

## Final Staff Draft Delta Plan

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**Summary:** This memo presents recommendations for Council action on the Final Draft Delta Plan.

The Final Staff Draft Delta Plan was released for public review on May 14, 2012. June 13, 2012 was the deadline for written public comments on the Final Staff Draft Delta Plan. At the June 14 and 15 meeting, the Council reviewed the entire draft plan and heard from two stakeholder panels regarding their major concerns and suggestions for developing the Final Draft Delta Plan.

For this meeting staff has prepared two lists for the Council to review and subsequently provide final direction for changes to the Final Staff Draft Delta Plan. The first list is the "Council Action Checklist" which includes Council directed changes and substantive changes recommended by the staff, including changes in policies and recommendations primarily in response to stakeholder comment. The second list is the "Consent Checklist" which includes: staff errata and minor technical or nonsubstantive changes proposed by Council members or recommended by the staff.

Changes to the Final Staff Draft Delta Plan as directed by the Council at this meeting will be incorporated into a Final Draft Delta Plan that will then serve as the basis for recirculating a supplement to the Environmental Impact Report describing environmental impacts of the Final Draft Delta Plan. It also will serve as the basis for submittal of draft regulations to the Office of Administrative Law (OAL).

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### **Background**

During public meetings on May 24 and June 14 and 15 the Council reviewed the entire Final Staff Draft Delta Plan and heard from two stakeholder panels regarding their key remaining issues and suggestions for revisions to the Final Draft Delta Plan. The Council also adopted a motion that directs staff, among other tasks, to return to the June 28 and 29 meeting with the following:

1. An updated Council Action List
2. A DSC staff "open issues" list
3. A DSC staff errata list

The motion directed staff to organize the June 28 and 29 meeting around reviewing proposed Council and staff changes resulting from the June 14 and 15 meeting, staff editing changes as subsequently discussed, and any additional changes directed by the Council. Finally, the motion directs staff to prepare, after June 28 and 29 meeting, a redline version of the Final Draft Delta Plan incorporating all changes from the Final Staff Draft.

Accordingly, staff has prepared two lists for review, discussion and action at the June 28-29 meeting. These lists are provided as attachments to this staff report. The first list is the **Council Action Checklist** which includes changes directed by the Council at its prior hearings and major substantive changes proposed by the staff. The second list is the **Consent Checklist** which includes: staff errata, minor technical changes, and nonsubstantive or minor changes proposed by Council or recommended by the staff, often to respond to comments from stakeholders or the Delta Independent Science Board (ISB).

### **Process**

1. The Council will receive a proposed 3-part motion directing staff to revise the Final Staff Draft Delta Plan per Council direction given on June 28 and 29— including direction on the Council Action Checklist and the Consent Checklist — and prepare the “Final Draft Delta Plan.” The Council will authorize staff, in preparing the final draft plan, to make additional changes for purposes of clarity and harmonization so long as they are not inconsistent with overall Council direction. Language for the proposed 3-part motion is attached to this staff report.
2. Staff will present the Council Action Checklist containing open issues warranting further Council discussion and final direction. Items on this list include: Council-directed changes and major, substantive changes recommended by the staff. In some cases, staff is presenting alternative language or options for addressing issues, where appropriate, in the checklist. Staff will prepare the Final Draft Delta Plan per Council direction.
3. Staff will present the Consent Checklist and ask the Council to approve all items on it with direction for staff to incorporate these revisions in the Final Staff Draft Delta Plan. Council members may choose to remove items from this list to add to the “Council Action Checklist” for further discussion and direction. Approval of items on this list essentially directs staff to include these changes in the Final Draft Delta Plan.
4. Council will then receive public comment on the Consent Checklist. If one or more Council members requests, they may remove an item raised by members of the public to the Council Action Checklist.

### **Anticipated Outcomes From This Meeting**

Upon complete review of the Council Action Checklist and the Consent Checklist at the June 28 and 29 meeting, staff anticipates receiving final direction on revisions for the Final Draft Delta Plan. Staff will record all Council direction and requested changes on the Council Action Checklist for the public record, as well as indicating all staff and Council approved changes in the “track changes” version of the Final Draft Delta Plan.

At the request of the Chair and as part of the motion for June 29, 2012 a "track changes" version of the Final Draft Delta Plan will be prepared by staff based on final Council direction. This version will be reviewed and approved by the Chair and Vice Chair for consistency with Council direction. This version will be made available online upon release of the Final Draft Delta Plan in July 2012, along with the recirculation of a supplemental to the Delta Plan draft EIR.

**Next Steps**

A summary of next steps and anticipated timeline is provided in the table below.

Date	Action(s)
June 28-29, 2012	Council meeting to review and approve changes to appear in Final Draft Delta Plan
July 2012	Anticipated release of Final Draft Delta Plan
August 2012	Recirculation of supplemental Delta Plan Draft PEIR volume with 45 day public comment period. Also commence APA/OAL process with 45 day public comment period
September/October 2012	Respond to comments on supplemental Delta Plan Draft PEIR and APA/OAL package
November /December 2012	Final PEIR considered by the Council for certification, Final Draft Delta Plan considered for adoption and use in final regulatory approval process

**List of Attachments**

- Attachment 1: Consent Checklist
- Attachment 2: Council Action Checklist
- Attachment 3: Proposed Motion

**Contact**

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