessment of the long term sustainability of water supplies to meet projected demands and, if the region is out of balance, a requirement for the implementation of local and regional programs and projects that will achieve regional water balance within the twenty year planning horizon. To be consistent with the Delta Plan, water suppliers that deliver water diverted or exported from the Delta or the Delta watershed would be required to be part of a Department of Water Resources-approved Integrated Regional Water Management Plan with a Water Sustainability Element the meets the regional water balance criteria. B. Convert regulatory policy stated above into a recommendation. Provide recognition/incentive to water suppliers that have achieved regional water balance or have demonstrated long-term improvement in regional self-reliance and reduced dependence on the Delta. Recommend that state agencies which administer state grants or loans to fund water projects or programs include in their funding criteria a priority for Integrated Regional Water Management Plans (or individual water suppliers) that can demonstrate through their adopted Water Sustainability Element that they have achieved Regional Water Balance (or that, as a water supplier, they have improved regional self-reliance and reduced their dependence on Delta diversions).

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CHAPTER	FOURTH STAFF DRAFT	THIRD STAFF DRAFT
4. A More Reliable Water Supply for California	WR P3 Water suppliers shall, by December 31, 2020, develop and implement a conservation-oriented rate structure, which may include consideration of a water-budget-based rate structure that sustainably encourages and supports more efficient water use without causing a shortfall in system revenues. ⁵	WR P3 Retail water suppliers that deliver water diverted or exported from the Delta or the Delta watershed shall, by December 31, 2020, develop and implement a rate structure that sustainably encourages and supports water conservation which may include the adoption of a water budget based rate structure.
4. A More Reliable Water Supply for California	WR R1 The California Department of Water Resources, in consultation with the Council, the State Water Resources Control Board, and others, should develop and approve, by December 31, 2012, guidelines for the preparation of a Water Reliability Element that satisfies the criteria contained in WR P2.	WR R1 The California Department of Water Resources, in consultation with the Council, the State Water Resources Control Board and others, should develop and approve, by December 31, 2014, Urban Water Management Plan and Agricultural Water Management Plan guidelines for a Water Sustainability Element, based on the criteria contained in WR P1.
4. A More Reliable Water Supply for California	WR R2 The California Department of Water Resources, the State Water Resources Control Board, the California Department of Public Health, and other agencies, in consultation with the Council, should revise State grant and loan ranking criteria by December 31, 2012, to provide additional credit (higher ranking) to water suppliers that include a Water Reliability Element in their adopted Urban Water Management Plans, Agricultural Water Management Plans, and/or Integrated Regional Water Management Plans that satisfies the requirements of WR P2. The Council will also work with these agencies to identify additional funding and other incentives to catalyze implementation of local and regional water conservation, water use efficiency, conjunctive management, and other projects that will improve regional self-reliance and reduce reliance on the Delta.	WR R2 Beginning in 2016, State agencies should prioritize state funding for water agencies in the state that have a complete Water Sustainability Element in their adopted Urban Water Management Plans and/or Agricultural Water Management Plans and Integrated Regional Water Management Plans.
4. A More Reliable Water Supply for California	WR R3 To be consistent with the Delta Plan, a proponent for a new proposed point of delivery that results in new or increased demand for diversions from the Delta or the Delta Watershed should demonstrate that the project proponents have evaluated and implemented all other feasible water supply alternatives.	WR R3 A proponent for a new proposed point of delivery from the State Water Project that results in increased demand for diversions from the Delta or the Delta Watershed should demonstrate that the project proponents have evaluated and implemented all other feasible water supply alternatives.
4. A More Reliable Water Supply for California	WR R4 Recognizing that large storage projects will take more than a decade to construct and bring on line, the Department of Water Resources should complete the Surface Water Storage Investigation of the five proposed offstream surface storage projects as soon as possible and recommend the critical projects that need to be implemented to expand the State's surface storage.	
4. A More Reliable Water Supply for California	WR R5 The Delta Stewardship Council, in coordination with the California Water Commission and other agencies, should conduct a survey to identify projects that may be implemented within the next 5 to 10 years to expand existing surface and groundwater storage facilities, create new storage, improve Delta conveyance facilities, and improve opportunities for water transfers. The California Water Commission should hold hearings and provide recommendations on priority projects. These recommendations should be used to support water supplier requests for state grants and loans and other sources of funding for these projects.	WR R4 The California Water Commission should hold hearings to identify and evaluate how large-scale storage and incremental improvements to surface and groundwater storage infrastructure and operations may be made in the Delta watershed and in areas that use water from the Delta over the next five to ten years to help achieve the coequal goals.
4. A More Reliable Water Supply for California	WR R6 The Department of Water Resources, in collaboration with the U.S. Geological Survey and other federal, state, and local agencies, should update Bulletin 118 using field data, California Statewide Groundwater Monitoring Elevation Monitoring (CASGEM), groundwater agency reports, satellite imagery, and other best available science by January 1, 2015, and identify groundwater basins in a critical condition of overdraft. This information will be available for inclusion in the Urban Water Management Plans and Agricultural Management Plans required to be submitted to the state by December 31, 2015.	WR R6 The Department of Water Resources, in collaboration with the U.S. Geological Survey and other federal, state and local agencies, should update Bulletin 118 using field data, California Statewide Groundwater Monitoring Elevation Monitoring (CASGEM), groundwater agency reports, satellite imagery and other best available science by January 1, 2015. This information will be available for inclusion in the Urban Water Management Plans and Agricultural Management Plans that are required to be submitted to the state by December 31, 2015.

³ DWR estimates that a moderate to large earthquake capable of causing multiple levee failures could happen in the next 25 years. There is a 40 percent chance of 27 or more islands simultaneously failing during a major earthquake, with most extensive levee failure likely to occur in the west and central Delta. Levee repairs could take more 2.5 years to complete. Delta exports could be disrupted for about a year with a loss of up to 8 million acre-feet (DWR 2010b).

⁴ The purpose of a water balance is to provide an accounting of all water that enters and leaves a specific hydrologic region, how it is used, and how it is exchanged between regions. A water balance can be used to compare how water supplies and uses in a region can vary among wet, average, and dry hydrologic conditions and how each region's water balance compares with other regions and with the State's water balance. This is important to all water planning activities and provides a basis for evaluating unsustainable water management practices and making appropriate improvements (DWR 2009).

⁵ A sustainable conservation-oriented rate structure has the following characteristics: encourages more efficient water use without causing a shortfall in system revenue; provides for the identification of waste, rewards efficient use, and penalizes excessive use; produces revenues from penalty rates that are used to fund conservation programs; is supported by a water bill that clearly communicates the cost of wasted water to the responsible person; and is supported by a person or staff who can respond to customers' calls for help in reducing usage (State of Utah Division of Water Resources 2001).

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CHAPTER	FOURTH STAFF DRAFT	THIRD STAFF DRAFT
4. A More Reliable Water Supply for California	WR R7 Water suppliers that deliver water diverted or exported from the Delta or the Delta watershed and that receive a significant percentage of their water supplies from groundwater sources should develop sustainable groundwater management plans that are consistent with both the required and recommended components of local groundwater management plans identified by the California Department of Water Resources (Bulletin 118, Update 2003).	WR R7 To be consistent with the Delta Plan, water suppliers that deliver water diverted or exported from the Delta or the Delta watershed and that receive a significant percentage of their water supplies from groundwater sources should develop sustainable groundwater management plans that are consistent with both the required and recommended components of local groundwater management plans identified by the California Department of Water Resources (Bulletin 118, Update 2003).
4. A More Reliable Water Supply for California	WR R8 Local and regional agencies in groundwater basins that have been identified by the Department of Water Resources as being in a critical condition of overdraft should develop a sustainable groundwater management plan, consistent with both the required and recommended components of local groundwater management plans identified by the California Department of Water Resources (Bulletin 118, Update 2003), by January 1, 2015. If local or regional agencies fail to develop and implement these groundwater management plans, the State Water Resources Control Board should take action to determine if the continued overuse of a groundwater basin constitutes a violation of the State’s Constitution Article X, Section 2 prohibition on unreasonable use of water and whether a groundwater adjudication is needed to prevent the destruction of or irreparable injury to the quality of the groundwater consistent with Water Code Section sections 2100-2101.	WR R8 Local and regional agencies in groundwater basins that have been identified by the Department of Water Resources as being in chronic overdraft should develop a sustainable groundwater management plan, consistent with both the required and recommended components of local groundwater management plans identified by the California Department of Water Resources (Bulletin 118, Update 2003), by January 1, 2015. If local or regional agencies fail to develop and implement these groundwater management plans, the State Water Resources Control Board should take action to determine if the continued overuse of a groundwater basin constitutes a violation of the state’s Constitution Article X, Section prohibition on unreasonable use of water and whether a groundwater adjudication is needed to prevent the destruction of or irreparable injury to the quality of the groundwater.
4. A More Reliable Water Supply for California	WR P4 To be consistent with the Delta Plan, future contracts and agreements to export water from the Delta and/or to move water through the Delta shall be developed in a transparent manner consistent with Department of Water Resources’ revised procedures adopted in 2003.	WR P5 To be consistent with the Delta Plan, future contracts and agreements to export water from the Delta and/or to move water through the Delta shall be developed in a transparent manner consistent with the public process employed by the U.S. Bureau of Reclamation for Central Valley Project water supply contracts and transfers.
4. A More Reliable Water Supply for California	WR R9 The Department of Water Resources, in coordination with the State Water Resources Control Board, Regional Water Quality Control Boards, the Department of Public Health, U.S. Bureau of Reclamation, U.S. Geological Survey, California Water Conservation Council, and the Delta Council, should complete the proposed Water Planning Information Exchange (Water PIE) by January 1, 2014. This new electronic system should consolidate information into a statewide integrated data base that is in an electronic format and make it available online. It should be designed to simplify reporting processes, reduce the number of required reports, and be coordinated with the reporting requirements for the Urban Water Management Plans/Agricultural Water Management Plans and Integrated Regional Water Management Plans. Water suppliers that receive water diverted or exported from the Delta or the Delta watershed should be full participants in the Water PIE when it becomes available. Data collected by DWR should be made available to the public, and a summary of the information collected through the Water PIE should be incorporated in the analysis for the California State Water Plan Update every 5 years.	WR R5 The Department of Water Resources, in coordination with the State Water Resources Control Board, Regional Boards, the Department of Public Health and the Council, should complete the proposed Water Planning Information Exchange (Water PIE) by January 1, 2014. This new electronic system should consolidate information in an electronic format and make it available online. It should be designed to simplify reporting processes, reduce the number of required reports, and be coordinated with the reporting requirements for the Urban Water Management Plans/Agricultural Water Management Plans and Integrated Regional Water Management Plans. Water users that receive water diverted or exported from the Delta or the Delta watershed should be full participants in the Water PIE when it becomes available. The information collected through the Water PIE should be published in the California State Water Plan Update every five years.
4. A More Reliable Water Supply for California	WR R10 The Department of Water Resources should include a provision in all SWP contracts and transfer agreements that requires the implementation of WR P1, WR P2, and WRP3 as a condition for water suppliers to receive deliveries. This requirement would be consistent with the existing provision in federal contracts and agreements that conditions receipt of CVP water on implementation of an effective water conservation and efficiency program and detailed annual reporting on CVP water usage.	

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CHAPTER	FOURTH STAFF DRAFT	THIRD STAFF DRAFT
<p>5: Restore the Delta Ecosystem</p>	<p>ER P1 Prior to the establishment of revised flow criteria and objectives identified in ER R1, the existing Bay-Delta Water Quality Control Plan objectives shall be used to determine consistency with the Delta Plan.</p> <ul style="list-style-type: none"> ◆ By June 30, 2013, the Council will request an update from the State Water Resources Control Board on items ER R1 (a) and (b). If the Board indicates the dates in items (a) or (b) cannot be met by the dates provided, the Council will consider and may amend the Delta Plan to achieve progress on the coequal goals in place of the updated flow objectives. For example, the Council could: <ol style="list-style-type: none"> 1. Determine that a covered action that would increase the capacity of any water system to store, divert, move, or export water from or through the Delta would not be consistent with the Delta Plan until the revised flow objectives are implemented. 2. Recommend that the State Water Resources Control Board cease issuing water rights permits in the Delta and the Delta watershed (or, if the absence of flow criteria is specific to one or more of the major tributaries, then the recommendation could be focused on the impacted areas). 	<p><i>[NOTE: ITALICIZED TEXT BELOW MOVED TO SEPARATE RECOMMENDATION, ER R1, IN FOURTH STAFF DRAFT]</i></p> <p>WR P4 & ER P1 & WQ P1</p> <p><i>The State Water Resources Control Board should develop flow criteria and establish flows as follows:</i></p> <ul style="list-style-type: none"> ◆ <i>By June 2, 2014, adopt and implement flow objectives for the Delta that are necessary to achieve the coequal goals.</i> ◆ <i>By June 2, 2018, develop flow criteria and establish flows for high priority tributaries in the Delta watershed that are necessary to achieve the coequal goals.</i> ◆ Prior to the dates indicated in (a) and (b), existing Delta flow objectives shall be used to determine consistency with the Delta Plan. If the State Water Resources Control Board fails to act by the dates indicated, the Council will XXX. <p>OPTIONS FOR COUNCIL CONSIDERATION FOR CONSEQUENCES IF FLOWS NOT ADOPTED:</p> <ol style="list-style-type: none"> A. The Council could use the flow criteria identified by the State Water Resources Control Board from its report on the Development of Flow Criteria for the Sacramento-San Joaquin Delta Ecosystem (2010) to determine consistency of covered actions with the Delta Plan. B. Determine that a covered action that would increase the capacity of any water system to store, divert, move, or export water from the Delta and/or the Delta Watershed would not be consistent with the Delta Plan until the revised flow objectives are implemented. C. Recommend that the Board cease issuing water rights permits in the Delta and the Delta watershed (or, if the absence of flow criteria is specific to one or more of the major tributaries, then the constraint could be focused to the impacted areas).

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CHAPTER	FOURTH STAFF DRAFT	THIRD STAFF DRAFT
<p>5: Restore the Delta Ecosystem</p>	<p>ER R1 The State Water Resources Control Board should update the Bay-Delta Water Quality Control Plan objectives and establish flows as follows:</p> <ul style="list-style-type: none"> ◆ By June 2, 2014, adopt and implement updated flow objectives for the Delta that are necessary to achieve the coequal goals. ◆ By June 2, 2018, develop flow criteria for high priority tributaries in the Delta watershed⁶ that are necessary to achieve the coequal goals. 	<p><i>[NOTE: ITALICIZED TEXT BELOW MOVED TO SEPARATE POLICY, ER P1, IN FOURTH STAFF DRAFT]</i></p> <p>WR P4 & ER P1 & WQ P1</p> <p>The State Water Resources Control Board should develop flow criteria and establish flows as follows:</p> <ul style="list-style-type: none"> ◆ By June 2, 2014, adopt and implement flow objectives for the Delta that are necessary to achieve the coequal goals. ◆ By June 2, 2018, develop flow criteria and establish flows for high priority tributaries in the Delta watershed that are necessary to achieve the coequal goals. ◆ <i>Prior to the dates indicated in (a) and (b), existing Delta flow objectives shall be used to determine consistency with the Delta Plan. If the State Water Resources Control Board fails to act by the dates indicated, the Council will XXX.</i> <p><i>OPTIONS FOR COUNCIL CONSIDERATION FOR CONSEQUENCES IF FLOWS NOT ADOPTED:</i></p> <ul style="list-style-type: none"> A. <i>The Council could use the flow criteria identified by the State Water Resources Control Board from its report on the Development of Flow Criteria for the Sacramento-San Joaquin Delta Ecosystem (2010) to determine consistency of covered actions with the Delta Plan.</i> B. <i>Determine that a covered action that would increase the capacity of any water system to store, divert, move, or export water from the Delta and/or the Delta Watershed would not be consistent with the Delta Plan until the revised flow objectives are implemented.</i> C. <i>Recommend that the Board cease issuing water rights permits in the Delta and the Delta watershed (or, if the absence of flow criteria is specific to one or more of the major tributaries, then the constraint could be focused to the impacted areas).</i>
<p>5: Restore the Delta Ecosystem</p>	<p>ER P2 Habitat ecosystem restoration actions shall be consistent with the habitat type locations shown on the elevation map in Figure 5-3, and accompanying text shown in Appendix D, based on the <i>Ecosystem Restoration Program’s Conservation Strategy for Stage 2 Implementation for the Sacramento-San Joaquin Delta Ecological Management Zone</i> (DFG et al. 2010), with minor alterations.</p> <p>The Council may amend the Delta Plan to incorporate revised figures and text from the Ecosystem Restoration Program’s Conservation Strategy as the strategy is revised.</p>	<p>ER P2 Actions that include ecosystem restoration shall be consistent with the following sections from the <i>Draft Ecosystem Restoration Program’s Conservation Strategy for Stage 2 Implementation for the Sacramento-San Joaquin Delta Ecological Management Zone</i> (California Department of Fish and Game 2010):</p> <ul style="list-style-type: none"> ◆ map and legend of Figure 4, page 35, “Land Elevations in the Delta Ecological Management Zone will largely determine what habitat types can be accommodated,” and accompanying text on pages 33-46; and ◆ map and legend of Figure 5, page 47, “Map of Ecological Management Units within the Delta Ecological Management Zone,” and accompanying text on pages 46-49. <p>The Council may incorporate revised figures from the Ecosystem Restoration Program’s Conservation Strategy as it is revised.</p>

⁶ SWRCB staff will work with the Delta Stewardship Council to determine priority streams. As an illustrative example, priority streams could include the Merced River, Tuolumne River, Stanislaus River, Lower San Joaquin River, Deer Creek (tributary to Sacramento River), Lower Butte Creek, Mill Creed (tributary to Sacramento River), Cosumnes River, and American River (SWRCB 2011a, SWRCB 2011b).

COMPARISON OF POLICIES AND RECOMMENDATIONS BETWEEN FOURTH AND THIRD STAFF DRAFT VERSIONS OF DELTA PLAN

CHAPTER	FOURTH STAFF DRAFT	THIRD STAFF DRAFT
<p>5: Restore the Delta Ecosystem</p>	<p>ER P3 Actions other than habitat restoration, including new or amended local or regional land use plans, shall demonstrate that they have avoided or substantially minimized the adverse impacts to the opportunity for habitat restoration at the elevations shown in Figure 5-3.</p>	<p>ER P3 Actions other than ecosystem restoration shall determine if the action would adversely impact the opportunity for ecosystem restoration at the elevations shown in Figure 4 and in the Ecological Management Units shown in Figure 5, and as explained in the accompanying text of those figures. These actions shall demonstrate that any such adverse impacts will be fully avoided or minimized. Certification of consistency associated with these actions shall consider the habitat values described generally in Section 2 of the <i>Draft Ecosystem Restoration Program's Conservation Strategy for Stage 2 Implementation for the Sacramento-San Joaquin Delta Ecological Management Zone</i> (California Department of Fish and Game 2010) and subsequent revisions of this document.</p> <p>ER P5 New or amended local or regional land use plans shall not substantially reduce opportunities for ecosystem restoration, habitat creation, channel modification for ecosystem benefit, or increased connectivity between water and land; or direct such uses away from their most effective locations as identified in the maps, legends and accompanying text of Figures 4 and 5 of the <i>Draft Ecosystem Restoration Program's Conservation Strategy for Stage 2 Implementation for the Sacramento-San Joaquin Delta Ecological Management Zone</i> (California Department of Fish and Game 2010).</p>
<p>5: Restore the Delta Ecosystem</p>	<p>ER P4 State and local agencies constructing new levees, or substantially rehabilitating or reconstructing existing levees in the Delta shall evaluate and, where feasible, incorporate alternatives (including use of setback levees) that would increase the extent of floodplain and riparian habitats.</p>	<p>ER P4 & RR P1</p> <p>Protection of floodplains in the Delta and Delta watershed is critical for achieving the coequal goals, reducing flood risk, and preserving the unique character of the Delta. For actions outside the Delta, this policy is a recommendation. To be consistent with the Delta Plan:</p> <ul style="list-style-type: none"> ◆ Actions affecting floodplains in the Delta or in the Delta watershed must demonstrate that impacts on the potential for ecosystem restoration or flood management have been fully considered and avoided or minimized. ◆ Actions shall demonstrate that they would maintain or expand remaining large blocks of intact habitat or natural landscape, including floodplains, as described in the California Essential Habitat Connectivity Project (Department of Transportation and Department of Fish and Game 2010). ◆ State and local agencies constructing new levees, substantially rehabilitating or reconstructing existing levees in the Delta and Delta watershed shall evaluate and incorporate alternatives (including use of setback levees) that would increase the extent of floodplain and riparian habitats.

COMPARISON OF POLICIES AND RECOMMENDATIONS BETWEEN FOURTH AND THIRD STAFF DRAFT VERSIONS OF DELTA PLAN

CHAPTER	FOURTH STAFF DRAFT	THIRD STAFF DRAFT
<p>5: Restore the Delta Ecosystem</p>	<p>ER R2 The Council acknowledges the importance of expediting habitat restoration in the Delta and its watershed and recommends the prioritization and implementation of habitat restoration projects in the following areas, also shown in Figure 5-4:</p> <ul style="list-style-type: none"> ◆ Cache Slough Complex. The flood basins entering the Cache Slough Complex are the interface between river and tidally influenced portions of the Delta. A significant portion of the region should return to uplands with vernal pool and grassland habitats and broad nontidal, freshwater, emergent plant-dominated wetlands that grade into tidal freshwater wetlands, shallow subtidal and deep open water habitats. A restoration project in this area is the passively restoring Liberty Island. Projects in the planning stage include the Department of Water Resources Prospect Island restoration project. ◆ Cosumnes River–Mokelumne River Confluence. Unregulated and minimally regulated rivers should allow frequent and regular winter and spring overbank flooding to create seasonal floodplain and riparian habitats grading into tidal marsh and shallow subtidal habitats. A restoration project is the Cosumnes River Preserve floodplain restoration. Projects in the planning stage include the Department of Water Resources North Delta Flood and Ecosystem Restoration Project on McCormack-Williamson Tract. ◆ Lower San Joaquin River Floodplain. Historically, the south Delta and its connection to the lower San Joaquin River contained a complex network of channels with low natural berms, large woody debris, willows, and other shrubs with upland areas supporting open oak woodlands. Reconnection of significant portions of the floodplain, along with more natural flows, stimulates food webs that support native species. Projects in the planning stage include the Lower San Joaquin Flood Bypass proposed by the South Delta Levee Protection and Channel Maintenance Authority and partners. ◆ Suisun Marsh. The largest contiguous wetland area on the west coast of the continent, Suisun Marsh has been mostly disconnected from the estuary. Restoring significant portions of Suisun Marsh provides the brackish portion of the estuary with sea level rise accommodation space, opportunities for extensive land-water interface dynamics, and compressed chemical and biological gradients that support productive and complex food webs to which native species are adapted. An ongoing restoration project is the California Department of Water Resources’ Blacklock Restoration Project. Projects in the planning stage include the Department of Fish and Game Hill Slough Restoration Project. ◆ Yolo Bypass. The current operation of the Yolo Bypass as a flood control project provides substantial ecosystem benefits for Sacramento splittail spawning and rearing and salmon rearing (Figure 5-5) (Sommer et al. 2001, Moyle et al. 2007). Enhancing the ability of Yolo Bypass to be “activated” by higher-frequency, lower-magnitude flood levels provides more opportunity for migrating fish, especially Chinook salmon, to use this system as a migration corridor rich in refugia and food resources. Projects in the planning stage include fish passage improvements, and various approaches, such as notching the Fremont Weir, to increase the frequency and duration of inundation during times of year critical for spawning and rearing of native fish. <p>A map of these areas is under development and will be included in the Fifth Staff Draft Delta Plan.</p>	<p>ER R1 The Council acknowledges the importance of expediting habitat restoration in the Delta, and recommends the prioritization and implementation of restoration projects in the following areas:</p> <ul style="list-style-type: none"> ◆ Yolo Bypass ◆ Cache Slough Complex ◆ Lower San Joaquin River Floodplain ◆ Suisun Marsh ◆ Cosumnes River/Mokelumne River Confluence

COMPARISON OF POLICIES AND RECOMMENDATIONS BETWEEN FOURTH AND THIRD STAFF DRAFT VERSIONS OF DELTA PLAN

CHAPTER	FOURTH STAFF DRAFT	THIRD STAFF DRAFT
<p>5: Restore the Delta Ecosystem</p>	<p>ER R3 As part of its Strategic Plan, the Delta Conservancy should:</p> <ul style="list-style-type: none"> ◆ Develop and adopt criteria for prioritization and integration of large-scale ecosystem restoration in the Delta, with sustainability and use of best available science as foundational principles. ◆ Develop and adopt processes for ownership and long-term operations and management of land in the Delta and Suisun Marsh acquired for conservation or restoration. ◆ Recommend sources for long-term financing for restoration programs and projects that include covering costs of long-term operations and management and payment in lieu of taxes. ◆ Develop and adopt a formal mutual agreement with the Department of Water Resources, Department of Fish and Game, federal interests, and other State and local agencies on implementation of ecosystem restoration in the Delta and Suisun Marsh. ◆ Develop, in conjunction with the Wildlife Conservation Board, the Department of Water Resources, Department of Fish and Game, and other State and local agencies, a plan and protocol for acquiring the land necessary to achieve ecosystem restoration consistent with the coequal goals and the Ecosystem Restoration Program’s Conservation Strategy. ◆ Convene an effort to develop a habitat credit program that provides credit for each of these steps: acquisition in preparation for future restoration; preservation, management, and enhancement of existing habitat; restoration of habitat, and monitoring and evaluation of habitat evolution and ecological outcomes. ◆ Work closely with the Delta Science Program to: <ul style="list-style-type: none"> • Incorporate the best available understanding of the scales, patterns, and processes of the historical landscape to guide land acquisition strategies and restoration design. • Apply the latest understanding of landscape ecology as a unifying perspective for restoring processes and functions on degraded landscapes. • Construct landscape-level conceptual models for key regions of the Delta and Suisun Marsh to clarify how more natural flows and ecosystem restoration confer resilience to native species while promoting processes of self-repair of modified landscapes. Conceptual design models should engage hydrodynamics, transport, particle tracking, and food web models to support and integrate the interdisciplinary perspectives. • Study available habitat reference sites to increase understanding of well-functioning habitats and to inform performance measure metrics and trajectories. 	<p>ER R2 As part of its Strategic Plan, the Delta Conservancy should:</p> <ul style="list-style-type: none"> ◆ Develop and adopt criteria for prioritization and integration of large-scale ecosystem restoration in the Delta, with sustainability and use of best available science as foundational principles. ◆ Develop and adopt methods and processes for ownership and long-term operations and management of restored and/or conserved land in the Delta and Suisun Marsh. ◆ Recommend sources for long-term financing for programs and projects that include covering costs of long-term operations and management and “Payment in Lieu of Taxes.” ◆ Develop and adopt a formal mutual agreement with the Department of Water Resources, Department of Fish and Game, federal interests, and other State and local agencies on implementation of ecosystem restoration. ◆ Develop in conjunction with the Wildlife Conservation Board, the Department of Water Resources, Department of Fish and Game, and other State and local agencies, a plan and protocol for acquiring the land necessary to achieve ecosystem restoration consistent with the coequal goals and the <i>Draft Ecosystem Restoration Program’s Conservation Strategy</i>.
<p>5: Restore the Delta Ecosystem</p>	<p>ER R5 In support of the coequal goals, the U.S. Army Corps of Engineers should work with the California Department of Fish and Game and the California Department of Water Resources to execute an agreed-upon variance process to exempt Delta levees from the Corps’ levee vegetation policy.</p>	
<p>5: Restore the Delta Ecosystem</p>	<p>ER P5 Agencies proposing covered actions shall demonstrate that the potential for new introductions of or improved habitat conditions for nonnative invasive species have been fully considered and avoided or minimized in a way that appropriately protects the ecosystem.</p>	<p>ER P6 Actions shall demonstrate that the potential for new introductions of or improved habitat conditions for non-native invasive species have been fully considered and avoided or minimized in a way that appropriately protects the ecosystem.</p>

COMPARISON OF POLICIES AND RECOMMENDATIONS BETWEEN FOURTH AND THIRD STAFF DRAFT VERSIONS OF DELTA PLAN

CHAPTER	FOURTH STAFF DRAFT	THIRD STAFF DRAFT
5: Restore the Delta Ecosystem	<p>ER R6 The Department of Fish and Game and other appropriate agencies should prioritize and fully implement the list of “Potential Stage 2 Actions for Nonnative Invasive Species” (see sidebar) and accompanying text shown in Appendix E taken from the <i>Ecosystem Restoration Program’s Conservation Strategy for Stage 2 Implementation for the Sacramento-San Joaquin Delta Ecological Management Zone</i> (Department of Fish and Game et al. 2010).</p> <p>The Council may amend the Delta Plan to incorporate revised figures and text from the Ecosystem Restoration Program’s Conservation Strategy as the strategy is revised.</p>	<p>ER R3 Pending development and adoption of an invasive species management plan for the Delta, the Department of Fish and Game should fully implement the following sections of the <i>Draft Ecosystem Restoration Program’s Conservation Strategy for Stage 2 Implementation for the Sacramento-San Joaquin Delta Ecological Management Zone</i> (Department of Fish and Game 2010):</p> <ul style="list-style-type: none"> ◆ List of “Potential Stage 2 Actions for Non-Native Invasive Species” on p. 54; and ◆ Text in section “III.B. Invasives” on pages 53-58.
5: Restore the Delta Ecosystem	<p>ER R7 The Delta Science Program, in conjunction with the California Department of Fish and Game, the California Department of Water Resources, the State Water Resources Control Board, and other relevant agencies and stakeholders, should conduct workshops to develop recommendations to the Council for measures to reduce stressor impacts on the Delta ecosystem that would support and be consistent with the coequal goals. The resulting recommendations should be provided to the Council by January 1, 2013. For example, workshops would consider options for varying salinity to reduce impacts of nonnative invasive species while providing overall ecosystem benefits and minimally disrupting water supply.</p>	<p>ER R4 By January 1, 2013 the Delta Science Program, in conjunction with the Department of Fish and Game, the Department of Water Resources and other relevant agencies should conduct workshops with the objective of providing specific recommendations to the Council for measures to minimize stressor impacts on the Delta ecosystem and on the prioritization of such measures.</p>
5: Restore the Delta Ecosystem	<p>ER R8 The involved federal, State, and local agencies should complete the Bay Delta Conservation Plan process (i.e., receive required incidental take permits) consistent with the Delta Reform Act and no later than December 31, 2014. If the Bay Delta Conservation Plan process is not completed by this date consistent with the Delta Reform Act, the Council will consider how to proceed with developing ecosystem and conveyance planning.</p>	<p>ER R5 The involved federal, State, and local agencies should complete the Bay Delta Conservation Plan process (i.e., receive required incidental take permits) consistent with the Delta Reform Act no later than December 31, 2014. If the Bay Delta Conservation Plan process is not completed by this date consistent with the Delta Reform Act, the Council will proceed with ecosystem and conveyance planning recommendations independent of the Bay Delta Conservation Plan process for inclusion in the first five-year update of the Delta Plan.</p>
6: Improve Water Quality to Protect Human Health and the Environment	<p>WQ R1 The Central Valley Regional Water Quality Control Board should complete the Central Valley Drinking Water Policy by July 2013, with implementation to follow.</p>	<p>WQ R1 The Central Valley Regional Water Quality Control Board should complete the Central Valley Drinking Water Policy by July, 2013, with implementation to follow.</p>
6: Improve Water Quality to Protect Human Health and the Environment	<p>WQ R2 The Department of Water Resources should complete the North Bay Aqueduct Alternate Intake Project EIR by July 1, 2012, and begin construction as soon as possible thereafter.</p>	
6: Improve Water Quality to Protect Human Health and the Environment		<p>WQ R2 The State Water Resources Control Board and/or Central Valley Regional Water Quality Control Board should develop regulations to protect the quality of groundwater used for drinking water.</p>
6: Improve Water Quality to Protect Human Health and the Environment	<p>WQ R3 The California Department of Public Health should prioritize funding for small and disadvantaged communities that lack access to safe drinking water supplies.</p>	<p>WQ R3 The California Department of Public Health should prioritize funding for disadvantaged communities that lack safe drinking water supplies.</p>
6: Improve Water Quality to Protect Human Health and the Environment	<p>WQ R4 The State Water Resources Control Board and Central Valley Regional Water Quality Control Board should require all recipient regions that are supplied water from the Delta or the Delta Watershed or discharge wastewater to the Delta or the Delta Watershed to participate in the Central Valley Salinity Alternatives for Long-Term Sustainability Program (CV-SALTS).</p>	<p>WQ R4 The State Water Resources Control Board and Central Valley Regional Water Quality Control Board should require participation by all water users that directly and indirectly discharge flows to the Delta in the Central Valley Salinity Alternatives for Long-Term Sustainability Program.</p>

COMPARISON OF POLICIES AND RECOMMENDATIONS BETWEEN FOURTH AND THIRD STAFF DRAFT VERSIONS OF DELTA PLAN

CHAPTER	FOURTH STAFF DRAFT	THIRD STAFF DRAFT
6: Improve Water Quality to Protect Human Health and the Environment	<p>WQ R5 The State Water Resources Control Board and the San Francisco Bay and Central Valley Regional Water Quality Control Boards are currently engaged in regulatory processes that would improve water quality in the Delta. In order to achieve the coequal goals, it is essential that these ongoing efforts be completed and if possible accelerated, and that the Legislature and Governor devote sufficient funding to make this possible. The Council specifically recommends that:</p> <ul style="list-style-type: none"> ◆ The State Water Resources Control Board and the San Francisco Bay and Central Valley Regional Water Quality Control Boards should develop and adopt objectives, either narrative or numeric, where appropriate, for nutrients in the Delta and Delta watershed by January 1, 2014. ◆ The State Water Resources Control Board and the Central Valley Regional Water Quality Control Board should complete the Central Valley Pesticide Total Maximum Daily Load and Basin Plan Amendment for diazinon and chlorpyrifos by January 1, 2013. ◆ The State Water Resources Control Board and the San Francisco Bay and Central Valley Regional Water Quality Control Boards prioritize and accelerate the completion of the Central Valley Pesticide Total Maximum Daily Load and Basin Plan Amendment for pyrethroids by January 1, 2016. ◆ The San Francisco Bay and Central Valley Regional Water Quality Control Boards should develop and implement Total Maximum Daily Load and Basin Plan Amendments for selenium and methylmercury to address water quality impairment in the Delta, in accordance with the time schedule provided in the 2010 Integrated Report. 	<p>WQ R5 The State Water Resources Control Board and the San Francisco Bay and Central Valley Regional Water Quality Control Boards are currently engaged in regulatory processes that would improve water quality in the Delta. In order to achieve the coequal goals, it is essential that these ongoing efforts be completed and if possible accelerated, and that the Legislature and Governor devote sufficient funding to make this possible. The Council specifically recommends that:</p> <ul style="list-style-type: none"> ◆ The State Water Resources Control Board and the San Francisco Bay and Central Valley Regional Water Quality Control Boards should develop and adopt numeric objectives for nutrients in the Delta and Delta watershed by January 1, 2014. ◆ The State Water Resources Control Board, the San Francisco Bay and Central Valley Regional Water Quality Control Boards, and the Department of Pesticide Regulation should complete the Central Valley Pesticide Total Maximum Daily Load and Basin Plan Amendment for diazinon and chlorpyrifos by January 1, 2013. ◆ The State Water Resources Control Board, the San Francisco Bay and Central Valley Regional Water Quality Control Boards, and the Department of Pesticide Regulation prioritize and accelerate the completion of the Central Valley Pesticide Total Maximum Daily Load and Basin Plan Amendment for pyrethroids by January 1, 2016. ◆ The San Francisco Bay and Central Valley Regional Water Quality Control Boards should develop and implement Total Maximum Daily Load and Basin Plan Amendment for organochlorine pesticides, selenium, and methyl-mercury, to address water quality impairment in the Delta, in accordance with the time schedule provided in the 2010 Integrated Report.
6: Improve Water Quality to Protect Human Health and the Environment	<p>WQ R6 The State Water Resources Control Board and Regional Water Quality Control Boards should work collaboratively with the Department of Water Resources, Department of Fish and Game, and other agencies and entities that monitor water quality in the Delta to develop and implement a Delta Regional Monitoring Program that will be responsible for coordinating monitoring efforts so Delta conditions can be efficiently assessed and reported on a regular basis.</p>	<p>WQ R6 The State Water Resources Control Board and Regional Water Quality Control Boards should work collaboratively with the Department of Water Resources, Department of Fish and Game and other agencies and entities that monitor water quality in the Delta to develop and implement a Delta Regional Monitoring Program that will be responsible for coordinating monitoring efforts so Delta conditions can be efficiently assessed and reported on a regular basis.</p>
6: Improve Water Quality to Protect Human Health and the Environment	<p>WQ R7 The Central Valley Regional Water Quality Control Board, consistent with existing Water Quality Control Plan policies and water rights law, should require responsible entities that discharge wastewater treatment plant effluent or urban runoff to Delta waters to evaluate whether all or a portion of the discharge can be recycled, otherwise used, or treated in order to reduce contaminant loads to the Delta.</p>	<p>WQ R7 The Central Valley Regional Water Quality Control Board, consistent with existing Water Quality Control Plan policies and water rights law, should require responsible entities that discharge wastewater treatment plant effluent or urban runoff to Delta waters to evaluate whether all or a portion of the discharges can be recycled or otherwise used in order to reduce contaminant loads to the Delta.</p>
6: Improve Water Quality to Protect Human Health and the Environment	<p>WQ R8 The State Water Resources Control Board and Regional Water Quality Control Boards should conduct or require special studies of pollutants including emerging contaminants and causes of toxicity in Delta waters and sediments.</p>	<p>WQ R8 The State Water Resources Control Board and Regional Water Quality Control Boards should conduct or require special studies to identify sources of toxicity in Delta waters and sediments.</p>
6: Improve Water Quality to Protect Human Health and the Environment	<p>WQ R9 To comply with the San Francisco Bay Conservation and Development Commission water quality policies and facilitate the commission's impact determination, proponents of actions potentially affecting water quality in Suisun Marsh should consult with the San Francisco Bay Regional Water Quality Control Board and obtain all necessary authorizations early in the process.</p>	<p>WQ R9 To comply with the San Francisco Bay Conservation and Development Commission water quality policies and facilitate the commission's impact determination, proponents of actions potentially affecting water quality in Suisun Marsh should consult with the San Francisco Regional Water Quality Control Board and obtain all necessary authorizations early in the process.</p>
7: Reduce Risk to People, Property, and State Interests in the Delta	<p>RR P1 Floodways⁷ shall not be encroached⁸ upon nor diminished without mitigating for future flood flows. This policy would not pertain to ecosystem restoration projects or any ongoing agricultural or flood management activities.</p>	<p>RR P2 Existing or potential value of floodways⁹ or potential floodways shall not be encroached¹⁰ upon nor diminished without mitigating for potential or future flood flows, except as provided in this Delta Plan.</p>

⁷ As defined by California Code of Regulations, Title 23, Division 1, Chapter 1, Article 2, Section 4: (n) Floodway. "Floodway" means the channel of a river or other watercourse and the adjacent land areas that convey flood waters.

⁸ As Described in DWR's "Interim Levee Design Criteria for Urban and Urbanizing Areas in the Sacramento-San Joaquin Valley", (DWR 2010b): Encroachments and vegetation should be evaluated and managed so as to not impact levee safety, while recognizing their benefits.

⁹ As defined by California Code of Regulations, Title 23, Division 1, Chapter 1, Article 2, Section 4: (n) Floodway. "Floodway" means the channel of a river or other watercourse and the adjacent land areas that convey flood waters.

COMPARISON OF POLICIES AND RECOMMENDATIONS BETWEEN FOURTH AND THIRD STAFF DRAFT VERSIONS OF DELTA PLAN

CHAPTER	FOURTH STAFF DRAFT	THIRD STAFF DRAFT
7: Reduce Risk to People, Property, and State Interests in the Delta	<p>RR P2 The following areas shall not be encroached upon because they are critical floodplains¹¹ and may also provide ecosystem benefit. This policy would not pertain to ecosystem restoration projects or any ongoing agricultural or flood management activities, provided they do not decrease the existing level of flood protection:</p> <ul style="list-style-type: none"> ◆ Areas located in the Yolo Bypass from Fremont Weir through Cache Slough to the Sacramento River including the confluence of Putah Creek into the bypass ◆ The Cosumnes River/Mokelumne River confluence, as defined by the North Delta Flood Control and Ecosystem Restoration Project (McCormack-Williamson), or as modified in the future by Department of Water Resources or the U.S. Army Corps of Engineers. (DWR 2010a) ◆ The Lower San Joaquin River Flood Bypass, located on the Lower San Joaquin River upstream of Stockton immediately southwest of Paradise Cut on lands both upstream and downstream of the Interstate 5 crossing. This area is described in the Lower San Joaquin River Flood Bypass Proposal, submitted to the Department of Water Resources by the partnership of the South Delta Water Agency, the River Islands Development Company, RD 2062, San Joaquin Resource Conservation District, American Rivers, the American Lands Conservancy, and the Natural Resources Defense Council, March 2011. This area may be modified in the future through the completion of this project. <p>Policy ER P4 also addresses this problem statement by recommending that levee rehabilitation or construction include alternatives that increase the extent of floodplain and riparian habitats.</p>	<p>RR P3 Existing or potential value of floodplains¹² or potential floodplains shall not be encroached upon nor diminished except as provided in this Delta Plan. The following areas are identified in the Delta Plan as potential floodplains and should also provide ecosystem benefit:</p> <ul style="list-style-type: none"> ◆ Areas located in the Yolo Bypass from Fremont Weir through Cache Slough to the Sacramento River outside of the existing floodplain easement, including the confluence of Putah Creek into the bypass; ◆ The Cosumnes River/Mokelumne River confluence, as defined by the North Delta Flood Control and Ecosystem Restoration Project (Department of Water Resources 2010); ◆ The San Joaquin River/South Delta Floodplain. This areas extends north from the southern boundary of the legal Delta, including all of Pescadero Tract, Paradise Cut and Reclamation Districts R-2075, R-2064, R-2085, R-2094, R-2095, the portion of R-1007 generally north of Bethany Road and the portion of R-2058 north of Interstate 205, and the undeveloped portion of Stewart Tract. This area will be modified upon completion of studies by the Department of Water Resources that will define the floodplain as referenced in Water Code section 9613(c).
7: Reduce Risk to People, Property, and State Interests in the Delta	<p>RR R1 The Legislature should fund and the Department of Water Resources and the Central Valley Flood Protection Board should complete their investigation of the bypass and floodways in the San Joaquin River to reduce potential flooding near Paradise Cut, as required by Water Code section 9613(c).</p>	<p>RR R1 The Legislature should fund and the Department of Water Resources and the Central Valley Flood Protection Board should complete their investigation of the bypass and floodways in the San Joaquin River to reduce potential flooding near Paradise Cut, as required by Water Code section 9613(c).</p>
7: Reduce Risk to People, Property, and State Interests in the Delta	<p>RR R2 The current efforts to maintain navigable waters in the Sacramento River Deep Water Ship Channel and Stockton Deep Water Ship Channel, led by the U.S. Army Corps of Engineers—the <i>San Francisco Bay Long Term Management Strategy for Dredging and the Delta Dredged Sediment Long-Term Management Strategy</i>—should be continued and supported so that desirable dredging to support the Delta Plan and the coequal goals might be achieved. Appropriate dredging throughout other areas in the Delta might also increase flood conveyance while at the same time acquiring material that might be used for levee maintenance (USACE 2002).</p>	<p>RR R2 The current efforts led by the U.S. Army Corp of Engineers—the <i>San Francisco Bay Long Term Management Strategy for Dredging and the Delta Dredged Sediment Long-Term Management Strategy</i>—should be continued and supported so that desirable dredging to support the Delta Plan and the coequal goals, might be achieved. Appropriate dredging might increase flood conveyance while at the same time acquiring material which might be used for levee maintenance (U.S. Army Corps of Engineers 2002).</p>
7: Reduce Risk to People, Property, and State Interests in the Delta	<p>RR P3 Covered actions shall conform to the classifications defined in Table 7-1. Covered actions protected by Class 5 levees must conform by 2025 in accordance with the Central Valley Flood Protection Act of 2008 (Government Code section 65865.5(a)(3)).</p>	<p>RR P4 Actions occurring after January 1, 2015 shall conform to the classifications defined in Table 7-1. Actions protected by Class 5 levees must conform by 2025 in accordance with the Central Valley Flood Protection Act of 2008 (Government Code section 65865.5(a)(3)).</p>
7: Reduce Risk to People, Property, and State Interests in the Delta	<p>RR R3 The Department of Water Resources, in conjunction with the Department of Fish and Game and Delta Conservancy, should adopt criteria to define locations for future setback levees in the Delta and Delta watershed. Until then, any action located next to the land side of a levee should demonstrate adequate area is provided to accommodate setback levees, as determined by a registered civil engineer.</p>	<p>RR P5 Until the Department of Water Resources adopts criteria to define locations for future setback levees, any action located next to the land side of a levee shall demonstrate adequate area is provided to accommodate setback levees, as determined by a registered civil engineer or geologist.</p>

¹⁰ As defined by California Code of Regulations, Title 23, Division 1, Chapter 1, Article 2, Section 4: (m) *Encroachment*. "Encroachment" means any obstruction or physical intrusion by construction of works or devices, planting or removal of vegetation, or by whatever means for any purpose, into any of the following: (1) any flood control project works; (2) the waterway area of the project; (3) the area covered by an adopted plan of flood control; or (4) any area outside the above limits, if the encroachment could affect any of the above.

¹¹ As defined by the FEMA National Flood Insurance Program: *Floodplain*: Any land area susceptible to being inundated by flood waters from any source. <http://www.fema.gov/business/nfip/19def2.shtml>.

¹² As defined by the FEMA National Flood Insurance Program: *Floodplain*: Any land area susceptible to being inundated by flood waters from any source. <http://www.fema.gov/business/nfip/19def2.shtml>.

COMPARISON OF POLICIES AND RECOMMENDATIONS BETWEEN FOURTH AND THIRD STAFF DRAFT VERSIONS OF DELTA PLAN

CHAPTER	FOURTH STAFF DRAFT	THIRD STAFF DRAFT
<p>7: Reduce Risk to People, Property, and State Interests in the Delta</p>	<p>RR P4 State investments for levee operation, maintenance, and improvements in the Delta shall be directed by the Department of Water Resources' <i>A Framework for Department of Water Resources Investments in Delta Integrated Flood Management</i>. This draft Framework shall be completed by DWR, in consultation with the Central Valley Flood Protection Board, by January 1, 2013. The Framework shall:</p> <ul style="list-style-type: none"> ◆ Define State interests related to flood and levee management in the Delta. These State interests shall, at a minimum, include: <ul style="list-style-type: none"> • Reducing risk of loss of life • Protecting water supply • Protecting water quality and the ecosystem • Protecting critical infrastructure ◆ Define a long-term levee policy for the Delta, which, at a minimum, shall determine those levees critical for protecting State interests. ◆ Recognize the wide variability of conditions across the Delta including depth of inundation upon failure; current condition of existing levees; and degree of exposure to seismicity, sea level rise, climate change, and river flood levels. ◆ Define a methodology for assessing initial Delta levee conditions, as well as on a systematic, routine, and coordinated basis, to develop a sound technical understanding and assessment capability to base levee related decisions. This information shall be collected and reported in a transparent manner, and shall include the production of a Delta levee conditions map. ◆ Define a methodology for proactively identifying, developing, prioritizing, and scheduling specific levee operations, maintenance, and improvement projects. ◆ Define a method for determining project costs, cost share, and project partners, if appropriate. ◆ Define procedures that distinguish Delta Levees Special Flood Control Projects from routine levee maintenance projects. 	<p>RR P6 An action utilizing State investments for levee improvements in the Delta shall:</p> <ul style="list-style-type: none"> ◆ Reduce risk of loss of life. ◆ Not result in an increase in the number of people at risk. ◆ Recognize the wide variability of conditions across the Delta, including: depth of inundation upon failure; current height and condition of existing levees; degree of exposure to seismicity, sea level rise, climate change, and river flood levels; the ability of land uses to recover from short or long-term inundation, and the consequences to water quality, critical utilities and transportation corridors. ◆ Evaluate investment in alternative flood management strategies, comparing levee upgrade to flood-proofing, relocation of infrastructure, and flood insurance.

COMPARISON OF POLICIES AND RECOMMENDATIONS BETWEEN FOURTH AND THIRD STAFF DRAFT VERSIONS OF DELTA PLAN

CHAPTER	FOURTH STAFF DRAFT	THIRD STAFF DRAFT
7: Reduce Risk to People, Property, and State Interests in the Delta	<p>RR R4 The following actions should be taken to promote emergency preparedness in the Delta:</p> <ul style="list-style-type: none"> ◆ Responsible Emergency Management Authorities should consider and implement the recommendations of the Delta Multi-Hazard Coordination Task Force (Water Code section 12994.5). Such actions should support the development of a regional response system for the Delta. ◆ The Department of Water Resources, the California Emergency Management Agency, and local flood management agencies should prepare and regularly update a Delta-wide emergency response plan and the Inland Region Mass Evacuation Plan. These agencies should participate in emergency response exercises for both periodic and catastrophic flood events, inland mass evacuation exercises, and emergency preparedness public training, notification, and flood risk education and outreach programs. The U.S. Army Corps of Engineers should be a part of all emergency preparedness activities. ◆ All personnel prepared to respond to Delta flood emergencies should be trained in the Statewide Emergency Management System (SEMS) and the National Incident Management System (NIMS) procedures. All emergency response plans and emergency response training exercises involving the Delta should be SEMS- and NIMS-compliant. ◆ In consultation with local agencies, the Department of Water Resources should expand its emergency stockpiles to make them regional in nature and usable by a larger number of agencies in accordance with Department of Water Resources plans and procedures. The Department of Water Resources, as a part of this plan, should evaluate the potential of creating stored material sites by “over-reinforcing” west Delta levees. ◆ State and local agencies and regulated utilities that own and/or operate infrastructure in the Delta should prepare coordinated emergency response plans to protect the infrastructure from long-term outages resulting from failures of the Delta levees. The emergency procedures should consider methods that also would protect Delta land use and ecosystem. 	<p>RR R3 The following actions should be taken to promote emergency preparedness in the Delta:</p> <ul style="list-style-type: none"> ◆ The Department of Water Resources and local flood management agencies should prepare and regularly update <i>Delta Multi-Hazard Coordination Plans and Inland Mass Evacuation Plans</i>; and participate in “Golden Guardian”-like emergency response exercises, Inland Mass Evacuation exercises, and emergency preparedness public training, notification, and outreach programs. ◆ In consultation with local agencies, the Department of Water Resources should expand their emergency stockpiles to make them regional in nature and usable by a larger number of agencies. The Department, as a part of this plan, should evaluate the potential of creating stored material sites by “over-reinforcing” western delta levees. ◆ State and local agencies and regulated utilities that own and/or operate infrastructure within the Delta should prepare emergency response plans to protect the infrastructure from long-term outages resulting from failures of the Delta levees. The emergency procedures should consider methods that also would protect Delta land use and ecosystem. ◆ Responsible Emergency Management Authorities should consider and implement the recommendations of the Delta Multi-Hazard Coordination Task Force (Water Code section 12994.5).
7: Reduce Risk to People, Property, and State Interests in the Delta	<p>RR R5 The Legislature should provide specific immunity for public safety flood protection activities, similar to that provided for police and fire protection services.¹³</p>	<p>RR R4 The Legislature should provide specific immunity for public safety flood protection activities, similar to that provided for police and correctional activities (Government Code section 844), and fire protection activities (Government Code section 850).</p>
7: Reduce Risk to People, Property, and State Interests in the Delta	<p>RR R6 The Legislature should require an adequate level of flood insurance for residences, businesses, and industries in flood-prone areas.</p>	<p>RR R5 The Legislature should require an adequate level of flood insurance for individuals, businesses, and industries in floodprone areas.</p>

¹³ Sections 850 – 850.8 (Fire Protection Services). Section 850 provides immunity for the government not providing fire protection services. Sections 850.2 through 850.8 provide governmental immunity related to the actual provision of fire protection services (i.e., failure to maintain sufficient fire protection facilities, injuries sustained while transporting a person from a fire to medical facility, etc.).

Section 845 (Police Protection Services). Section 845 provides governmental immunity for the failure to provide police protection services or the provision of insufficient police protection services.

COMPARISON OF POLICIES AND RECOMMENDATIONS BETWEEN FOURTH AND THIRD STAFF DRAFT VERSIONS OF DELTA PLAN

CHAPTER	FOURTH STAFF DRAFT	THIRD STAFF DRAFT
7: Reduce Risk to People, Property, and State Interests in the Delta	<p>RR R7 A Delta Flood Risk Management Assessment District should be created with fee assessment authority (including over State infrastructure) to provide adequate flood control protection and emergency response for the regional benefit of all beneficiaries, including landowners, infrastructure owners, and other entities that benefit from the maintenance of the levees, such as water exporters who rely on the levees to protect water quality.</p> <p>This district should be authorized to:</p> <ul style="list-style-type: none"> ◆ Develop, fund, and implement a regional plan of flood management for both Project and non-project levees of the Delta in cooperation with the existing reclamation districts, cities, counties, and owners of infrastructure and other interests protected by the levees; ◆ Conduct levee elevation surveys and inspections at least every 5 years, and report data to DWR; ◆ In coordination with Department of Water Resources and the U.S. Army Corps of Engineers, establish standardized flood risk measurement data. This data should support the development of Expected Annual Damage and loss of life values for the Delta, to be conducted by the District on an annual basis. Expected Annual Damage is a measure of risk that integrates the likelihood and consequences of flooding, and is a standard measure of the benefits of reducing flood risk (USACE 1996, USACE 2006). The U.S. Army Corps of Engineers is currently developing a levee risk management system, including means to evaluate and rank risk of loss of life and flood damages for levee systems; ◆ Notify residents and landowners of flood risk and emergency preparedness on an annual basis; and ◆ Potentially implement the recommendations of the Delta Multi-Hazard Coordination Task Force (Water Code section 12994.5). 	<p>RR R6 A Delta Flood Management Assessment District should be created with fee assessment authority (including over state infrastructure) to provide adequate flood control protection and emergency response for the regional benefit of participants within the Delta.</p> <p>This district should be authorized to:</p> <ul style="list-style-type: none"> ◆ Develop, fund, and implement a regional plan of flood management for both Project and non-Project levees of the Delta in cooperation with the existing reclamation districts, cities, counties, and owners of infrastructure protected by the levees; ◆ Survey levees and report survey and conditions data to the Department of Water Resources at least every 5 years; ◆ In coordination with the Department of Water Resources and Corp of Engineers, establish standardized flood risk measurement data. This data should support the development of Expected Annual Damage values for the Delta. Expected Annual Damage is a measure of risk that integrates the likelihood and consequences of flooding, and is also the standard measure of the benefits of reducing flood risk; ◆ Notify residents and landowners of flood risk on an annual basis; ◆ Develop emergency procedures including but not limited to evacuation. <p>Note that the Council is recommending in the Finance Plan (FP R4) that the proposed agency be given funding (up to \$110 million) to develop and implement the regional plan.</p>
7: Reduce Risk to People, Property, and State Interests in the Delta	<p>RR R8 State agencies should not renew or enter into agricultural leases on Delta or Suisun Marsh islands if the actions of the lessee promote or contribute to subsidence on the leased land, unless the lessee participates in subsidence-reversal or reduction programs.</p>	<p>RR R7 State agencies should not renew or enter into agricultural leases on western Delta islands that promote or contribute to subsidence on the leased land unless the lessee participates in subsidence-reversal or reduction programs.</p>
7: Reduce Risk to People, Property, and State Interests in the Delta	<p>RR R9 U.S. Army Corps of Engineers, federal Bureau of Reclamation, California Department of Water Resources, and local agencies and hydropower utilities should evaluate and modify flood control management procedures for reservoirs upstream of the Delta considering sea level rise, changes in timing and form of precipitation, and changes in water supply operations to alleviate potential Delta flooding.</p>	<p>RR R8 U.S. Army Corps of Engineers, U.S. Bureau of Reclamation, and Department of Water Resources should modify flood control management procedures for reservoirs upstream of the Delta considering sea level rise, changes in precipitation, and changes in water supply operations.</p>
8: Protect and Enhance the Unique Cultural, Recreational, Natural Resources, and Agricultural Values of the California Delta as an Evolving Place	<p>DP R1 The Economic Sustainability Plan should include, but not be limited to, planning for the following items:</p> <ul style="list-style-type: none"> ◆ Public safety, including flood protection ◆ Continued economic sustainability of Delta agriculture ◆ Long-term strategies for legacy communities vital to the tourist economy ◆ Priorities for investments in flood management ◆ Recreation ◆ Infrastructure to support the proposed economic strategies 	<p>DP R1 The Economic Sustainability Plan should include, but not be limited to, planning for the following items:</p> <ul style="list-style-type: none"> ◆ public safety, including flood protection; ◆ continued economic sustainability of Delta agriculture; ◆ long term strategies for legacy communities vital to the tourist economy; ◆ flood management; ◆ recreation; and, ◆ infrastructure to support the proposed economic strategies.

COMPARISON OF POLICIES AND RECOMMENDATIONS BETWEEN FOURTH AND THIRD STAFF DRAFT VERSIONS OF DELTA PLAN

CHAPTER	FOURTH STAFF DRAFT	THIRD STAFF DRAFT
8: Protect and Enhance the Unique Cultural, Recreational, Natural Resources, and Agricultural Values of the California Delta as an Evolving Place	DP R2 The Legislature should consider appropriate funding for implementation of the Economic Sustainability Plan consistent with the Delta Plan.	DP R2 The Legislature should consider appropriate funding for implementation of the Economic Sustainability Plan consistent with the Delta Plan.
8: Protect and Enhance the Unique Cultural, Recreational, Natural Resources, and Agricultural Values of the California Delta as an Evolving Place	DP R3 The Legislature should consider reasonable payments-in-lieu-of-taxes to replace lost local government revenues resulting from the removal of properties from property tax rolls for ecosystem habitat or water supply purposes in the Delta.	DP R3 The Legislature should consider reasonable payments in lieu of taxes to replace lost local government revenues resulting from the removal of properties from property tax rolls for ecosystem habitat or water supply purposes.
8: Protect and Enhance the Unique Cultural, Recreational, Natural Resources, and Agricultural Values of the California Delta as an Evolving Place	DP R4 The Department of Fish and Game and the U.S. Fish and Wildlife Service should develop rules for voluntary Safe Harbor agreements with property owners in the Delta whose actions contribute to the recovery of listed threatened or endangered species.	DP R4 The Department of Fish and Game and U.S. Fish and Wildlife Service should develop rules for voluntary Safe Harbor agreements with property owners whose actions contribute to the recovery of listed threatened or endangered species.
8: Protect and Enhance the Unique Cultural, Recreational, Natural Resources, and Agricultural Values of the California Delta as an Evolving Place		DP R5 A Delta Flood Management Assessment District should be created. Refer to RR R6.
8: Protect and Enhance the Unique Cultural, Recreational, Natural Resources, and Agricultural Values of the California Delta as an Evolving Place	DP R5 The Delta Protection Commission should pursue and the federal government should designate the Delta and Suisun Marsh as a National Heritage Area.	DP R6 The Council supports the designation of the Delta and Suisun Marsh as a National Heritage Area.

COMPARISON OF POLICIES AND RECOMMENDATIONS BETWEEN FOURTH AND THIRD STAFF DRAFT VERSIONS OF DELTA PLAN

CHAPTER	FOURTH STAFF DRAFT	THIRD STAFF DRAFT
8: Protect and Enhance the Unique Cultural, Recreational, Natural Resources, and Agricultural Values of the California Delta as an Evolving Place	DP R6 The California Department of Transportation should partner with local cities and counties to establish major gateways and improve connecting transportation routes, bike lanes, sidewalks, and trails to promote the Delta's identity, visibility, and access.	DP R7 The Council supports the development of major gateways to promote the Delta's identity, visibility, and access.
8: Protect and Enhance the Unique Cultural, Recreational, Natural Resources, and Agricultural Values of the California Delta as an Evolving Place	DP R7 The California Department of Parks and Recreation should partner with other State and federal agencies, counties, conservancies, nonprofits to add and improve recreation facilities in the Delta and add three new parks at Barker Slough, Elkhorn Basin, and in the South Delta.	
8: Protect and Enhance the Unique Cultural, Recreational, Natural Resources, and Agricultural Values of the California Delta as an Evolving Place	DP R8 The California Department of Fish and Game should collaborate with other agencies and non-profits, private landowners, and business partners to expand wildlife viewing, angling and hunting opportunities.	
8: Protect and Enhance the Unique Cultural, Recreational, Natural Resources, and Agricultural Values of the California Delta as an Evolving Place	DP R9 The California Department of Boating and Waterways should coordinate with the U.S. Coast Guard and state and local agencies on an updated marine patrol strategy for the region.	

COMPARISON OF POLICIES AND RECOMMENDATIONS BETWEEN FOURTH AND THIRD STAFF DRAFT VERSIONS OF DELTA PLAN

CHAPTER	FOURTH STAFF DRAFT	THIRD STAFF DRAFT
<p>9: Finance Plan Framework to Support Coequal Goals</p>	<p>FP R1 Public and private agencies with infrastructure crossing the Delta should protect their assets from flooding.</p> <ul style="list-style-type: none"> ◆ The California Public Utilities Commission should immediately commence a formal hearing to impose a reasonable fee for flood and disaster prevention of regulated privately owned utilities that cross or lie within the Delta. Publicly owned utilities should also be encouraged to develop similar fees. The Council, in consultation with the California Public Utilities Commission and the Delta Protection Commission, should allocate these funds between state and local emergency response and flood protection entities in the Delta, including the State of California. If a regional flood management agency is authorized by law, the local share would be allocated to that agency for its purposes. ◆ The California Public Utilities Commission should direct all regulated public utilities in their jurisdiction to immediately take steps to protect their facilities in the Delta from the consequences of a catastrophic failure of levees in the Delta, and to minimize the impact on the State’s economy. ◆ The Governor, by Executive Order, should direct state agencies with projects or infrastructure in the Delta to set aside a reasonable amount of funding to pay for flood protection and disaster prevention. The local share of these funds should be allocated as described above. 	<p>FP R2 Public and private agencies with infrastructure crossing the Delta should protect their assets from flooding.</p> <ul style="list-style-type: none"> ◆ The California Public Utilities Commission should immediately commence a formal hearing to impose a reasonable fee for flood and disaster prevention of regulated privately owned utilities that cross the Delta. Publicly owned utilities should also be encouraged to develop similar fees. The Council, in consultation with the California Public Utilities Commission and the Delta Protection Commission, should allocate these funds between state and local emergency response and flood protection entities in the Delta, including the State of California. If a regional flood management agency is authorized by law, the local share would be allocated to that agency for its purposes. ◆ The California Public Utilities Commission should direct all regulated public utilities in their jurisdiction to immediately take steps to protect their facilities in the Delta from the consequences of a catastrophic failure of levees in the Delta, and to minimize the impact on the State’s economy. ◆ The Governor, by Executive Order, should direct state agencies with projects or infrastructure in the Delta to set aside a reasonable amount to pay for flood protection and disaster prevention. The local share of these funds should be allocated as described above.
<p>9: Finance Plan Framework to Support Coequal Goals</p>	<p>FR R2 A regional flood management agency should be created which at first is funded with \$10 million dollars to develop a benefit assessment plan for the Delta. The council also recommends an additional \$100 million for implementation of flood management improvements, to be funded by Propositions 1E and 84 to match up to 50 percent with non-State funding.</p>	<p>FR R3 A regional flood management agency should be created which at first is funded with \$10 million dollars to develop a benefit assessment plan for the Delta. The council also recommends an additional \$100 million for implementation, to be funded by Propositions 1E and 84 to match on a 50 percent basis with non state funding.</p>
<p>9: Finance Plan Framework to Support Coequal Goals</p>	<p>FP R3 The Legislature should allocate a total of \$50 million of Proposition 1E funds to the Department of Water Resources and direct the Department of Water Resources to begin the acquisition of land or easements for the proposed San Joaquin/South Delta Flood Plain.</p>	<p>FP R4 The Legislature should allocate \$50 million of Prop. 1E funds to the Department of Water Resources and direct the Department to begin the acquisition of land or easements for the proposed San Joaquin/South Delta Flood Plain.</p>
<p>9: Finance Plan Framework to Support Coequal Goals</p>	<p>FP R4 Long-term stable funding should be found that supports the Department of Water Resources’ Delta Levees Subventions and Special Projects, FloodSAFE, and the Central Valley Flood Protection Board.</p>	<p>FP R5 Appropriate funding should be continuously appropriated in support of the Department of Water Resources’ Delta Levees Subventions and Special Projects, FloodSAFE, and the Central Valley Flood Protection Board.</p>
<p>9: Finance Plan Framework to Support Coequal Goals</p>	<p>FP R5 As part of the California Water Plan Update, the Department of Water Resources should prepare an assessment of the state’s water infrastructure needs. This should include an assessment of the existing infrastructure’s rehabilitation/replacement costs, as well as new improvements to meet projected demands over the planning period. The Department of Water Resources should consider a survey of agencies requesting information on small-scale projects (such as storage or conveyance) that allow the State to improve water supply reliability. In the future, a provision should be added to Urban Water Management Plans and Agricultural Water Management Plans, to gather information on potential local water reliability projects. This could form the basis of future State bond funding decisions and be used to inform the Legislature and the public of systemic needs.</p>	<p>FP R6 A clear report on total spending for water resources in California should be established. For the purpose of accountability, all existing sources of funding for water facilities and operations, and all currently authorized bond spending for water resource purposes, should be consolidated in one water budget for the State of California. The Council, which assumed the duties and responsibility of the previous CALFED Bay-Delta Authority in preparing a state-federal CALFED crosscut budget, should continue to fulfill those duties.</p>

COMPARISON OF POLICIES AND RECOMMENDATIONS BETWEEN FOURTH AND THIRD STAFF DRAFT VERSIONS OF DELTA PLAN

CHAPTER	FOURTH STAFF DRAFT	THIRD STAFF DRAFT
9: Finance Plan Framework to Support Coequal Goals	<p>FP R6 User Fees/Stressors Fees should support the coequal goals and the Delta Plan.</p> <ul style="list-style-type: none"> ◆ The Legislature should grant the Council the authority to develop reasonable fees for beneficial uses, and reasonable fees for those who stress the Delta ecosystem, and apply such fees to the operational costs of the Council, the Delta Conservancy, and the Delta Protection Commission to allow implementation of the Delta Plan. The costs of operations of the Council, Delta Conservancy, and Delta Protection Commission should be advanced for a period of 10 years. As previously discussed, the unified annual budget of the new governance structure is approximately \$50 million. ◆ Repayment of these costs, with interest, would be made in annual amounts commencing in 2022 from the fees imposed as recommended above. Repayment could begin sooner if revenue from fees were available before 2022. Repayment should be completed no later than 2032. ◆ Revenue bond authority should be granted to implement the Delta Plan should a fiscal partner be found. 	<p>FP R7 User Fees/Stressors Fees to support the coequal goals and the Delta Plan.</p> <ul style="list-style-type: none"> ◆ The Legislature should grant the Council the authority to develop reasonable fees for beneficiary, and reasonable fees for those who stress the Delta ecosystem, and apply such fees to the operational costs of the Council, the Delta Conservancy and the Delta Protection Commission to allow implementation of the Delta Plan. ◆ The costs of operations of the Council, Delta Conservancy, and Delta Protection Commission should be advanced for a period of ten (10) years. As previously discussed, the unified budget of the new governance structure is approximately \$XX million. ◆ Repayment of these costs would be made in annual amounts commencing in 2022, from the fees imposed as recommended above. Repayment should be completed no later than 2032. ◆ Revenue bond authority should be granted to implement the Delta Plan should a fiscal partner be found.
9: Finance Plan Framework to Support Coequal Goals	<p>FP R7 Clarify assessment authority for local water agencies. The Legislature should amend AB 3030 and SB 1938 to allow local agencies to assess fees under Proposition 218.</p>	<p>FP R9 Clarify assessment authority for local water agencies. The California State Legislature should amend AB 3030 and SB 1938 to allow local agencies to assess fees under Proposition 218.</p>
9: Finance Plan Framework to Support Coequal Goals	<p>FP R8 State and federal fish agencies (California Department of Fish and Game, National Marine Fisheries Service, U.S. Fish and Wildlife Service) should complete ongoing negotiations toward a habitat credit agreement with water supply agencies.</p>	
9: Finance Plan Framework to Support Coequal Goals	<p>FP R9 No less than \$50 million should be allocated from existing bond funds, or from any new funds authorized by voters, to the Delta Conservancy to commence implementation of the ecosystem restoration portion of the Delta Plan. This would include building the capabilities to administer and monitor the Conservancy’s projects, as well as funding initial early start projects approved by the Conservancy Board.</p>	<p>FP R1 No less than \$50 million should be allocated from existing bond funds, or from any new funds authorized by voters to the Delta Conservancy to commence implementation of the ecosystem restoration portion of the Delta Plan.</p>
9: Finance Plan Framework to Support Coequal Goals	<p>FP R10 The Delta Conservancy should investigate carbon offsets as a revenue source for Delta islands.</p>	<p>FP R8 The Delta Conservancy should investigate carbon offsets as a revenue source for Delta islands.</p>
9: Finance Plan Framework to Support Coequal Goals	<p>FP R11 Establish a public goods charge (or broad-based user fee) for water. The Legislature should create a public goods charge (similar to the energy public goods charge created in 1996) on urban water users and agricultural users. This fund could provide for ecosystem costs that were once paid with general obligation bonds, or could be used for State water management costs such as developing the California Water Plan Update or science programs. Efforts would be necessary to determine administrative details of the program, including how the charge would be assessed, who would be assessed, and how revenues collected would be applied.</p>	<p>FP R10 Establish a Public Goods Charge for Water. The Legislature should create a public goods charge (similar to the energy public goods charge created in 1996) on urban water users, and agricultural users as well. This fund would provide for ecosystem costs that were once paid with general obligation bonds, or could be used for State water management costs such as developing the California Water Plan Update.</p>
9: Finance Plan Framework to Support Coequal Goals	<p>FP R12 By January 2015, the Department of Water Resources should complete a report on recommendations for prioritized State investments for levee operations, maintenance, and improvements in the Delta. The report should be developed, based upon a Delta-wide comparative benefit/cost analysis. Benefits should be specifically identifiable and calculable but broadly based, not limited to an analysis of the value of land behind a levee. Such a report should be developed in collaboration with the Council, local agencies, federal agencies, and the proposed new Delta Flood Management Assessment District.</p>	<p>FP R11 By January 2015, the Department of Water Resources should complete a report on recommendations for prioritized State investments for levee operations, maintenance, and improvements in the Delta. The report should be developed, based upon a Delta-wide comparative benefit/cost analysis. Benefits should be specifically identifiable and calculable but broadly based, not limited to an analysis of the value of land behind a levee. Such a report should be developed in collaboration with the Council, local agencies, federal agencies and the proposed new Delta Flood Management Assessment District.</p>