

**California Code of Regulations, Title 23. Waters**  
**Division 6. Delta Stewardship Council**  
**Chapter 2. Consistency with Regulatory Policies Contained in the**  
**Delta Plan**  
**Article 1. Definitions, Section 5001. Definitions**  
**and**  
**Article 3. Consistency with the Regulatory Policies Contained in**  
**the Delta Plan, Section 5012. Prioritization of State Investments in**  
**Delta Levees and Risk Reduction**

**Notice of Proposed Rulemaking**

NOTICE IS HEREBY GIVEN that the Delta Stewardship Council (Council) proposes to amend California Code of Regulations, Title 23, Section 5012, *Prioritization of State Investments in Delta Levees and Risk Reduction*, to incorporate the Delta Levees Investment Strategy (DLIS). The Council also proposes to amend California Code of Regulations, Title 23, Section 5001 to add definitions for terms used in Delta Plan Policy RR P1. The Council will conduct a public hearing at the time and place noted below to consider approving for adoption the proposed amendments after considering comments, objections, and recommendations.

**Opportunity for Public Comment**

- Written Comment Period. Interested members of the public may provide comments by mail or by electronic submittal. The public comment period for this regulatory action will begin on July 5, 2019 and close on August 19, 2019. Any interested person, or her or his authorized representative, may submit written comments relevant to the proposed regulatory action. Submit written comments to:

Erin Mullin  
Delta Stewardship Council  
980 Ninth Street, Suite 1500  
Sacramento, CA 95814  
(916) 445-5471

- Electronic Submittal of Comments. Any interested person, or her or his authorized representative, may submit comments by electronic submittal on August 19, 2019. Electronic submittals of comments are preferred, and must be submitted to the following address to be considered:

[OAL\\_amendRRP1@deltacouncil.ca.gov](mailto:OAL_amendRRP1@deltacouncil.ca.gov)

- Public Hearing. The Council will conduct a public hearing at the time and location set forth below to consider approving for adoption the proposed amendments

after considering comments, objections, and recommendations. This hearing will be held in accordance with the requirements set forth in Government Code section 11346.8. Interested members of the public may present comments verbally or in writing at the hearing prior to the closing of the hearing.

**Date:** August 22, 2019

**Time:** This item will be considered at a regularly scheduled public meeting of the Council, which is anticipated to commence at 9:00 a.m. This item may be heard at any time during the regularly scheduled meeting. The public hearing item will remain open as long as attendees are presenting testimony. Please consult the agenda, which will be available at <http://deltacouncil.ca.gov> at least ten (10) days before August 22, 2019, to determine the time at which this item will be heard.

**Location:** Park Tower Plaza, 2<sup>nd</sup> Floor Conference Room, 980 Ninth Street, Sacramento, CA 95814

## Authority and Reference

Water Code sections 85210(i), 85210(h), and 85306 authorize the Council to adopt regulations or guidelines as needed to carry out its powers and duties relevant to this amendment. Water Code section 85210(i) authorizes the Council to adopt regulations or guidelines as needed to carry out its powers and duties; Water Code section 85210(h) grants the Council the power “to request reports from state, federal, and local governmental agencies on issues related to the implementation of the Delta Plan”; and Water Code section 85306 authorizes the Council, in consultation with the Central Valley Flood Protection Board (CVFPB), to recommend priorities for state investments in levee operation, maintenance, and improvements in the Delta. This action is proposed to implement, interpret, and make specific one or more of the following: sections 85020, 85022, 85054, 85057.5, 85225, 85300, 85305, 85306, 85307, and 85309 of the Water Code.

## Informative Digest

### Summary of Existing Laws and Regulations Related Directly to the Proposed Rulemaking

This proposed rulemaking action implements, interprets, and makes specific certain provisions of the Sacramento-San Joaquin Delta Reform Act of 2009 (Delta Reform Act) (Wat. Code, § 85000 *et seq.*). The Delta Reform Act requires the Council to adopt and implement a legally enforceable long-term management plan for the Sacramento-San Joaquin Delta (Delta) to further the “coequal goals” for the Delta of “providing a more reliable water supply for California and protecting, restoring, and enhancing the Delta ecosystem” to “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.” (Wat. Code, §§ 85001(c) and 85300(a); the coequal goals are set forth in Wat. Code, § 85054.) The Delta Plan also furthers the State of California (State) policies specified in Water Code sections 85020 through 85023 of the Delta Reform Act, which include: providing for the sustainable management of the Delta ecosystem, a more reliable water supply for the State of California (State), and protecting and enhancing the quality of water supply from the Delta, as well as reducing risks to people, property, and State

interests through appropriate land use and flood protection. State interests in the Delta include the economic and social well-being of Californians, environmental protection, use and conservation of resources, public access and recreation, habitat restoration and enhancement, water quality, and flood protection.<sup>1</sup>

Pursuant to the Reform Act, the Council adopted the Delta Plan as a comprehensive, long-term management plan for the Delta. The Delta Plan provides guidance and recommendations to state and local agencies on actions they may take to further the coequal goals for the Delta and implement the subgoals and strategies for the Delta set forth in the Delta Reform Act. (Wat. Code, §§ 85059 and 85300.) The Delta Plan also includes regulatory policies with which State and local public agencies are required to comply. (Wat. Code, § 85210(i).) The Reform Act also grants the Council regulatory and appellate authority over certain actions that take place in whole or in part in the Delta and Suisun Marsh, which are referred to as “covered actions”; State and local agencies are required to demonstrate consistency with the applicable regulatory policies (which are incorporated into the Delta Plan) when carrying out, approving, or funding a covered action. (Wat. Code, §§ 85022(a) and 85057.5.)

The Delta Reform Act also requires the Delta Plan to attempt to reduce risks to people, property, and State interests in the Delta by promoting effective emergency preparedness, appropriate land uses, and strategic levee investments (Wat. Code, § 85305(a)); and to recommend priorities for State investment in levee operation, maintenance, and improvements in the Delta, including both project levees (which are a part of the State Plan of Flood Control), and nonproject levees (which are not a part of the State Plan of Flood Control) (Wat. Code, § 85306).

### **Overview of the Objectives of the Regulatory Amendment**

The Delta is the largest estuary on the west coast of the Americas and is the hub of the State's major water supply systems. The Delta is home to about 500,000 people and comprises approximately 1,300 square miles of low-lying, flood-prone lands bound by 1,100 miles of levees. Before the Delta was modified by levees and other human structures, the natural flows of the San Joaquin and Sacramento rivers overflowed the Delta's low-lying islands and floodplains for long periods each spring. Today, flooding of the Delta's complex labyrinth of islands and waterways is prevented by levees.

The Suisun Marsh, located immediately downstream from the Delta and north of Grizzly Bay, is the largest contiguous brackish wetland on the west coast of North America. The Suisun Marsh is a critical part of the San Francisco Bay-Delta estuary ecosystem encompassing 116,000 acres, including 52,000 acres of managed wetlands, 30,000 acres of bays and sloughs, 27,700 acres of uplands, and 6,300 acres of tidal wetlands. Suisun Marsh includes about 230 miles of levees that reduce flood risk and help manage flows for wetlands, but only about 80 miles of these levees protect Delta water quality and terrestrial and aquatic habitat of statewide importance.<sup>2</sup>

The Delta and Suisun Marsh levees reduce flood risk to people, property, water supply, the Delta ecosystem, and infrastructure of statewide importance. However, levee failure

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<sup>1</sup> Delta Stewardship Council (Council). 2013. The Delta Plan: Ensuring a reliable water supply for California, a healthy Delta ecosystem, and a place of enduring value. May 2013.

<sup>2</sup> Council. 2017. Delta Levees Investment Strategy. Final Report. July 2017. p. 1.

(such as a levee breach) can cause catastrophic flooding, and can potentially cause injury or loss of life, disrupt water supplies, and possibly damage property, infrastructure, and environmental resources of importance to the entire State. Though levee maintenance and improvements over the past three decades have reduced the frequency of levee failures, the State does not have a comprehensive method to prioritize its investments in operations, maintenance, and improvement projects for levees in the Delta and Suisun Marsh. Without a prioritization methodology, the apportionment of public resources into levees may not occur in a manner that reflects a broader, long-term approach.<sup>3</sup>

To guide discretionary State investments in Delta flood risk management prior to the completion and adoption of the updated priorities developed pursuant to Water Code section 85306 (which are included in this amendment), the Council adopted Policy RR P1, *Prioritization of State Investments in Delta Levees and Risk Reduction*, included in the 2013 Delta Plan and codified in California Code of Regulations, Title 23, Section 5012 (hereafter Section 5012), which set forth interim priorities for State investments in levee operation, maintenance, and improvements.

In addition, the 2013 Delta Plan described a framework for the Delta Levees Investment Strategy (DLIS) to adequately assess Delta flood risk and included recommendations to: assess existing Delta levee conditions; develop an economics-based risk analysis for each Delta tract and island; conduct ongoing Delta flood risk analyses in an open manner for the public; and develop an updated understanding of Delta hydrology.

In 2014, the Council began formulating a comprehensive analysis of State interests and risks in the Delta. The analysis began with the development of the document: *State Investment in Delta Levees: Key Issues*,<sup>4</sup> which summarizes relevant statutes, and key issues to consider in developing updates priorities for State investment in Delta levees. Following a workshop with nationally recognized flood management experts, Council staff drafted the *Delta Flood Management Investment Principles*.<sup>5</sup> These documents informed the Council's draft methodology that would be the foundation of the DLIS. The documents were reviewed by an independent scientific panel in the summer of 2015. In addition to the independent peer review, the Council deployed an extensive public engagement process in developing its methodology. Council staff hosted over 70 workshops and public meetings with Delta residents, reclamation district engineers, water supply and ecosystem interests, and other Delta stakeholders.

The Council completed DLIS in 2017 to establish a comprehensive method to identify funding priorities for State investments in the Delta levee system for reducing the likelihood and consequences of levee failures to protect people, property, and State interests, while advancing the coequal goals. The DLIS combined risk analysis, economics, engineering, and decision-making techniques to identify funding priorities and assemble a comprehensive investment strategy for Delta levees. By applying the risk analysis methodology, the Council established a three-tiered priority list of tracts

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<sup>3</sup> Council. 2013. The Delta Plan: Ensuring a reliable water supply for California, a healthy Delta ecosystem, and a place of enduring value. May 2013. p. 271.

<sup>4</sup> Council. 2015. State Investments in Delta Levees. Key Issues for Updating Priorities. January 2015

<sup>5</sup> Council. 2015. Delta Flood Management Investment Strategy Principles Approved as Interim Guidance on July 24, and August 27, 2015.

and islands – Very-High Priority, High Priority, and Other Priority– for State investments in levee improvements for Delta islands.

At its April 26, 2018 meeting, the Council adopted Resolution 2018-1 (Resolution) for “Certification of the Delta Plan Amendments Program Environmental Impact Report; Adoption of Findings and a Statement of Overriding Considerations, Mitigation Measures, and a Mitigation Monitoring and Reporting Program; and Adoption of the Delta Plan Amendments.”<sup>6</sup> In the Resolution, the Council (among other things) adopted revisions to its policy set forth in Section 5012, adopted amendments to Chapter 7 of the Delta Plan (*Reduce Risk to People, Property, and State Interests in the Delta*)<sup>7</sup> to be consistent with the revised policy, certified the Environmental Impact Report for the Delta Plan Amendments,<sup>8</sup> and directed the initiation of this rulemaking process to amend Section 5012 and Section 5001.

The current Section 5012 reflects the interim priorities for the apportionment of public resources into levees, adopted in 2013. The proposed amendment would modify the existing Section 5012 to prioritize investment in levees to ensure that the limited public funds available are expended first for improvements that are most critical to protect lives, property, and State interests. In addition, Section 5001 would be amended to add new definitions for terms used in the revised Section 5012.

### **Environmental Review**

The adopted Resolution certified that the Environmental Impact Report (EIR) for the Delta Plan Amendments was prepared in compliance with the requirements of the California Environmental Quality Act (Public Resources Code section 21080.5 et seq. (CEQA)) and approved the Delta Plan Amendments. The Delta Plan Amendments included “pursuant to section 85305 and 85306 of the Water Code, updated and new Delta Plan recommendations and regulations regarding strategic investment in Delta levees for risk reduction, and emergency preparedness, response and recovery, all based on best available science, including repealing interim Delta Plan policy RR P1 and adopting new Delta Plan policy RR P1, referred to as the Delta Levee Invest and Risk Reduction Strategy (“DLIS”).” The DLIS priorities adopted in the Delta Plan Amendments and certified in the EIR are the same as in this proposed amendment. The proposed amendment is within the scope of the project analyzed in the certified EIR and approved by the Council in the Resolution, and the EIR adequately describes the proposed amendment for purposes of CEQA.

### **Summary of the Effect of the Proposed Amendment**

The Council proposes to amend section 5012 to carry out the legislative requirement that the Council adopt a legally enforceable long-term management plan for the Delta

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<sup>6</sup> Council. 2018. Resolution 2018-1. Certification of the Delta Plan Amendments Program Environmental Impact Report; Adoption of Findings and a Statement of Overriding Considerations, Mitigation Measures, and a Mitigation Monitoring and Reporting Program; and Adoption of the Delta Plan Amendments. April 26, 2018. Available at: <http://deltacouncil.ca.gov>

<sup>7</sup> Council. 2018. Delta Plan Amendments. April. Available at: <http://deltacouncil.ca.gov>

<sup>8</sup> Council. 2018. Delta Plan Amendments Final Program Environmental Impact Report. April. Available at: <http://deltacouncil.ca.gov>

and to carry out the legislative intent of achieving the coequal goals<sup>9</sup> and objectives specified in Water Code sections 85054, 85020 through 85023, and 85306. Specifically, for Water Code section 85306, the Legislative requirement directs the Council, in consultation with the Central Valley Flood Protection Board, to recommend priorities for State investments in levee operation, maintenance, and improvements in the Delta. The Delta Reform Act states that, inherent in the coequal goals for management of the Delta, the policy of the State is to achieve the objective of reducing risks to people, property, and State interests in the Delta through effective emergency preparedness, appropriate land uses, and investments in flood protection (Wat. Code §85305).

The proposed amendment to Section 5012 is necessary to ensure that state-funded improvements to Delta levees are based on updated priorities to reduce the likelihood and consequences of levee failures, and to protect people, property, and State interests, while advancing the coequal goals.

In addition, Section 5001 must be amended to include new terms associated with the proposed amendment to Section 5012.

### Policy Statement Overview

A key objective of the Delta Reform Act is to “reduce risks to people, property, and State interests in the [Sacramento – San Joaquin] Delta by promoting effective emergency preparedness, appropriate land use, and strategic levee investments.” (Water Code section 85305). This must be carried out in a manner that advances the state’s coequal goals for the Delta of: “...providing a more reliable water supply for California and protecting, restoring and enhancing the Delta ecosystem,” achieved in a manner that protects and enhances the “unique cultural, recreational, natural resource, and agricultural values of the Delta as an evolving place.” (Public Resources Code section 85054.)

### Objectives and Benefits

The Delta Reform Act explicitly sets State of California policy for the Delta, including a specific policy in Water Code section 85020 for achieving the following objectives inherent in the coequal goals for the 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.

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<sup>9</sup> In addition, the Council adopted Resolution 2018-1 in April 2018, which determined that implementation of the proposed amendment is necessary to achieve the coequal goals as enumerated in the Delta Reform Act and to be consistent with the amended Delta Plan.

- (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.

Public funds currently available for flood management are not sufficient to significantly raise the level of flood protection throughout the Delta to the levels called for by local agencies and prior State plans. The State remains the primary source of funding for flood protection. Spreading inadequate funding thinly throughout the Delta cannot address the serious flood risks to State interests in the Delta. Lacking a strategy to systematically guide levee investments in the Delta toward islands and tracts that represent the greatest risks to people, property, and State interests, California is challenged to meet the risk reduction objectives of the Delta Reform Act in a manner that advances the coequal goals.

**Objective (Goal)** – The broad objectives of this proposed regulatory action are to achieve the requirements of the Delta Reform Act by:

- Setting priorities for strategic Delta levee investments that maximize protection of people, property, and State interests;
- Requiring the State to first invest public resources in Delta levees with greatest potential to protect people, property, and State interests, before investing public resources in Delta levees with lower potential to achieve these objectives; and
- Increasing public awareness of how State expenditures maximize public safety and protect State interests in the Delta.

**Benefits** – The anticipated benefits, including any nonmonetary benefit to the protection of public health and safety of California residents, worker safety, and the State’s environment, from this proposed regulatory action are:

- Reduced risk of damage to property and infrastructure, including reduced cost to repair failed levees (11 Very-High Priority or High Priority islands and tracts with expected annual damages (EAD) greater than \$3.5 million per year (at least 80 percent of Delta-wide EAD));
- Reduced annual risk of fatalities from a levee failure (11 Very-High Priority or High Priority islands and tracts with an expected annual fatality (EAF) greater than 0.24 lives per year (at least 90 percent of Delta-wide EAF));
- State water supply reliability benefits (22 Very-High Priority or High Priority water supply islands and tracts with a probability of flooding greater than 0.5 percent per year (1-in-200-year probability));
- “Delta as a Place” benefits from cultural, recreational, and natural resource, and

agricultural qualities that distinguish the Delta; and

- Improving transparency and public awareness of State levee funding decisions.

### **Consistency with Existing State Laws and Regulations**

Pursuant to Government Code section 11346.5(a)(3)(D), the Council evaluated the proposed amendment to determine whether it is inconsistent or incompatible with existing State regulations and concluded that the proposed amendment is neither inconsistent nor incompatible with existing State regulations.

### **Substantial Differences from Existing, Comparable Federal Regulations or Statutes**

There are no federal regulations or statutes that address the specific subject addressed by the proposed regulations.

### **Documents Incorporated by Reference**

Maps showing the proposed DLIS priority designation for each island and tract in the Delta and Suisun Marsh, which are set forth in proposed Table 1 of proposed Section 5012, are incorporated by reference into Section 5012 as Appendix P to the Delta Plan. All other regulatory provisions of Section 5001 and Section 5012 are within the body of the proposed regulations.

### **Mandated by Federal Law or Regulations**

The proposed amendments to Section 5001 and Section 5012 are not mandated by federal law or regulations.

### **Other Statutory Requirements**

None.

### **Fiscal Impact/Local Mandate Determination Regarding the Proposed Action**

Pursuant to Government Code 11346.5(a)(5) and 11346.5(a)(6), the Council has made a preliminary determination that the proposed amendment to Section 5012 could create costs or savings to any State agency (see Sections 11 and 12 of Attachment 1 to the ISOR). The Council has determined that the proposed amendment would not create costs to or mandates to any local agency or school district, whether or not reimbursable by the State pursuant to Government Code, title 2, division 4, part 7 (commencing with section 17500), or other nondiscretionary cost or savings to State or local agencies. The Council has determined that the proposed amendment would not create costs or savings in federal funding to the State.

### **Fiscal Impact to Local Government**

The proposed amendment to Section 5001, which adds definitions for terms used in proposed Section 5012, would not cause any direct or indirect economic or fiscal impacts to local agencies. The proposed amendments to Section 5012 would not impose fiscal costs on local governments.

### **Fiscal Impact on State Government**

The proposed amendment to Section 5001, which adds definitions for terms used in proposed Section 5012, would not cause any direct or indirect economic or fiscal

impacts to state agencies. Any fiscal impacts related to these definitions would be caused by proposed amendments to Section 5012, where these terms are applied.

The Council estimates that that the proposed amendments will create fiscal costs to State agencies of approximately \$368,000 per year. The California Department of Water Resources (DWR) would be required to prepare and submit an annual report to the Council describing Delta levee investments, and if necessary, justifying why funding decisions deviated from the priorities in the proposed amendment. The Council would be required to review the annual report prepared by DWR. The additional cost of preparing an annual report is generally moderate and can be completed by existing staff that are familiar with Delta levee investments and the Delta Plan; thus, it is likely these additional costs would be absorbed within existing DWR and Council budgets. This estimate is based on analysis in the *Economic and Fiscal Impact Analysis of Proposed Amendments to Prioritization of State Investments in Delta Levees and Risk Reduction* (EFIA) pursuant to Government Code section 11346.3(b)(1)(A)-(D), which is included as Attachment 1 to the Initial Statement of Reasons and summarized in the Form 399: *Economic and Fiscal Impact Statement*.

## **Significant Statewide Adverse Economic Impact Directly Affecting Business, Including the Ability to Compete**

The Council has made an initial determination that the proposed amendment to sections 5001 and 5012 would not have a significant statewide adverse economic impact directly affecting businesses, including the ability of California businesses to compete with businesses in other states.

## **Statement of the Results of the Economic Impact Assessment**

Pursuant to Government Code 11346.3(b), the Council has prepared an Economic and Fiscal Impact Analysis of Proposed Amendments to Prioritization of State Investments in Delta Levees and Risk Reduction (EFIA), Attachment 1 to the Initial Statement of Reasons to this rulemaking, of the proposed amendment. Based on the analysis and supporting information provided in the EFIA, the Council makes the following initial determinations:

- The proposed amendment would not affect the creation or elimination of jobs within California.
- The proposed amendment would not affect the creation of new businesses or elimination of existing businesses within California.
- The proposed amendment would not affect the expansion of businesses currently doing business within the State.
- The benefits of the regulation to the health and welfare of California residents, worker safety, and the State's environment are as follows:
  - Reduced risk of damage to property and infrastructure, including reduced cost to repair failed levees;
  - Reduced annual risk of fatalities from a levee failure;
  - State water supply reliability benefits;

- Ecosystem/habitat benefits; and
- “Delta as a Place” considerations<sup>10</sup>.

## **Description of Costs Impact on Representative Private Person or Businesses**

The requirements of the amended regulations apply to State agencies – they do not apply to representative persons or businesses. The Council is not aware of any cost impacts that a representative private person or business would necessarily incur in reasonable compliance with the proposed amendment to sections 5001 and 5012.

### **Business Reporting Requirements**

The administrative requirements of the amended regulations would not apply to businesses.

### **Small Business**

The direct cost of the proposed amendment would fall on State agencies, not on businesses. Therefore, it would have no direct effect on businesses, including small businesses. Based on the analysis and supporting information provided in the EFIA (Attachment 1 to the Initial Statement of Reasons), the Council makes an initial determination that any potential indirect effects on small businesses would be insignificant.

### **Housing Costs**

Based on the analysis and supporting information provided in the EFIA (Attachment 1 to the Initial Statement of Reasons), the proposed amendment would not have a significant effect on housing costs. The proposed amendments could shift the distribution of benefits from levee investment within the Delta, indirectly affecting land values either positively or negatively. As analyzed in the EFIA, any overall effect on housing costs would be insignificant.

### **Consideration of Alternatives**

The Council must determine that no reasonable alternative considered or that has otherwise been identified and brought to its attention would be more effective in carrying out the purpose for which the action is proposed, would be as effective and less burdensome to affected private persons than the proposed action, or would be more cost-effective to affected private persons and equally effective in implementing the statutory policy or other provision of law.

The Council has prepared an Initial Statement of Reasons that contains an analysis of alternatives considered and rejected due to reasons as described. Interested persons may present statements or arguments with respect to alternatives to the proposed regulations at the scheduled hearing or during the written comment period.

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<sup>10</sup> For example, legacy communities, recreation, and prime agriculture.

## Contact Persons

Inquiries concerning the proposed administrative action may be directed to:

Erin Mullin  
Delta Stewardship Council  
980 Ninth Street, Suite 1500  
Sacramento, CA 95814  
(916) 445-5459  
[erin.mullin@deltacouncil.ca.gov](mailto:erin.mullin@deltacouncil.ca.gov)

Anthony Navasero  
Delta Stewardship Council  
980 Ninth Street, Suite 1500  
Sacramento, CA 95814  
(916) 445-5471  
[anthony.navasero@deltacouncil.ca.gov](mailto:anthony.navasero@deltacouncil.ca.gov)

All comments must be submitted as set forth in “Opportunity for Public Comment” section, above.

## Availability Statements

The following materials are available for public review throughout the public comment period:

- Text of Proposed Amendment to Existing Regulation
- Notice of Proposed Rulemaking
- Initial Statement of Reasons
- Attachment 1 to Initial Statement of Reasons – Economic and Fiscal Impact Analysis of Proposed Amendments to Prioritization of State Investments in Delta Levees and Risk Reduction
- Form 400 (Notice Publications / Regulation Submission)
- Form 399 (Economic and Fiscal Impact Statement)
- Information upon which proposed amendment is based, including
  - Comparison of PL 84-99 Analyses Delta Levees Investment Strategy (DLIS) Technical memorandum. Delta Stewardship Council (Council), 2017.
  - Economic Sustainability Plan for the Sacramento-San Joaquin Delta. Delta Protection Commission, 2012.
  - Delta Flood Management Investment Strategy Principles. Council, Approved as Interim Guidance on July 24, and August 27, 2015.
  - Delta Levees Investment Strategy Issue Paper. Council, 2015.
  - Delta Levees Investment Strategy Final Report, Council, 2016.
  - DLIS MOU and Joint Implementation Plan. Council, June 22, 2017 Meeting.
  - The Delta Plan: Ensuring a reliable water supply for California, a healthy Delta ecosystem, and a place of enduring value. Council, 2013.
  - Delta Plan Program Environmental Impact Report. Council, 2013.
  - Delta Plan Amendments. Council, April 2018.
  - DLIS Risk Analysis Methodology Report. Council, Revised June 2017.
  - DLIS: Sea Level Rise Methodology. Council, 2015.

- Delta Reclamation District Financing and Budgets. Council, 2015.
- Delta Risk Management Strategy, Phase 1. Risk Report: Section 2. DWR, 2009.
- Discussion Draft of Potential Revisions to Chapter 7 Policies and Recommendations. Council, March 23, 2017 Meeting.
- Draft Report: Earthquakes and High Water as Levee Hazards in the Sacramento-San Joaquin Delta. Delta Independent Science Board (Delta ISB), 2016.
- Final: Levee Related Habitat Review Issue Paper. Council, 2015.
- Inspection and Local Maintaining Agency Report of the Central Valley State-Federal Flood Protection System. DWR, 2013.
- Map of the Sacramento-San Joaquin Delta. Council, 2014.
- Map of the Sacramento-San Joaquin Delta and Suisun Marsh prepared by the Flood SAFE Environmental Stewardship and Statewide Resources Office (FESSRO). DWR, 2013.
- Reclamation District Ability to Pay (ATP) Analysis Technical memorandum. Council, 2017.
- Resolution 2018-1. Certification of the Delta Plan Amendments Program Environmental Impact Report, Adoption of Findings and a Statement of Overriding Considerations, Mitigation Measures, and a Mitigation Monitoring and Reporting Program, and Adoption of the Delta Plan Amendments. Council, April 26, 2018.
- Review Technical Memoranda from Delta Levee Prioritization Methodology Peer Review Meeting. Council, May 19-20, 2015.
- Revisions to Current DLIS Amendment. Council, March 23, 2017 Meeting.
- Sacramento-San Joaquin Delta Atlas. DWR, 1995.
- State Investments in Delta Levees. Key Issues for Updating Priorities. Council, 2014.
- State Investments in Delta Levees. Key Issues for Updating Priorities. Council, 2015.
- Suisun Marsh Properties Map. Suisun Marsh RCD, 2015.
- Final Statement of Reasons (upon completion)
- Final Text of Regulation (upon completion)

These materials may be viewed as follows:

- By visiting the Council's website (<http://deltacouncil.ca.gov>); or
- By arranging an in-person review. Please contact Erin Mullin for arrangements (contact information provided above).

After holding the hearing and considering all timely and relevant comments received, the Council may adopt the proposed amendment as described in this notice. If the Council makes modifications which are sufficiently related to the originally proposed text, it will make the modified text (with the changes clearly indicated) available to the public for at least 15 days before the Council adopts the regulations as revised. Please send requests for copies of any modified regulations to the attention of Erin Mullin at the address indicated above. The Council will accept written comments on the modified regulations for 15 days after the date on which they are made available to the public.

### **Final Statement of Reasons**

The Final Statement of Reasons will be posted on <http://deltacouncil.ca.gov>. If the amendment is approved by the Office of Administrative Law, the date the regulation is filed with the Secretary of State and the effective date of the regulations will also be posted on the Council's website.

### **Internet Access**

All materials published or distributed by the Council are available at its internet website at <http://deltacouncil.ca.gov>.

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