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May 5, 2011

Mr. Phil Isenburg, Chair, Delta Stewardship Council &
Members of the Delta Stewardship Council
980 Ninth Street, Suite 1500
Sacramento, CA 95814

RE: Invited Presentation and Comments to the Delta Stewardship Council

Dear Sirs:

Thank you for inviting the City of Tracy to present information to the Delta Stewardship Council on the effect the Delta Plan may have on cities located within the Delta. These comments reflect the City of Tracy perspective. It is our hope that the Delta Stewardship Council will recognize our track record and approach to land and water planning and entertain new language in the Delta Plan that rewards this level of environmental stewardship. However, as currently drafted, the Delta Plan would place enormous bureaucratic burdens on the City, stifling investment in our community. We fear that the "one size fits all" approach to the definition of "covered actions" does not reward progressive City planning. The City of Tracy understands and supports the co-equal goals of the Delta Plan and respectfully requests modest modifications, as outlined in this letter.

Our verbal comments to the Council on May 12, 2011 will include facts and details about the City of Tracy, some of which are attached to this letter, and are relevant in considering our requested modifications to the Delta Plan.

3rd Draft Delta Plan, dated April 22, 2011

Pages 36-38: Definition of a "Covered Action": The definition provided needs to be clarified as it is a hybrid between the definition of a "project" under CEQA and a broad inclusion of the types of activities that CEQA specifically exempts. Our concern is two-fold. First, who would interpret whether or not one of the many broad regulatory policies of the Delta Plan is applicable in determining whether or not an action is covered or will have a significant effect on achieving the goals of the Delta Plan? As currently written, there is no clear understanding of the threshold of significance that would be used by both cities and the Council in a meaningful way to evaluate discretionary and routine permits. A clear standard of significance, or measurable metric related to achieving the co-equal goals should be developed for agencies that have land use permitting authority. Second, as currently drafted, the process outlined in the Delta Plan adds a new layer of bureaucracy that, in the case of Tracy, will cause 100% of our infill projects which are not located in the 100-year floodplain, to be evaluated against this Plan. Rather, the

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Delta Plan should exempt such projects that have already been through many layers of planning and CEQA review.

A potential solution might include a new definitional exception to the review process if City's can demonstrate or meet a defined threshold. For example, if a City can demonstrate a diverse water supply portfolio, that does not include a high percentage of groundwater pumping, and can withstand total shutdown of the Delta water supply for extended periods of time, coupled with land planning that demonstrates compliance with LAFCo, SB 375, Valley Blueprint planning, then reviews should be limited to existing CEQA processes.

Pages 88-89: Floodway and Floodplain Protection Policies: Policy RR P3, third bullet suggest that the Pescadero Tract 2058 would be restricted from development in its entirety, even for areas within this Track that are inside the City limits, developed, and considered infill. Please clarify if portions of this reclamation district are to be "modified" with the studies being conducted by the Department of Water Resources, as the draft Plan suggests. The City is unaware of any science or engineering based evidence that suggests that infill areas within the City limits (in Tract 2058) are within the 100 or 200-year floodplain.

Thank you for the opportunity to comment on the third draft of the Delta Plan and participate at the May 12th meeting.

Sincerely,



R. Leon Churchill, Jr.
City Manager, ICMA-CM, AICP