

Delta Plan Development

Summary: Staff will brief Council members on a preliminary draft of proposed regulations based upon the policies contained in the Fifth Staff Draft Delta Plan, and present summaries of comments received during four stakeholder work sessions that focused on various aspects of the Fifth Staff Draft Delta Plan.

Background

The Fifth Staff Draft Delta Plan is a very long document, but contains only 12 policies with regulatory impact. The discussion here focuses on those policies only.

At its August 2011 meeting, the Council received a short staff presentation on the state rulemaking process under the Administrative Procedures Act (APA), which must be followed in order for the Delta Plan's policies to become legally-enforceable state regulations. Staff also informed the Council of initial meetings with staff from the Office of Administrative Law (OAL), which must ultimately approve the Council's regulatory package before it can take effect.

For the September meeting, staff has prepared, for illustrative purposes only, a preliminary draft of proposed regulations based upon the policies contained in the Fifth Staff Draft Delta Plan. The proposed regulations that the Council ultimately directs staff to submit to OAL to start the rulemaking process (anticipated to be no earlier than after close of the comment period on the EIR) will be supplemented by a Notice of Proposed Regulatory Action, an Initial Statement of Reasons, and a Fiscal Impact Analysis. It is anticipated that preliminary drafts of these supplemental documents will be presented to the Council at its late October meeting, again for illustrative purposes only.

Staff hosted four work sessions on September 15, 19 and 20 for stakeholders to discuss various aspects of the Delta Plan with Council Members and staff. The sessions focused on Delta Plan Success and Performance Measures (September 15), Covered Actions and Governance (September 15), Economic Sustainability and Delta as an Evolving Place (September 19), and Plan (September 20).

Stakeholders were asked to address specific issues relative to the Fifth Staff Draft (See Attachment 2). Staff will present a summary of each session at the meeting. In addition, written responses received by the Council not later than the close of the comment period for the Fifth Staff Draft on September 30, 2011 will be considered along with other public comments in development of the Sixth Staff Draft Delta Plan.

List of Attachments

Attachment 1: Preliminary Draft Proposed Regulations

Attachment 2: Preliminary Description of Topics and Questions for Work Sessions

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