

DELTA STEWARDSHIP COUNCIL

RESOLUTION 2013-1

CERTIFICATION OF THE PROGRAM ENVIRONMENTAL IMPACT REPORT ON THE DELTA PLAN; ADOPTION OF FINDINGS AND A STATEMENT OF OVERRIDING CONSIDERATIONS, MITIGATION MEASURES, AND A MITIGATION MONITORING AND REPORTING PROGRAM

WHEREAS, in section 29702 of the Public Resources Code and as restated in section 85054 of the Water Code, the Legislature finds and declares that the basic goals of the state for the Delta include the following: Achieve the two coequal goals of providing a more reliable water supply for California and protecting, restoring, and enhancing the Delta ecosystem. The coequal goals shall be achieved in a manner that protects and enhances the unique cultural, recreational, natural resource, and agricultural values of the Delta as an evolving place; and

WHEREAS, section 85020 of the Water Code states that the policy of the State of California is to achieve the following objectives that the Legislature declares are inherent in the coequal goals for management of the Delta: (a) Manage the Delta's water and environmental resources and the water resources of the state over the long term; (b) Protect and enhance the unique cultural, recreational, and agricultural values of the California Delta as an evolving place; (c) Restore the Delta ecosystem, including its fisheries and wildlife, as the heart of a healthy estuary and wetland ecosystem; (d) Promote statewide water conservation, water use efficiency, and sustainable water use; (e) Improve water quality to protect human health and the environment consistent with achieving water quality objectives in the Delta; (f) Improve the water conveyance system and expand statewide water storage; (g) Reduce risks to people, property, and state interests in the Delta by effective emergency preparedness, appropriate land uses, and investments in flood protection; (h) Establish a new governance structure with the authority, responsibility, accountability, scientific support, and adequate and secure funding to achieve these objectives; and

WHEREAS, pursuant to section 85300(a) of the Water Code, the Delta Stewardship Council ("Council") shall develop, adopt, and commence implementation of a Delta Plan that furthers the coequal goals.; and

WHEREAS, the Council has, in consultation with the appropriate federal, state, and local agencies as required by Water Code section 85300(b), developed the Delta Plan; and

WHEREAS, the Delta Stewardship Council has prepared a Program Environmental Impact Report for the Delta Plan ("PEIR") (State Clearinghouse No. 2010122028); and

WHEREAS, the PEIR consists of five volumes and four Errata documents (reflecting typographical corrections made May 6, 2013, May 9, 2013, May 14, 2013, and May 14, 2013): the November 2011 Draft Delta Plan Program EIR ("Draft PEIR") (Volumes 1 and 2), the November 2012 Recirculated Draft Delta Plan Program EIR ("Recirculated Draft PEIR") (Volume 3), the May 2013 Delta Plan Program EIR ("Final PEIR") (Volumes 4 and 5

(containing comments, responses, text changes and coverage of the Final Delta Plan) and the four Errata (Volumes 1 through 5 and the Errata, collectively, make up the complete PEIR); and

WHEREAS, on December 10, 2010, the Council filed a Notice of Preparation (“NOP”) of the PEIR with the State Clearinghouse in the Governor’s Office of Planning and Research, and distributed copies of the NOP to approximately 400 recipients. The Council published the NOP for a 30-day comment period from December 12, 2010 through January 11, 2011; and

WHEREAS, the Council held four scoping meetings throughout the planning area to obtain the views of agencies and the public on the scope and content of the PEIR prior to publishing the Draft PEIR; and

WHEREAS, the Council submitted the Draft PEIR to the State Clearinghouse and issued it for public review and comment for 90 days beginning on November 4, 2011 and ending on February 2, 2012; and

WHEREAS, during the comment period on the Draft PEIR, the Council held seven public hearings for the purpose of taking public comment on the Draft PEIR, including five public hearings in locations throughout the state; and

WHEREAS, in November 2012, the Council issued the Recirculated Draft PEIR for public review and comment for 45 days beginning on November 30, 2012 and ending on January 14, 2013; and

WHEREAS, during the comment period on the Recirculated Draft PEIR, the Council held a public hearing on January 11, 2013 for the purpose of taking public comment on the Recirculated Draft PEIR; and

WHEREAS, agencies, organizations, and members of the public submitted approximately 3,500 written comments on the Draft PEIR and approximately 840 written comments on the Recirculated Draft PEIR, in addition to participating in eight public hearings on both documents. Section 3 of the Final PEIR provides responses to written and oral comments received during the comment period on the Draft EIR, and Section 4 of the Final PEIR provides responses to written and oral comments received during the comment period on the Recirculated Draft EIR.

WHEREAS, the PEIR has been presented to the Council and, prior to taking any action regarding the adoption of the Delta Plan, the Council has reviewed and considered the information therein, along with all staff reports pertaining to the Delta Plan, all other pertinent documents, and all written and oral statements received by the Council prior to or at its public hearing on the Delta Plan and the PEIR; and

WHEREAS, if the Council adopts the Delta Plan, all of the Mitigation Measures identified in the PEIR and in the Findings attached hereto as Attachment 1 (as corrected by “Findings Revision #1” dated May 14, 2013 and “Findings Revision #2” dated May 14, 2013, attached hereto as Attachments 1a and 1b) that are within the responsibility and jurisdiction of the Council will be

adopted and incorporated into the Delta Plan through Delta Plan Policy GP1 (which would also become state regulation 23 California Code of Regulations 5002(b)(2)).

NOW, THEREFORE, BE IT RESOLVED BY THE DELTA STEWARDSHIP COUNCIL:

1. The Council hereby finds the foregoing recitals to be true and correct and incorporates them herein.
2. The Council hereby certifies that the PEIR (including Errata #1, #2, #3 and #4, and as modified if at all by the Council at its meeting of May 16, 2013) for the Delta Plan has been completed in compliance with the California Environmental Quality Act, Public Resources Code sections 21000 et seq., and reflects the independent judgment and analysis of the Council.
3. The Council hereby adopts the Findings – including conclusions about alternatives, a Statement of Overriding Considerations, and the other statements and conclusions in the Findings – for the Delta Plan, attached hereto as “Attachment 1” (as corrected by “Findings Revision #1” dated May 14, 2013 and “Findings Revision #2” dated May 14, 2013, attached hereto as Attachments 1a and 1b) and incorporated herein by reference, as modified if at all by the Council at its meeting of May 16, 2013.
4. The Council hereby adopts the Mitigation Monitoring and Reporting Program for the Delta Plan, attached hereto as “Attachment 2” and incorporated herein by reference (as modified if at all by the Council at its meeting of May 16, 2013).**
5. If the Council adopts the Delta Plan, staff is directed to file a Notice of Determination, in accordance with Public Resources Code Section 21108, with the Governor’s Office of Planning and Research State Clearinghouse within five days after adoption of the Delta Plan.

***The Council directed modification to the column called “Implemented By”: “The Delta Stewardship Council has implemented the mitigation measures by adopting and incorporating them into the Delta Plan through Policy G P1 (23 CCR § 5002(b)(2)).” was inserted as endnote #1.*

CERTIFICATION

On a motion by Councilmember Johnston, seconded by Councilmember Nordhoff, and a vote of the Council, the foregoing resolution was passed and adopted by the Delta Stewardship Council by a vote of 7 in favor to 0 opposed at a regular meeting of the Delta Stewardship Council on May 16, 2013.

Dated: May 16, 2013



Patricia Rogers
Clerk of the Board of the Delta Stewardship Council