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May 6, 2011

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**RE: Concerns with Third Draft of the Delta Plan**

Chair Isenberg and Members of the Stewardship Council:

The City of Oakley has significant concerns with the Third Draft of the Delta Plan (April 23, 2011 Draft). As you might expect, is particularly concerned with the proposed regulatory and jurisdictional authority granted to the Council.

We join many other agencies, businesses, and landowners in expressing the following specific concerns with the Third Draft:

- The language of the document continues to provide vague terms such as "reasonable" or "effective" that are not clearly defined or clarified.
- The Draft proposes a long list of regulatory policies and actions that essentially create a new regulatory agency, when the Delta Reform Act Requires the Council to prepare a "comprehensive, long-term management plan for the Delta" not a new regulatory agency.
- The Draft does not appropriately outline the required and necessary coordination with existing agencies, but merely proposes to regulate them.
- The definition of "Covered Action" should be clarified as it is a hybrid between the definition of a "project" under CEQA and a broad inclusion of the ministerial actions that CEQA specifically exempts.

- There should be exemptions for infill projects in the Secondary Zone of the Delta. Further, there should be exemptions for projects that are within voter-approved urban limit lines, since these lines serve to protect open space and agriculture vital to the State's interests.
- The reference to a project being consistent with a "Sustainable Communities Strategy" in order to be exempt should be deleted. This is a loophole that disenfranchises the local agencies and the Delta Stewardship Council, and instead favors the visions and objectives of Metropolitan Planning Organization (MPO), which is problematic.
- The Delta Plan should fill in the gaps by identifying additional or modified programs necessary to reach the milestones for achieving the coequal goals.
- The Delta Plan should be based in "good" science that is peer reviewed.. All stakeholders need to be assured that actions will only be included in the Delta Plan or modified over time based on full consideration of the latest scientific information.

As proposed, the Plan places significant bureaucratic and regulatory burdens and usurps local land-use authority.

Respectfully submitted,



Jim Frazier  
Mayor

cc: Oakley City Council