

Delta Plan Update

Summary: This memo summarizes the process for completing the Council's action on the Delta Plan and its implementing regulations. In November, the Council will release three products: its Final Draft Delta Plan; an additional volume of the Draft Programmatic Environmental Impact Report (PEIR), which supplements the already-circulated Draft PEIR; and the Notice of Proposed Rulemaking and draft regulations which will commence the State rulemaking process. This will begin two simultaneous 45-day public comment periods on the supplement to the draft PEIR and on the draft rules, respectively. Responses to comments and recommendations for final action will be prepared in the new year.

Background

The Purpose of this item is to update the Council on: 1) the status of the Final Draft Delta Plan; 2) recirculation of the Draft PEIR (as a supplemental volume of the Draft Programmatic Environmental Impact Report released in November 2011); and 3) commencement of the rulemaking process.

Final Draft Delta Plan

On September 13, 2012, staff presented a redline version of the proposed Final Draft Delta Plan to the Council to ensure that revisions had been prepared consistent with the direction of the Council. Preceding the September 13 meeting, Chair Isenberg and Vice Chair Fiorini completed an in-depth review of the proposed Final Draft Delta Plan to determine if staff changes were consistent with Council action. Following the Chair and Vice Chair's review, the proposed Final Draft Delta Plan was posted online on September 5, 2012. The version posted online contains Council-directed changes determined to be consistent with Council direction by the Chair and Vice Chair.

At the September 13, 2012 meeting, staff also presented an errata list to be used in preparation of the Final Draft Delta Plan. These errata consist of minor revisions to several policies and recommendations, grammatical corrections and revisions, and inclusion of several maps in Appendix K (Delta Communities) associated with Policy DP-P1.

On September 13, 2012, the Council concluded that revisions in the proposed Final Draft Delta Plan were consistent with Council direction as were changes included on the errata list. Subsequently, staff have been incorporating revisions and preparing the Final Draft Delta Plan which will be the basis for circulating an additional volume of the Draft PEIR and for the Notice of Proposed Rulemaking and draft regulations, which will commence the state rulemaking process.

Recirculated Draft PEIR

As discussed at previous Council meetings, California Environmental Quality Act (CEQA) reviews for the Final Draft Delta Plan will involve preparing and circulating for public review and comment an additional volume of the Program Environmental Impact Report (PEIR), which will supplement the already-circulated Draft PEIR.

The Final Draft Delta Plan will be analyzed in this additional volume as a new alternative titled the "Revised Project". This additional volume or "Recirculated Draft PEIR" will include an analysis of the potential for significant environmental impacts due to implementation of the Final Draft Delta Plan. The Recirculated Draft PEIR will be published this fall for a 45-day public comment period. Responses to comments received on the November 2011 Draft PEIR and the Recirculated Draft PEIR will be published in the Final PEIR in Spring 2013.

Rulemaking Process

The policies contained in the Final Draft Delta Plan will also serve as the basis for circulation of a Notice of Proposed Rulemaking and draft regulations, which will commence the state regulatory process. Additional opportunities for public comment will occur during a concurrent 45-day written comment period on the draft regulatory package and at a special rulemaking hearing to be scheduled at an upcoming Council meeting following close of the 45-day written comment period.

Next Steps

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

Date	Action(s)
Early Fall 2012	Anticipated release of the following documents: 1) Final Draft Delta Plan with errata 2) Recirculated Draft PEIR with 45 day public comment period 3) Commence Rulemaking process with 45-day public comment period
Winter 2012	Respond to comments on the Draft PEIR and the Recirculated Draft PEIR as part of preparing the Final PEIR. Conduct Rulemaking Hearing and respond to comments as part of preparing final regulatory package.

Spring 2013	<p>Council to consider the Final PEIR and the related Findings. Council will consider certification of the Final PEIR.</p> <p>Council to consider the comments received during the Rulemaking Process.</p> <p>Council to consider the Findings of the Final PEIR and results of the Rulemaking Process during consideration of adoption of the Final Draft Delta Plan.</p>
Summer 2013	<p>OAL to approve and Secretary of State to publish regulations based on adopted 2013 Delta Plan policies.</p>

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