

Table 1. Comments Related to Major Policies and Recommendations

Comment source, chapters covered, page numbers	Major Comment Theme or Recommendations	Staff Proposed changes for 6 <sup>th</sup> staff draft Delta Plan
<b>GP 1: Consistency with the Delta Plan</b>		
<p>5<sup>th</sup> draft plan (various entities)</p> <p>Chapter 3, pp. 60-61</p>	<p>1. There were many proposed changes and suggestions to delete GP 1. Specific comments addressed the language 'certify that you will comply with existing law at all times'.</p>	<p>Staff agreed with the comments regarding this specific language, but not with other suggested changes or requests to delete GP 1 from the draft plan. Staff propose the following change to the policy language:</p> <ul style="list-style-type: none"> <li>- Revise the policy language addressing certification that covered actions shall comply at all times with existing applicable laws. New language would require certification by an agency implementing a covered action that the covered action will comply at all times with all relevant laws. In addition, if the filing agency will fund or approve, but not implement the covered action the filing agency must include a certificate that the covered action will comply at all times with all relevant laws over which the filing agency has jurisdiction.</li> </ul>
<b>Implementation Committee</b>		
<p>5th draft plan comments (primarily from Ag/Urban plan and water agencies), ISB, DPC-ESP</p> <p>Chapter 3, general comment</p>	<p>2. Concerns that plan overemphasizes regulatory role of DSC and does not address facilitation/coordination/oversight roles. Concern over lack of information regarding interagency coordination, roles and collaboration.</p>	<p>Staff agrees with some of these comments and proposes the following changes:</p> <ul style="list-style-type: none"> <li>- Expand the description in Chapter 3 and throughout various parts of the Plan of the Council's role in achieving the coequal goals and the importance of coordination and collaboration in that process.</li> <li>- Add more detail regarding the "implementation committee" (Water Code</li> </ul>

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		<p>sec. 85204) which will play an instrumental role in coordinating implementation of the Delta Plan.</p> <ul style="list-style-type: none"> <li>- Include a description of implementation agencies and their roles as required by subject area (water supply, ecosystem restoration, water quality, etc).</li> </ul> <p>Staff recommends retaining description of the DSC's regulatory role, but in more balance with coordination and collaboration roles.</p>
<b>Covered Actions and Exemptions</b>		
<p>5<sup>th</sup> staff draft (various entities incl. Delta cities and counties, other agencies with facilities in the Delta)</p> <p>Chapters 1 and 3, pp. 57-60</p>	<p>3. Confusion about the Covered Actions including; how to determine "significant impact" and whether an action upstream or downstream of the Delta is a covered action.</p>	<p>Staff agrees that clarification is needed and proposes the following changes:</p> <ul style="list-style-type: none"> <li>- Refined definitions of co-equal goals (water supply reliability and protect, restore, enhance ecosystem) should provide additional means to determine significant impacts.</li> <li>- Only actions that occur in whole or in part within the Delta are covered actions, therefore actions which take place entirely downstream or upstream of the Delta would not meet the criteria of covered actions.</li> </ul>
	<p>4. How do project proponents determine "significance" for covered actions and who determines whether a proposed action is a covered action?</p>	<p>Staff will add clarifying language to emphasize that;</p> <ul style="list-style-type: none"> <li>- Proponents determine whether their project will have a significant impact and therefore is a covered action in need of a consistency determination, subject to judicial review.</li> <li>- Additionally, refined definitions of co-equal goals (water supply reliability and protect, restore, enhance ecosystem) should provide additional means to determine</li> </ul>

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	<p>5. Requests for specific or general exemptions in addition to those listed in statute. Some asked that projects that qualify for CEQA exemptions also be exempt from consistency with the Delta Plan.</p>	<p>significant impacts.</p> <p>Staff partially agrees with these comments and proposes the following changes:</p> <ul style="list-style-type: none"> <li>- Include language addressing projects/programs/plans that are statutorily or categorically exempt under CEQA are unlikely to have a significant impact on the coequal goals or gov't sponsored flood control program, barring unusual circumstances.</li> </ul>
<b>WRP1: Compliance with State Water Efficiency and Water Management Planning Laws</b>		
<p>5<sup>th</sup> draft plan (primarily from water agencies/districts), ISB</p> <p>Chapter 4, pp. 80-84</p>	<p>6. WRP1 unclear and confusing; concern about geographic scope of application (upper watershed, in-Delta and in areas receiving water from proposed actions) and that policy overreaches DSC authority; various recommendations for improvements including suggestion that WRP1 should be a recommendation, not a policy; concern that policy intrudes inappropriately on local water decisions; water conservation rates called out as a specific concern.</p>	<p>Staff agrees and proposes to edit policy. Proposed changes are:</p> <ul style="list-style-type: none"> <li>- Remove language addressing Water Supply Reliability Element from policy and make into a recommendation.</li> <li>- Develop a new recommendation addressing implementation of conservation laws.</li> </ul> <p>Proposed revised policy language is:</p> <p><b>WR P1: Reduce Reliance on the Delta.</b> Water Code section 85201 requires reduced reliance on the Delta in meeting future water supply needs. Failure to reduce reliance on the Delta by one or more water suppliers cannot contribute significantly to the need for an action in the Delta that would supply water to those water suppliers and that would have an adverse impact in the Delta.</p>

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		<p>Proposed new recommendation language:</p> <p><b>Expanded Water Supply Reliability Element.</b> Water suppliers that receive water from the Delta watershed should include an expanded Water Supply Reliability Element, by 2015, as part of the update of its Urban Water Management Plan, Agricultural Water Management Plan, Integrated Water Management Plan or other plan that provides equivalent information on the supplier's planned investments in water conservation and water supply development. The Expanded Water Reliability Element should detail how water suppliers are reducing reliance on the Delta and improving regional self-reliance consistent with Water Code section 85201 through investments in local and regional programs and projects, and should document achievement of net reductions in volume of water used from Delta or expansion of local supplies relative to Delta water use. At a minimum, these plans should include a plan for possible interruption of Delta supplies due to catastrophic events, evaluation of the regional water balance, a vulnerability assessment to the impacts of climate change, and an evaluation of the extent to which the rate structure promotes and sustains efficient water use..</p> <p>Proposed new recommendation language:</p> <p><b>Implement Water Efficiency and Water Management Planning Laws.</b> All water suppliers should fully implement applicable water efficiency and water management planning laws, including</p>

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		Urban Water Management Plans (Water Code section 10601 et. seq.), 20% reduction in statewide urban per capita water usage by 2020 (Water Code section 10608 et. seq.), Agricultural Water Management Plan (Water Code section 10608 et. seq.), and other applicable water laws, regulations or rules.
<b>WR P2: Transparency in Water Contracting</b>		
<p>5<sup>th</sup> staff draft</p> <p>Chapter 4, pp. 94-95</p>	<p>7. WR P2 addresses the problem related to transparency, but does not address improved information; concern that policy may impede multi-year water transfers and that plan does not clearly address improvements for water transfers.</p>	<p>Staff agrees with the comments and proposes the following changes:</p> <ul style="list-style-type: none"> <li>- Minor edits to existing WR P2 policy language.</li> <li>- Address water transfers through a workgroup process to be described in the final draft Delta Plan.</li> <li>- Develop a new recommendation to address transparency of water transfer transactions.</li> </ul> <p>Proposed new policy language:</p> <p><b>WR P2. Transparency in Water Contracting.</b> The contracting process for water projects must be done in a transparent manner consistent with applicable policies of the U.S. Bureau of Reclamation and the Department of Water Resources.</p>
<b>WR R5 Alternatives Evaluation for Reduced Reliance on Delta</b>		
<p>5<sup>th</sup> staff draft (primarily upstream water agencies/districts)</p> <p>Chapter 4, pp. 84</p>	<p>8. WR R5 is unclear; concerns about how this would apply to upper watershed, pre-1914 rights; concerns about impact on water rights and water transfers; concern about costs; various recommendations for improvements including removal.</p>	<p>Staff agrees and proposes that WRR5 be revised to clarify that evaluation could be consistent with existing UWMP and AEMP's.</p> <p>Proposed revised language:</p>

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		<p><b>WR R5. Alternatives Evaluation for Reduced Reliance on the Delta.</b> In order to reduce reliance on the Delta, consistent with Water Code section 85021, the State Water Resources Control Board and the Department of Water Resources should require that proponents requesting a new or changed point of diversion, place of use, or purpose of use that results in new or increased long term average use of water from the Delta watershed should demonstrate that they have evaluated and implemented all other feasible water supply alternatives, consistent with their Urban Water Management Plans, Agricultural Water Management Plans, Integrated Regional Water Management Plans or other plans that provide equivalent information.</p>
<b>DEIR Alternatives Analysis</b>		
<p>5<sup>th</sup> staff draft, DEIR alternatives analysis.</p> <p>Chapter 4, pp. 79-96</p>	<p>9. DEIR Alternatives Analysis indicates environmental impacts may be lessened if institutional impediments for water transfers are reduced.</p>	<p>Staff propose new recommendation and suggest the following draft language:</p> <ul style="list-style-type: none"> <li>- <b>Water Transfers</b> Department of Water Resources and State Water Resources Control Board should develop a working group with stakeholders to identify and implement measures to reduce procedural and administrative impediments to water transfers. Transfers should still comply with existing SWRCB substantive transfer rules, including for example those that govern issues such as transfer timing and amounts.</li> </ul>
	<p>10. DEIR Alternatives Analysis indicates environmental impacts may be lessened by reducing impediments to achieving</p>	<p>Staff propose new recommendation and suggest the following draft language:</p>

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	statewide conservation, recycling and storm water targets.	<ul style="list-style-type: none"> <li>- <b>Statewide Water Conservation, Recycling and Stormwater Goals</b> The Department of Water Resources and the State Water Resources Control Board should work with stakeholders to identify and implement measures that reduce impediments to increased water recycling and increased stormwater reuse, and to set revised goals for such increased recycling and reuse. Evaluation should include an assessment of how regions are achieving their proportional share of these goals.</li> </ul>
<b>Supplemental Use Reporting</b>		
	11. Comments regarding DSC role in supplemental use reporting. Recommendation of more ambitious targets by certain dates also received.	<p>Staff agree additional recommendations would be helpful and suggest the following draft language:</p> <p><b>Supplemental Water Use Reporting</b> The State Water Resources Control Board and the Department of Water Resources should require water rights holders submitting supplemental statements of water diversion and use or progress reports under their permits or licenses to report on the development and implementation of all water efficiency and water supply projects.</p>
<b>ER P1:Update Delta Flow Requirements</b>		
5 <sup>th</sup> staff draft (primarily water agencies/districts and numerous focused comments from San Joaquin River Group Authority)	12. Comments recommended removing second portion of ER P1 describing what the Council will do if SWRCB misses the target date for updating and implementing flow objectives.	<p>Staff agrees with these comments and proposes the following changes:</p> <ul style="list-style-type: none"> <li>- Remove language as requested in ER P1</li> <li>- Add language to revised policy regarding using existing flow objectives for determining consistency with the Delta Plan</li> </ul>

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Chapter 5, pp. 113-114		<p>until new flow objectives in place.</p> <p>Proposed revised policy language is:</p> <p><b>ER P1: Update Delta Flow Requirements</b> By June 2, 2014, the State Water Resources Control Board-- as part of its current update of the Bay-Delta Water Quality Control Plan-- should adopt and implement, as appropriate, updated flow requirements (referred to as “flow objectives”) for the Delta, necessary to achieve the coequal goals. Until that time, existing flow objectives shall be used for purposes of determining consistency with this Plan.</p>
	13. It is questionable that SWRCB will meet the target date for process to update and implement flow objectives takes a long time.	<p>Staff does not agree with these comments, but proposes the following change for clarification:</p> <ul style="list-style-type: none"> <li>- By June 2, 2018, the SWRCB should adopt, as appropriate, nonbinding flow criteria for high-priority tributaries in the Delta Watershed, necessary to achieve the coequal goals.</li> </ul>
<p>5<sup>th</sup> staff draft (DWR, Coalition of Environmental, Environment Justice, Tribal, and Fishing Organizations, Contra Costa Water District)DPC- ESP</p> <p>Chapter 6, no page numbers (new proposed policy)</p>	14. Comments identified the need for maintaining water quality for various beneficial uses. Comments also suggested the need to describe the DSC’s role in relation to the SWRCB.	<p>Staff agreed with these comments and suggest the following change:</p> <ul style="list-style-type: none"> <li>- Develop a new policy for Chapter 6 addressing these comments.</li> <li>-</li> </ul> <p>Proposed draft policy language is:</p> <p><b>WQ P1: Water Quality in the Delta</b> Water quality in the Delta should be maintained at a</p>

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		level that supports and enhances beneficial uses as identified in the applicable RWQCB and SWRCB water quality control plans. Proposed actions shall identify any significant negative water quality impacts and shall avoid or mitigate those impacts to the maximum extent practicable. For the purposes of the Delta Plan avoiding or mitigating negative impacts to the maximum extent practicable includes, but is not limited to, application of control measures to reduce discharge of pollutants consistent with section 402(p) (3) (B) (iii) of the Clean Water Act. The policies, recommendations, decisions, advice and authority of the SWRCB and RWQCBs should be the basis for determining if an action is consistent with the State's water quality policies for the Delta.
<b>RR P4:Priorities for State Investments in Delta Levees</b>		
5 <sup>th</sup> staff draft (mainly DWR), DPC-ESP  Chapter 7, pp. 178	15. Prioritization of State investments in Delta levees should be undertaken by the DSC. The 5th draft policy RR P4 directs the Department of Water Resources, in consultation with the CVFPB, to conduct this prioritization.	Staff agree with these comments and propose the following changes: - Revise policy language so that the DSC develops the prioritization framework for investments in Delta levees.
	16. For the levees investment prioritization framework, an economics-based risk assessment of Delta Islands needs to adequately address all relevant values. This should not be limited to simply land and property values, but also include other values such as system wide integrity, ecosystem values, infrastructure, State water supply protection, and others.	Staff agree with these comments and propose the following changes: - The analysis will now include an economics-based risk assessment on an island-by-island basis and should include values such as life safety, State water supply, critical infrastructure, Delta water supply, ecosystem values, recreation and flood system integrity, in addition to property values.
5 <sup>th</sup> staff draft – Central Valley	17. The 5th draft only accounts for the	Staff agree with this comment and propose the

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<p>Flood Protection Board</p> <p>Chapter 7, no page numbers - new recommendation for 6<sup>th</sup> draft plan</p>	<p>protection of existing designated floodways within the Delta. The DSC should consider the expansion do Delta floodways to accommodate flood flows and climate change.</p>	<p>following changes:</p> <ul style="list-style-type: none"> <li>- Adding a new recommendation to the 6th draft.</li> </ul> <p>Proposed draft language is: The Central Valley Flood Protection Board should evaluate whether additional areas both within and upstream of the Delta should be designated as floodways.</p>
<b>Delta Flood Risk Management District</b>		
<p>5<sup>th</sup> staff draft, DPC-ESP</p> <p>Chapter 7, pp. 182</p>	<p>18. Comments received regarding the Delta Flood Risk Management District, as proposed in Recommendation RR R10 have been both supportive and critical. Concerns raised include stating that such a district would duplicate efforts already being conducted by various State and local agencies.</p>	<p>Staff agree with many of these comments and propose the following change:</p> <ul style="list-style-type: none"> <li>- Revise recommendation RR R10.</li> </ul> <p>Proposed additional language is: <b>RR R10: Finance and Implementation of Local Flood Management Activities.</b> This proposed district can act to consolidate activities being conducted by various agencies. It can also implement the recommendations set forth in the SB27 Delta Multi-Hazard Coordination Task Force report (Water Code Section 12994.5).</p>
<b>Land Use in the Delta</b>		
<p>5<sup>th</sup> staff draft (primarily Coalition of the Environment, Environmental Justice and Fishing Organizations), DPC-ESP</p> <p>Chapter 8, no page numbers (new proposed policy)</p>	<p>19. Concerns that loss of Delta agricultural land from urbanization or conversion to flooding or habitat projects should be minimized and occur only when consistent with local land use plans. Acknowledge Delta Protection Act of 1972's emphasis on farmland protection.</p>	<p>Staff partially agree with these comments and propose the following changes:</p> <ul style="list-style-type: none"> <li>- Develop a new policy addressing protection of rural farmland outside cities, spheres of influence, or Legacy Communities from urban development.</li> <li>- Develop a new policy requiring water management and ecosystem restoration projects to avoid or minimize conflicts with existing or planned land use, when feasible, and consider comments from local agencies and DPC.</li> </ul>

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<p>5<sup>th</sup> staff draft (primarily local agencies in the North Delta), DPC- ESP</p> <p>Chapter 8, no page numbers (new proposed policy)</p>	<p>20. Land use planning must be clear and consistent across agencies.</p>	<p>Staff partially agree with these comments and propose the following change:</p> <ul style="list-style-type: none"> <li>- Role of DPC and local governments in land use planning to be acknowledged in revised text for Chapter 8.</li> </ul>