

Project Name:	LSJ/DS RFMP	Date:	2/5/14 9a-10:30a
Meeting Subject:	Delta Stewardship Council Meeting	Project No.:	
Location:	SJAFCA Conference Room	Page:	1
Notes by:	Jesse Patchett		

Attendees:	Gemma Biscocho	Cindy Messer		
	Jesse Patchett			
	Jessica Davenport			
	You Chen (Tim) Chao			

Purpose:

This meeting was held at the request of Tim Chao with the Delta Stewardship Council (DSC) in response to their review of the LSJ/DS RFMP. The DSC recently met with the Lower Sacramento/Delta North RFMP Team, and is looking for ways to be involved in the LSJ/DS RFMP.

Discussion:

A brief overview of the Delta Plan was provided by the DSC (see attached materials provided). This was followed by a discussion of the RFMP. It was noted the RFMP is being led by the RFMP Team (SJAFCA, PBI, and several other consultants) to capture key flood risk challenges in the Regions and describe the local's long-term vision for flood risk reduction.

Questions/Comments:

DSC inquired how they could get involved in the LSJ/DS RFMP process. DSC was directed to our outreach consultant to get on the mailing list, and the RFMP website where meeting minutes and RFMP documents are uploaded regularly. Information on the Coordinating Committee and TAC were also provided.

DSC asked what our vision was for promoting ecosystem/habitat restoration in the RFMP. It was noted that the RFMP is being led by the locals, and specifically officials who are responsible for leading/implementing flood system improvements in the LSJ/DS Regions. DSC was advised that during our first round of small group meetings, ecosystem/habitat restoration were identified as coincident objectives if they could be feasibly completed as part of an identified flood project. Standalone eco/habitat projects are not goals of the RFMP as determined by the LSJ/DS Regions.

DSC presented an exhibit from the Delta Plan which illustrates Priority Habitat Restoration Areas, and inquired if projects were identified for these areas, if modifications could be made to incorporate these areas, or at least identify projects that would not preclude future ecosystem restoration actions. It was noted by the RFMP Team that many of the areas hatched are privately owned, and therefore the RFMP Team could not make these decisions. If single-purpose flood system projects are identified that are financially infeasible for LMAs to implement, ecosystem restoration components – along with ecosystem funding elements – could potentially be considered by individual LMAs/property owners in weighing the advantages/disadvantages of incorporating such components.

Paradise Cut was also discussed. It was noted that in the small group meetings, Paradise Cut had strong support, and strong opposition within the LSJ/DS Regions. Information on the Paradise Cut Symposium, as well as the information available on the RFMP website was discussed.

Finally, DSC mentioned they are beginning work on a Levee Prioritization Study for levees in the legal Delta. This work is being funded by DWR. This study is intended to recommend priorities for State investments in levee operation, maintenance and improvements in the Delta by early 2015. Additionally, this Study includes a task to analyze and determine cost allocations for all entities who benefit from flood protection provided by levees. This analysis would support the Delta Plan's recommendation that the Legislature establish a Delta Flood Risk Management Assessment District with fee assessment authority to recover costs from all such beneficiaries and would support a feasibility study proposed by the Delta Protection Commission for creating such an assessment district.

Action Items:

- DSC to provide additional information on the Levee Prioritization Study
- RFMP Team to stay engaged in Levee Prioritization Study developments

Delta Plan Policies

The Delta Plan contains a set of regulatory policies that will be enforced by the Delta Stewardship Council's appellate authority and oversight, described in Chapter 2.

POLICY NUMBER	SHORT TITLE	POLICY LANGUAGE
Chapter 2		
G P1 (23 CCR Section 5002)	Detailed Findings to Establish Consistency with the Delta Plan	(a) This policy specifies what must be addressed in a certification of consistency filed by a State or local public agency with regard to a covered action. This policy only applies after a "proposed action" has been determined by a State or local public agency to be a covered action because it among other things is covered by one or more of the policies contained in Article 3. Inconsistency with this policy may be the basis for an appeal. (b) Certifications of Consistency must include detailed findings that address each of the following requirements: 1. Covered actions, in order to be consistent with the Delta Plan, must be consistent with this regulatory policy and with each of the policies contained in Article 3 implicated by the covered action. The Delta Stewardship Council acknowledges that in some cases, based upon the nature of the covered action, full consistency with all relevant regulatory policies may not be feasible. In those cases, the agency that files the certification of consistency may nevertheless determine that the covered action is consistent with the Delta Plan because on whole, that action is consistent with the coequal goals. That determination must include a clear identification of areas where consistency with relevant regulatory policies is not feasible, an explanation of the reasons why it is not feasible, and an explanation of how the covered action nevertheless, on whole, is consistent with the coequal goals. That determination is subject to review by the Delta Stewardship Council on appeal. 2. Covered actions not exempt from CEQA must include applicable feasible mitigation measures identified in the Delta Plan's Program EIR (unless the measure(s) are within the exclusive jurisdiction of an agency other than the proposing agency), or substitute mitigation measures that the proposing agency finds are equally or more effective. 3. As relevant to the purpose and nature of the project, all covered actions must document use of best available science. 4. Ecosystem restoration and water management covered actions must include adequate provisions, appropriate to the scope of the covered action, to assure continued implementation of adaptive management. This requirement shall be satisfied through both of the following: A. An adaptive management plan that describes the approach to

POLICY NUMBER	SHORT TITLE	POLICY LANGUAGE
		be taken consistent with the adaptive management framework in Appendix 1B, and B. Documentation of access to adequate resources and delineated authority by the entity responsible for the implementation of the proposed adaptive management process. (c) A conservation measure proposed to be implemented pursuant to a natural community conservation plan or a habitat conservation plan that was: 1. Developed by a local government in the Delta, and; 2. Approved and permitted by the Department of Fish and Wildlife prior to the date of the Delta Plan's adoption Is deemed to be consistent with Sections 5005 through 5009 of this chapter if the certification of consistency filed with regard to the conservation measure includes a statement confirming the nature of the conservation measure from the Department of Fish and Wildlife.

Chapter 3

WR P1 (23 CCR Section 5003)	Reduce Reliance on the Delta through Improved Regional Water Self Reliance	(a) Water shall not be exported from, transferred through, or used in the Delta if all of the following apply: (1) One or more water suppliers that would receive water as a result of the export, transfer or use have failed to adequately contribute to reduced reliance on the Delta and improved regional self-reliance consistent with all of the requirements listed in paragraph (1) of subsection (c); (2) That failure has significantly caused the need for the export, transfer or use; and (3) The export, transfer, or use would have a significant adverse environmental impact in the Delta. (b) For purposes of Water Code Section 85057.5(a)(3) and Section 5001(j)(1)(E) of this Chapter, this policy covers a proposed action to export water from, transfer water through, or use water in the Delta, <u>but does not cover any such action unless one or more water suppliers would receive water as a result of the proposed action.</u> (c) (1) Water suppliers that have done all of the following are contributing to reduced reliance on the Delta and improved regional self-reliance and are therefore consistent with this policy: (A) Completed a current Urban or Agricultural Water Management Plan (<u>Plan</u>) which has been reviewed by the Department of Water Resources for compliance with the applicable requirements of Water Code Division 6, Parts 2.55, 2.6, and 2.8; (B) Identified, evaluated and commenced implementation ,consistent with the implementation schedule set forth in the management <u>Plan</u>, of all programs and projects <u>included in the Plan</u> that are locally cost effective and technically feasible which reduce reliance on the Delta; and, (C) Included in the <u>Plan</u>, commencing in 2015, the expected outcome for measurable reduction in Delta reliance and improvement in regional self-reliance. <u>The expected outcome for measurable reduction in Delta reliance and improvement in</u>
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POLICY NUMBER

SHORT TITLE

POLICY LANGUAGE

regional self-reliance shall be reported in the Plan as the reduction in the amount of water used, or in the percentage of water used, from the Delta watershed. For the purposes of reporting, water efficiency is considered a new source of water supply, consistent with Water Code Section 1011(a).

- (2) Programs and projects that reduce reliance could include, but are not limited to, improvements in water use efficiency, water recycling, storm water capture and use, advanced water technologies, conjunctive use projects, local and regional water supply and storage projects, and improved regional coordination of local and regional water supply efforts.

WR P2 (23 CCR Section 5004) Transparency in Water Contracting

- (a) The contracting process for water from the State Water Project (SWP) and/or the Central Valley Project (CVP) must be done in a publicly transparent manner consistent with applicable policies of the Department of Water Resources and the Bureau of Reclamation referenced below.
- (b) For purposes of Water Code section 85057.5(a)(3) and Section 5001(j)(1)(E) of this Chapter, this policy covers the following:
- (1) With regard to water from the State Water Project, a proposed action to enter into or amend a water supply or water transfer contract subject to Department of Water Resources Guidelines 03-09 and/or 03-10 (each dated July 3, 2003), which are attached as Appendix 2A; and,
- (2) With regard to water from the Central Valley Project, a proposed action to enter into or amend a water supply or water transfer contract subject to Section 226 of P.L. 97-293, as amended or Section 3405(a)(2)(B) of the Central Valley Project Improvement Act, Title XXXIV of Public Law 102-575, as amended, which are attached as Appendix 2B, and Rules and Regulations promulgated by the Secretary of the Interior to implement these laws.

NOTE: Authority cited: Section 85210(i), Water Code.

Reference: Sections 85020, 85021, 85300 and 85302, Water Code.

Chapter 4

ER P1 (23 CCR Section 5005) Update Delta Flow Objectives

- (a) The State Water Resources Control Board's Bay Delta Water Quality Control Plan flow objectives shall be used to determine consistency with the Delta Plan. If and when the flow objectives are revised by the State Water Resources Control Board, the revised flow objectives shall be used to determine consistency with the Delta Plan.
- (b) For purposes of Water Code section 85057.5(a)(3) and Section 50031(j)(1)(E) of this Chapter, the policy set forth in subsection (a) covers a proposed action that could significantly affect flow in the Delta.

ER P2 (23 CCR Section 5006) Restore Habitats at Appropriate Elevations

- (a) Habitat restoration must be carried out consistent with Appendix 3, which is Section II of the Draft Conservation Strategy for Restoration of the Sacramento-San Joaquin Delta Ecological Management Zone and the Sacramento and San Joaquin Valley Regions (Department of Fish and Wildlife 2011). The elevation map attached as Appendix 4 should be used as a guide for determining appropriate habitat restoration actions based on an area's elevation. If a proposed habitat restoration action is not consistent with Appendix 4, the proposal shall provide rationale for the deviation based on best available science.
- (b) For purposes of Water Code Section 85057.5(a)(3) and Section 5001(j)(1)(E) of this Chapter, this policy covers a proposed action that

POLICY NUMBER	SHORT TITLE	POLICY LANGUAGE
		includes habitat restoration.
ER P3 (23 CCR Section 5007)	Protect Opportunities to Restore Habitat	(a) Within the priority habitat restoration areas depicted in Appendix 5, significant adverse impacts to the opportunity to restore habitat as described in Section 5006, must be avoided or mitigated. (b) Significant impacts referenced in subsection (a) will be deemed to be avoided or mitigated if the project is designed and implemented so that it will not preclude or otherwise interfere with the ability to restore habitat as described in Section 5006. (c) Mitigation shall be determined, in consultation with the Department of Fish and Wildlife, considering the size of the area impacted by the covered action and the type and value of habitat that could be restored on that area, taking into account existing and proposed restoration plans, landscape attributes, the elevation map shown in Appendix 4 and other relevant information about habitat restoration opportunities of the area. (c) For purposes of Water Code Section 85057.5(a)(3) and Section 5001(j)(1)(E) of this Chapter, this policy covers proposed actions in the priority habitat restoration areas depicted in Appendix 5. It does not cover proposed actions outside those areas.
ER P4 (23 CCR Section 5008)	Expand Floodplains and Riparian Habitats in Levee Projects	(a) Levee projects must evaluate and where feasible incorporate alternatives, including the use of setback levees, to increase floodplains and riparian habitats. Evaluation of setback levees in the Delta shall be required only in the following areas (shown in Appendix 8): (1) The Sacramento River between Freeport and Walnut Grove, the San Joaquin River from the Delta boundary to Mossdale, Paradise Cut, Steamboat Slough, Sutter Slough; and the North and South Forks of the Mokelumne River, and (2) Urban levee improvement projects in the cities of West Sacramento and Sacramento. (b) For purposes of Water Code Section 85057.5(a)(3) and Section 5001(j)(1)(E) of this Chapter, this policy covers a proposed action to construct new levees or substantially rehabilitate or reconstruct existing levees.
ER P5 (23 CCR Section 5009)	Avoid Introductions of and Habitat Improvements for Invasive Nonnative Species	(a) The potential for new introductions of, or improved habitat conditions for, nonnative invasive species, striped bass, or bass must be fully considered and avoided or mitigated in a way that appropriately protects the ecosystem. (b) For purposes of Water Code Section 85057.5(a)(3) and Section 5001(j)(1)(E) of this Chapter, this policy covers a proposed action that has the reasonable probability of introducing, or improving habitat conditions for, nonnative invasive species.
Chapter 5		
DP P1 (23 CCR Section 5010)	Locate New Urban Development Wisely	(a) New residential, commercial, and industrial development must be limited to the following areas, as shown in Appendix 6 and Appendix 7: (1) Areas that city or county general plans as of the date of the Delta Plan's adoption, designate for residential, commercial, and industrial development in cities or their spheres of influence; (2) Areas within Contra Costa County's 2006 voter-approved urban limit line, except no new residential, commercial, and industrial development may occur on Bethel Island unless it is consistent with the Contra Costa County general plan effective as of the date of the Delta Plan's adoption; (3) Areas within the Mountain House General Plan Community

POLICY NUMBER	SHORT TITLE	POLICY LANGUAGE
		Boundary in San Joaquin County; or,
		(4) The unincorporated Delta towns of Clarksburg, Courtland, Hood, Locke, Ryde, and Walnut Grove.
		(b) Notwithstanding subsection (a), new residential, commercial, and industrial development is permitted outside the areas described in subsection (a) if it is consistent with the land uses designated in county general plans as of the date of the Delta Plan's adoption, and is otherwise consistent with this Chapter.
		(c) For purposes of Water Code Section 85057.5(a)(3) and Section 5001(j)(1)(E) of this Chapter, this policy covers proposed actions that involve new residential, commercial, and industrial development that is not located within the areas described in subsection (a). In addition, this policy covers any such action on Bethel Island that is inconsistent with the Contra Costa County general plan effective as of the date of the Delta Plan's adoption. This policy does not cover commercial recreational visitor-serving uses or facilities for processing of local crops or that provide essential services to local farms, which are otherwise consistent with this chapter.
		(d) This policy is not intended in any way to alter the concurrent authority of the Delta Protection Commission to separately regulate development in the Delta's Primary Zone.
DP P2 (23 CCR Section 5011)	Respect Local Land Use When Siting Water or Flood Facilities or Restoring Habitats	(a) Water management facilities, ecosystem restoration, and flood management infrastructure must be sited to avoid or reduce conflicts with existing uses or those uses described or depicted in city and county general plans for their jurisdictions or spheres of influence when feasible, considering comments from local agencies and the Delta Protection Commission. Plans for ecosystem restoration must consider sites on existing public lands, when feasible and consistent with a project's purpose, before privately owned sites are purchased. Measures to mitigate conflicts with adjacent uses may include, but are not limited to, buffers to prevent adverse effects on adjacent farmland. (b) For purposes of Water Code Section 85057.5(a)(3) and Section 5001(j)(1)(E) of this Chapter, this policy covers proposed actions that involve the siting of water management facilities, ecosystem restoration, and flood management infrastructure.
Chapter 7		
RR P1 (23 CCR Section 5012)	Prioritization of State Investments in Delta Levees and Risk Reduction	(a) Prior to the completion and adoption of the updated priorities developed pursuant to Water Code Section 85306, the interim priorities listed below shall, where applicable and to the extent permitted by law, guide discretionary State investments in Delta flood risk management. Key priorities for interim funding include emergency preparedness, response, and recovery as described in Paragraph (1), as well as Delta levees funding as described in Paragraph (2). (1) Delta Emergency Preparedness, Response, and Recovery: Develop and implement appropriate emergency preparedness, response, and recovery strategies, including those developed by the Delta Multi-Hazard Task Force pursuant to Water Code Section 12994.5. (2) Delta Levees Funding: The priorities shown in the following table are meant to guide budget and funding allocation strategies for levee improvements. The goals for funding priorities are all important, and it is expected that over time, the Department of Water Resources must balance achievement of those goals. Except on islands planned for ecosystem restoration, improvement of non-project Delta levees to the Hazard Mitigation Plan (HMP) standard may be funded

POLICY NUMBER

SHORT TITLE

POLICY LANGUAGE

without justification of the benefits. Improvements to a standard above HMP, such as that set by the U.S. Army Corps of Engineers under Public Law 84-99 (P.L. 84-99), may be funded as befits the benefits to be provided, consistent with the Department of Water Resource's current practices and any future adopted investment strategy.

Priorities for State Investment in Delta Integrated Flood Management
Categories of Benefit Analysis

Goals	Localized Flood Protection	Levee Network	Ecosystem Conservation
1	Protect existing urban and adjacent urbanizing areas by providing 200-year flood protection.	Protect water quality and water supply conveyance in the Delta, especially levees that protect freshwater aqueducts and the primary channels that carry fresh water through the Delta.	Protect existing and provide for a net increase in channel-margin habitat.
2	Protect small communities and critical infrastructure of Statewide importance (located outside of urban areas).	Protect flood water conveyance in and through the Delta to a level consistent with the State Plan of Flood Control for project levees.	Protect existing and provide for net enhancement of floodplain habitat.
3	Protect agriculture and local working landscapes.	Protect cultural, historic, aesthetic, and recreational resources (Delta as Place).	Protect existing and provide for net enhancement of wetlands.

- (b) For purposes of Water Code Section 85057.5(a)(3) and Section 5001(j)(1)(E) of this Chapter, this policy covers a proposed action that involves discretionary State investments in Delta flood risk management, including levee operations, maintenance, and improvements. Nothing in this policy establishes or otherwise changes existing levee standards.

RR P2 (23 CCR Section 5013)

Require Flood Protection
for Residential
Development in Rural
Areas

- (a) New residential development of five or more parcels shall be protected through floodproofing to a level 12 inches above the 100 year base flood elevation, plus sufficient additional elevation to protect against a 55-inch rise in sea level at the Golden Gate, unless the development is located within:
- (1) Areas that city or county general plans, as of the date of the Delta Plan's adoption, designate for development in cities or their spheres of influence;
 - (2) Areas within Contra Costa County's 2006 voter-approved urban limit line, except Bethel Island;
 - (3) Areas within the Mountain House General Plan Community Boundary in San Joaquin County; or
 - (4) The unincorporated Delta towns of Clarksburg, Courtland, Hood,

POLICY NUMBER	SHORT TITLE	POLICY LANGUAGE
		Locke, Ryde, and Walnut Grove, as shown in Appendix 7.
		(b) For purposes of Water Code Section 85057.5(a)(3) and Section 5003(j)(1)(E) of this Chapter, this policy covers a proposed action that involves new residential development of five or more parcels that is not located within the areas described in subsection (a).
RR P3 (23 CCR Section 5014)	Protect Floodways	(a) No encroachment shall be allowed or constructed in a floodway, unless it can be demonstrated by appropriate analysis that the encroachment will not unduly impede the free flow of water in the floodway or jeopardize public safety. (b) For purposes of Water Code Section 85057.5(a)(3) and Section 5001(j)(1)(E) of this Chapter, this policy covers a proposed action that would encroach in a floodway that is not either a designated floodway or regulated stream.
RR P4 (23 CCR Section 5015)	Floodplain Protection	(a) No encroachment shall be allowed or constructed in any of the following floodplains unless it can be demonstrated by appropriate analysis that the encroachment will not have a significant adverse impact on floodplain values and functions: (1) The Yolo Bypass within the Delta; (2) The Cosumnes River-Mokelumne River Confluence, as defined by the North Delta Flood Control and Ecosystem Restoration Project (McCormack-Williamson), or as modified in the future by the Department of Water Resources or the U.S. Army Corps of Engineers (Department of Water Resources 2010a); and, (3) The Lower San Joaquin River Floodplain Bypass area, located on the Lower San Joaquin River upstream of Stockton immediately southwest of Paradise Cut on lands both upstream and downstream of the Interstate 5 crossing. This area is described in the Lower San Joaquin River Floodplain Bypass Proposal, submitted to the Department of Water Resources by the partnership of the South Delta Water Agency, the River Islands Development Company, Reclamation District 2062, San Joaquin Resource Conservation District, American Rivers, the American Lands Conservancy, and the Natural Resources Defense Council, March 2011. This area may be modified in the future through the completion of this project. (b) For purposes of Water Code Section 85057.5(a)(3) and Section 5001(j)(1)(E) of this Chapter, this policy covers a proposed action that would encroach in any of the floodplain areas described in subsection (a). (c) This policy is not intended to exempt any activities in any of the areas described in subsection (a) from applicable regulations and requirements of the Central Valley Flood Protection Board.

Delta Plan Recommendations

The Delta Plan contains a set of regulatory policies that will be enforced by the Delta Stewardship Council's appellate authority and oversight, described in Chapter 2. The Delta Plan also contains priority recommendations, which are non-regulatory but call out actions essential to achieving the coequal goals. Those 73 recommendations are listed below.

RECOMMENDATION NUMBER	SHORT TITLE	RECOMMENDATION LANGUAGE
Chapter 2		
G R1	Development of a Delta Science Plan	The Delta Stewardship Council's Delta Science Program should develop a Delta Science Plan by December 31, 2013. The Delta Science Program should work with the Interagency Ecological Program, Bay Delta Conservation Plan, California Department of Fish and Wildlife, and other agencies to develop the Delta Science Plan. To ensure that best science is used to develop the Delta Science Plan, the Delta Independent Science Board should review the draft Delta Science Plan. The Delta Science Plan should address the following: ◆ A collaborative institutional and organizational structure for conducting science in the Delta ◆ Data management, synthesis, scientific exchange, and communication strategies to support adaptive management and improve the accessibility of information ◆ Strategies for addressing uncertainty and conflicting scientific information ◆ The prioritization of research and balancing of the short-term immediate science needs with science that enhances comprehensive understanding of the Delta system over the long term ◆ Identification of existing and future needs for refining and developing numerical and simulation models along with enhancing existing Delta conceptual models (e.g., the Interagency Ecological Program (IEP) Pelagic Organism Decline (POD) and the Delta Regional Ecosystem Restoration Implementation Plan (DRERIP) models) ◆ An integrated approach for monitoring that incorporates existing and future monitoring efforts ◆ An assessment of financial needs and funding sources to support science

**RECOMMENDATION
NUMBER****SHORT TITLE****RECOMMENDATION LANGUAGE****Chapter 3**

WR R1	Implement Water Efficiency and Water Management Planning Laws	All water suppliers should fully implement applicable water efficiency and water management laws, including urban water management plans (Water Code section 10610 et seq.), the 20% reduction in statewide urban per capita water usage by 2020 (Water Code section 10608 et seq.), agricultural water management plans (Water Code section 10608 et seq. and 10800 et seq.), and other applicable water laws, regulations, or rules.
WR R2	Require SWP Contractors to Implement Water Efficiency and Water Management Laws	The Department of Water Resources should include a provision in all State Water Project contracts, contract amendments, contract renewals, and water transfer agreements that require the implementation of all State water efficiency and water management laws, goals, and regulations, including compliance with Water Code section 85021.
WR R3	Compliance with Reasonable and Beneficial Use	The State Water Resources Control Board should evaluate all applications and petitions for a new water right or a new or changed point of diversion, place of use, or purpose of use that would result in new or increased long-term average use of water from the Delta watershed for consistency with the constitutional principle of reasonable and beneficial use. The State Water Resources Control Board should conduct its evaluation consistent with Water Code sections 85021, 85023, 85031, and other provisions of California law. An applicant or petitioner should submit to the State Water Resources Control Board sufficient information to support findings of consistency, including, as applicable, its urban water management plan, agricultural water management plan, and environmental documents prepared pursuant to CEQA.
WR R4	Expanded Water Supply Reliability Element	Water suppliers that receive water from the Delta watershed should include an expanded water supply reliability element, starting in 2015, as part of the update of an urban water management plan, agricultural water management plan, integrated water management plan, or other plan that provides equivalent information about the supplier's planned investments in water conservation and water supply development. The expanded water supply reliability element should detail how water suppliers are reducing reliance on the Delta and improving regional self-reliance consistent with Water Code section 85201 through investments in local and regional programs and projects, and should document the expected outcome for a measurable reduction in reliance on the Delta and improvement in regional self-reliance. At a minimum, these plans should include a plan for possible interruption of water supplies for up to 36 months due to catastrophic events impacting the Delta, evaluation of the regional water balance, a climate change vulnerability assessment, and an evaluation of the extent to which the supplier's rate structure promotes and sustains efficient water use.
WR R5	Develop Water Supply Reliability Element Guidelines	The Department of Water Resources, in consultation with the Delta Stewardship Council, the State Water Resources Control Board, and others, should develop and approve, by December 31, 2014, guidelines for the preparation of a water supply reliability element so that water suppliers can begin implementation of WR R4 by 2015.
WR R6	Update Water Efficiency Goals	The Department of Water Resources and the State Water Resources Control Board should establish an advisory group with other state agencies and stakeholders to identify and implement measures to reduce impediments to achievement of statewide water conservation, recycled water, and stormwater goals by 2014. This group should evaluate and recommend updated goals for additional water efficiency and water resource development by 2018. Issues such as water distribution system leakage should be addressed. Evaluation should include an assessment of how regions are achieving their proportional share of these goals.

RECOMMENDATION NUMBER	SHORT TITLE	RECOMMENDATION LANGUAGE
WR R7	Revise State Grant and Loan Priorities	The Department of Water Resources, the State Water Resources Control Board, the Department of Public Health, and other agencies, in consultation with the Delta Stewardship Council, should revise State grant and loan ranking criteria by December 31, 2013, to be consistent with Water Code section 85021 and to provide a priority for water suppliers that includes an expanded water supply reliability element in their adopted urban water management plans, agricultural water management plans, and/or integrated regional water management plans.
WR R8	Demonstrate State Leadership	All State agencies should take a leadership role in designing new and retrofitted State owned and leased facilities, including buildings and Caltrans facilities, to increase water efficiency, use recycled water, and incorporate stormwater runoff capture and low impact development strategies.
WR R9	Update Bulletin 118, California's Groundwater Plan	The Department of Water Resources, in consultation with the Bureau of Reclamation, U.S. Geological Survey, the State Water Resources Control Board, and other agencies and stakeholders should update Bulletin 118 information using field data, California Statewide Groundwater Elevation Monitoring (CASGEM), groundwater agency reports, satellite imagery, and other best available science by December 31, 2014, so that this information can be included in the next California Water Plan Update and be available for inclusion in 2015 urban water management plans and agricultural water management plans. The Bulletin 118 update should include a systematic evaluation of major groundwater basins to determine sustainable yield and overdraft status, a projection of California's groundwater resources in 20 years if current groundwater management trends remain unchanged, anticipated impacts of climate change on surface water and groundwater resources, and recommendations for State, federal, and local actions to improve groundwater management. In addition, the Bulletin 118 update should identify groundwater basins in a critical condition of overdraft.
WR R10	Implement Groundwater Management Plans in Areas that Receive Water from the Delta Watershed	Water suppliers that receive water from the Delta watershed and that obtain a significant percentage of their long-term average water supplies from groundwater sources should develop and implement sustainable groundwater management plans that are consistent with both the required and recommended components of local groundwater management plans identified by the Department of Water Resources Bulletin 118 (Update 2003) by December 31, 2014.
WR R11	Recover and Manage Critically Over-drafted Groundwater Basins	Local and regional agencies in groundwater basins that have been identified by the Department of Water Resources as being in a critical condition of overdraft should develop and implement a sustainable groundwater management plan, consistent with both the required and recommended components of local groundwater management plans identified by the Department of Water Resources Bulletin 118 (Update 2003), by December 31, 2014. If local or regional agencies fail to develop and implement these plans, the State Water Resources Control Board should take action to determine if the continued overuse of a groundwater basin constitutes a violation of the State's Constitution Article X, Section 2, prohibition on unreasonable use of water and whether a groundwater adjudication is necessary to prevent the destruction of or irreparable injury to the quality of the groundwater, consistent with Water Code sections 2100-2101.
WR R12	Complete Bay Delta Conservation Plan	The relevant federal, State, and local agencies should complete the Bay Delta Conservation Plan, consistent with the provisions of the Delta Reform Act, and receive required incidental take permits by December 31, 2014.
WR R13	Complete Surface Water Storage Studies	The Department of Water Resources should complete surface water storage investigations of proposed off-stream surface storage projects by December 31, 2012, including an evaluation of potential additional benefits of integrating operations of new storage with proposed Delta conveyance improvements, and recommend the critical projects that need to be implemented to expand the State's surface storage.

RECOMMENDATION NUMBER	SHORT TITLE	RECOMMENDATION LANGUAGE
WR R14	Identify Near-term Opportunities for Storage, Use, and Water Transfer Projects	The Department of Water Resources, in coordination with the California Water Commission, Bureau of Reclamation, State Water Resources Control Board, California Department of Public Health, the Delta Stewardship Council, and other agencies and stakeholders, should conduct a survey to identify projects throughout California that could be implemented within the next 5 to 10 years to expand existing surface and groundwater storage facilities, create new storage, improve operation of existing Delta conveyance facilities, and enhance opportunities for conjunctive use programs and water transfers in furtherance of the coequal goals. The California Water Commission should hold hearings and provide recommendations to DWR on priority projects and funding.
WR R15	Improve Water Transfer Procedures	The Department of Water Resources and the State Water Resources Control Board should work with stakeholders to identify and recommend measures to reduce procedural and administrative impediments to water transfers and protect water rights and environmental resources by December 31, 2016. These recommendations should include measures to address potential issues with recurring transfers of up to 1 year in duration and improved public notification for proposed water transfers.
WR R16	Supplemental Water Use Reporting	The State Water Resources Control Board should require water rights holders submitting supplemental statements of water diversion and use or progress reports under their permits or licenses to report on the development and implementation of all water efficiency and water supply projects and on their net (consumptive) use.
WR R17	Integrated Statewide System for Water Use Reporting	The Department of Water Resources, in coordination with the State Water Resources Control Board, the Department of Public Health, Public Utilities Commission, Energy Commission, Bureau of Reclamation, California Urban Water Conservation Council, and other stakeholders, should develop a coordinated statewide system for water use reporting. This system should incorporate recommendations for inclusion of data needed to better manage California's water resources. The system should be designed to simplify reporting, reduce the number of required reports where possible, be made available to the public online and be integrated with the reporting requirements for the urban water management plans, agricultural water management plans, and integrated regional water management plans. Water suppliers that export water from, transfer water through, or use water in the Delta watershed should be full participants in the data base.
WR R18	California Water Plan	The Department of Water Resources, in consultation with the State Water Resources Control Board, and other agencies and stakeholders, should evaluate and include in the next and all future California Water Plan updates information needed to track water supply reliability performance measures identified in the Delta Plan, including an assessment of water efficiency and new water supply development, regional water balances, improvements in regional self-reliance, reduced regional reliance on the Delta, and reliability of Delta exports, and an overall assessment of progress in achieving the coequal goals.
WR R19	Financial Needs Assessment	As part of the California Water Plan Update, the Department of Water Resources should prepare an assessment of the State's water infrastructure. This should include the costs of rehabilitating/replacing existing infrastructure, an assessment of the costs of new infrastructure, and an assessment of needed resources for monitoring and adaptive management for these projects. The department should also consider a survey of agencies that may be planning small-scale projects (such as storage or conveyance) that improve water supply reliability.
Chapter 4		
ER R1	Update Delta Flow Objectives	Development, implementation, and enforcement of new and updated flow objectives for the Delta and high priority tributaries are key to the achievement of the coequal goals. The State Water Resources Control Board should update the Bay-Delta Water Quality Control Plan objectives as follows:

RECOMMENDATION NUMBER	SHORT TITLE	RECOMMENDATION LANGUAGE
		(a) By June 2, 2014, adopt and implement updated flow objectives for the Delta that are necessary to achieve the coequal goals. (b) By June 2, 2018, adopt, and as soon as reasonably possible, implement flow objectives for high-priority tributaries in the Delta watershed that are necessary to achieve the coequal goals. Flow objectives could be implemented through several mechanisms including negotiation and settlement, FERC relicensing, or adjudicative proceeding. Prior to the establishment of revised flow objectives identified above, the existing Bay Delta Water Quality Control Plan objectives shall be used to determine consistency with the Delta Plan. After the flow objectives are revised, the revised objectives shall be used to determine consistency with the Delta Plan.
ER R2	Prioritize and Implement Projects that Restore Delta Habitat	Bay Delta Conservation Plan implementers, Department of Fish and Wildlife, Department of Water Resources, and the Delta Conservancy should prioritize and implement habitat restoration projects in the areas shown in Figure 4-8. Habitat restoration projects should ensure connections between areas being restored and existing habitat areas and other elements of the landscape needed for the full life cycle of the species that will benefit from the restoration project. Where possible, restoration projects should also emphasize the potential for improving water quality. Restoration project proponents should consult the California Department of Public Health's <i>Best Management Practices for Mosquito Control in California</i>. ◆ Yolo Bypass. Enhance the ability of the Yolo Bypass to flood more frequently to provide more opportunities for migrating fish, especially Chinook salmon, to use this system as a migration corridor that is rich in cover and food. ◆ Cache Slough Complex. Create broad non-tidal, freshwater, emergent plant-dominated wetlands that grade into tidal freshwater wetlands, and shallow sub-tidal and deep open water habitats. Also, return a significant portion of the region to uplands with vernal pools and grasslands. ◆ Cosumnes River–Mokelumne River confluence. Allow these unregulated and minimally regulated rivers to flood over their banks during winter and spring frequently and regularly to create seasonal floodplains and riparian habitats that grade into tidal marsh and shallow sub-tidal habitats. ◆ Lower San Joaquin River floodplain. Reconnect the floodplain and restore more natural flows, to stimulate food webs that support native species. Integrate habitat restoration with flood management actions, when feasible. ◆ Suisun Marsh. Restore significant portions of Suisun Marsh to brackish marsh with land-water interactions to support productive, complex food webs to which native species are adapted and to provide space to adapt to rising sea level action. Use information from adaptive management processes during the Suisun Marsh Habitat Management, Preservation, and Restoration Plan's implementation to guide future habitat restoration projects and to inform future tidal marsh management. ◆ Western Delta/Eastern Contra Costa County. Restore tidal marsh and channel margin habitat at Dutch Slough and western islands to

SWRCB staff should work with the Council and DFW to determine priority streams. As an illustrative example, priority streams could include the Merced River, Tuolumne River, Stanislaus River, Lower San Joaquin River, Deer Creek (tributary to Sacramento River), Lower Butte Creek, Mill Creek (tributary to Sacramento River), Cosumnes River, and American River (SWRCB 2011a, SWRCB 2011b). Implementation through hearings is expected to take longer than the deadline shown here. Implementation through adjudicative proceedings or FERC relicensing is expected to take longer than the deadline shown here.

**RECOMMENDATION
NUMBER**

SHORT TITLE

RECOMMENDATION LANGUAGE

support food webs and provide habitat for native species.

ER R3

Complete and Implement
Delta Conservancy
Strategic Plan

As part of its Strategic Plan and subsequent Implementation Plan or annual work plans, the Delta Conservancy should:

- ◆ Develop and adopt criteria for prioritization and integration of large-scale ecosystem restoration in the Delta and Suisun Marsh, with sustainability and use of best available science as foundational principles.
- ◆ Develop and adopt processes for ownership and long-term operations and management of land in the Delta and Suisun Marsh acquired for conservation or restoration.
- ◆ Develop and adopt a formal mutual agreement with the Department of Water Resources, Department of Fish and Wildlife, federal interests, and other State and local agencies on implementation of ecosystem restoration in the Delta and Suisun Marsh.
- ◆ Develop, in conjunction with the Wildlife Conservation Board, the Department of Water Resources, Department of Fish and Wildlife, Bay Delta Conservation Plan implementers, and other State and local agencies, a plan and protocol for acquiring the land necessary to achieve ecosystem restoration consistent with the coequal goals and the Ecosystem Restoration Program Conservation Strategy.
- ◆ Lead an effort, working with State and federal fish agencies, to investigate how to better use habitat credit agreements to provide credit for each of these steps: (1) acquisition for future restoration; (2) preservation, management, and enhancement of existing habitat; (3) restoration of habitat; and (4) monitoring and evaluation of habitat restoration projects.
- ◆ Work with the Department of Fish and Wildlife and the U.S. Fish and Wildlife Service to develop rules for voluntary safe harbor agreements with property owners in the Delta whose actions contribute to the recovery of listed threatened or endangered species.

ER R4

Exempt Delta Levees
from the U.S. Army
Corps of Engineers'
Vegetation Policy

Considering the ecosystem value of remaining riparian and shaded riverine aquatic habitat along Delta levees, the U.S. Army Corps of Engineers should agree with the Department of Fish and Wildlife and the Department of Water Resources on a variance that exempts Delta levees from the U.S. Army Corps of Engineers' levee vegetation policy where appropriate.

ER R5

Update the Suisun
Marsh Protection Plan

The San Francisco Bay Conservation and Development Commission should update the Suisun Marsh Protection Plan and relevant components of the Suisun Marsh Local Protection Program to adapt to sea level rise and ensure consistency with the Suisun Marsh Preservation Act, the Delta Reform Act, and the Delta Plan.

ER R6

Regulate Angling for
Nonnative Sport Fish to
Protect Native Fish

The Department of Fish and Wildlife should develop, for consideration by the Fish and Game Commission, proposals for new or revised fishing regulations designed to increase populations of listed fish species through reduced predation by introduced sport fish. The proposals should be based on sound science that demonstrates these management actions are likely to achieve their intended outcome and include the development of performance measures and a monitoring plan to support adaptive management.

ER R7

Prioritize and Implement
Actions to Control
Nonnative Invasive
Species

The Department of Fish and Wildlife and other appropriate agencies should prioritize and fully implement the list of "Stage 2 Actions for Nonnative Invasive Species" and accompanying text shown in Appendix I taken from the *Conservation Strategy for Restoration of the Sacramento-San Joaquin Delta Ecological Management Zone and the Sacramento and San Joaquin Valley Regions* (DFG 2011). Implementation of the

RECOMMENDATION NUMBER	SHORT TITLE	RECOMMENDATION LANGUAGE
		Stage 2 actions should include the development of performance measures and monitoring plans to support an adaptive management.
ER R8	Manage Hatcheries to Reduce Genetic Risk	As required by the National Marine Fisheries Service, all hatcheries providing listed fish for release into the wild should continue to develop and implement scientifically sound Hatchery and Genetic Management Plans (HGMPs) to reduce risks to those species. The Department of Fish and Wildlife should provide annual updates to the Council on the status of HGMPs within its jurisdiction.
ER R9	Implement Marking and Tagging Program	By December 2014, the Department of Fish and Wildlife, in cooperation with the U.S. Fish and Wildlife Service and the National Marine Fisheries Service, should revise and begin implementing its program for marking and tagging hatchery salmon and steelhead to improve management of hatchery and wild stocks based on recommendations of the California Hatchery Scientific Review Group, which considered mass marking, reducing hatchery programs, and mark selective fisheries in developing its recommendations.
Chapter 5		
DP R1	Designate the Delta as National Heritage Area	The Delta Protection Commission should complete its application for designation of the Delta and Suisun Marsh as a National Heritage Area and the federal government should complete the process in a timely manner.
DP R2	Designate State Route 160 as a National Scenic Byway	The California Department of Transportation should seek designation of State Route 160 as a National Scenic Byway and prepare and implement a scenic byway plan for it.
DP R3	Plan for the Vitality and Preservation of Legacy Communities	Local governments, in cooperation with the Delta Protection Commission and Delta Conservancy, should prepare plans for each community that emphasize its distinctive character, encourage historic preservation, identify opportunities to encourage tourism, serve surrounding lands, or develop other appropriate uses, and reduce flood risks.
DP R4	Buy Rights of Way from Willing Sellers When Feasible	Agencies acquiring land for water management facilities, ecosystem restoration, and flood management infrastructure should purchase from willing sellers, when feasible, including consideration of whether lands suitable for proposed projects are available at fair prices.
DP R5	Provide Adequate Infrastructure	The California Department of Transportation, local agencies, and utilities should plan infrastructure, such as roads and highways, to meet needs of development consistent with sustainable community strategies, local plans, Delta Protection Commission's <i>Land Use and Resource Management Plan for the Primary Zone of the Delta</i> , and the Delta Plan.
DP R6	Plan for State Highways	The Delta Stewardship Council, as part of the prioritization of State levee investments called for in Water Code 85306, should consult with the California Department of Transportation as provided in Water Code section 85307(c) to consider the effects of flood hazards and sea level rise on State highways in the Delta.

RECOMMENDATION NUMBER	SHORT TITLE	RECOMMENDATION LANGUAGE
DP R7	Subsidence Reduction and Reversal	The following actions should be considered by the appropriate State agencies to address subsidence reversal: ◆ State agencies should not renew or enter into agricultural leases on Delta or Suisun Marsh islands if the actions of the lessee promote or contribute to subsidence on the leased land, unless the lessee participates in subsidence-reversal or reduction programs. ◆ State agencies currently conducting subsidence reversal projects in the Delta on State-owned lands should investigate options for scaling up these projects if they have been deemed successful. The Department of Water Resources should develop a plan, including funding needs, for increasing the extent of their subsidence reversal and carbon sequestration projects to 5,000 acres by January 1, 2017. ◆ The Council, in conjunction with the California Air Resources Board (CARB) and the Delta Conservancy, should investigate the opportunity for the development of a carbon market whereby Delta farmers could receive credit for carbon sequestration by reducing subsidence and growing native marsh and wetland plants. This investigation should include the potential for developing offset protocols applicable to these types of plants for subsequent adoption by the CARB.
DP R8	Promote Value-Added Crop Processing	Local governments and economic development organizations, in cooperation with the Delta Protection Commission and the Delta Conservancy, should encourage value-added processing of Delta crops in appropriate locations.
DP R9	Encourage Agritourism	Local governments and economic development organizations, in cooperation with the Delta Protection Commission and the Delta Conservancy, should support growth in agritourism, particularly in and around legacy communities. Local plans should support agritourism where appropriate.
DP R10	Encourage Wildlife-Friendly Farming	The Department of Fish and Wildlife, the Delta Conservancy, and other ecosystem restoration agencies should encourage habitat enhancement and wildlife-friendly farming systems on agricultural lands to benefit both the environment and agriculture.
DP R11	Provide New and Protect Existing Recreation Opportunities	Water management and ecosystem restoration agencies should provide recreation opportunities, including visitor-serving business opportunities, at new facilities and habitat areas whenever feasible, and existing recreation facilities should be protected, using California State Parks' <i>Recreation Proposal for the Sacramento-San Joaquin Delta and Suisun Marsh</i> and Delta Protection Commission's <i>Economic Sustainability Plan</i> as guides.
DP R12	Encourage Partnerships to Support Recreation and Tourism	The Delta Protection Commission and Delta Conservancy should encourage partnerships between other State and local agencies, and local landowners and business people to expand recreation, including boating, promote tourism, and minimize adverse impacts to non-recreational landowners.
DP R13	Expand State Recreation Areas	California State Parks should add or improve recreation facilities in the Delta in cooperation with other agencies. As funds become available, it should fully reopen Brannan Island State Recreation Area, complete the park at Delta Meadows-Locke Boarding House, and consider adding new State parks at Barker Slough, Elkhorn Basin, the Wright-Elmwood Tract, and south Delta.
DP R14	Enhance Nature-Based Recreation	The Department of Fish and Wildlife, in cooperation with other public agencies, should collaborate with nonprofits, private landowners, and business partners to expand wildlife viewing, angling, and hunting opportunities.

RECOMMENDATION NUMBER	SHORT TITLE	RECOMMENDATION LANGUAGE
DP R15	Promote Boating Safety	The Department of Boating and Waterways should coordinate with the U.S. Coast Guard and State and local agencies on an updated marine patrol strategy for the region.
DP R16	Encourage Recreation on Public Lands	Public agencies owning land should increase opportunities, where feasible, for bank fishing, hunting, levee-top trails, and environmental education.
DP R17	Enhance Opportunities for Visitor-Serving Businesses	Cities, counties, and other local and State agencies should work together to protect and enhance visitor-serving businesses by planning for recreation uses and facilities in the Delta, providing infrastructure to support recreation and tourism, and identifying settings for private visitor-serving development and services.
DP R18	Support the Ports of Stockton and West Sacramento	The ports of Stockton and West Sacramento should encourage maintenance and carefully designed and sited development of port facilities.
DP R19	Plan for Delta Energy Facilities	The Energy Commission and Public Utilities Commission should cooperate with the Delta Stewardship Council as described in Water Code section 85307(d) to identify actions that should be incorporated in the Delta Plan by 2017 to address the needs of Delta energy development, storage, and distribution.

Chapter 6

WQ R1	Protect Beneficial Uses	Water quality in the Delta should be maintained at a level that supports, enhances, and protects beneficial uses identified in the applicable State Water Resources Control Board or regional water quality control board water quality control plans.
WQ R2	Identify Covered Action Impacts	Covered actions should identify any significant impacts to water quality.
WQ R3	Special Water Quality Protections for the Delta	The State Water Resources Control Board or regional water quality control board should evaluate and, if appropriate, propose special water quality protections for priority habitat restoration areas identified in recommendation ER R2 or other areas of the Delta where new or increased discharges of pollutants could adversely impact beneficial uses.
WQ R4	Complete Central Valley Drinking Water Policy	The Central Valley Regional Water Quality Control Board should complete the Central Valley Drinking Water Policy by July 2013.
WQ R5	Complete North Bay Aqueduct Alternative Intake Project	The Department of Water Resources should complete the North Bay Aqueduct Alternate Intake Project EIR by December 31, 2012, and begin construction as soon as possible thereafter.
WQ R6	Protect Groundwater Beneficial Uses	The State Water Resources Control Board should complete development of a Strategic Workplan for protection of groundwater beneficial uses, including groundwater use for drinking water, by December 31, 2012.
WQ R7	Participation in CV-SALTS	The State Water Resources Control Board and Central Valley Regional Water Quality Control Board should consider requiring participation by all relevant water users that are supplied water from the Delta or the Delta Watershed or discharge wastewater to the Delta or the Delta Watershed to participate in the Central Valley Salinity Alternatives for Long-Term Sustainability Program.
WQ R8	Completion of Regulatory Processes, Research, and Monitoring for Water Quality Improvement	The State Water Resources Control Board and the San Francisco Bay and Central Valley Regional Water Quality Control Boards are currently engaged in regulatory processes, research, and monitoring essential to improving water quality in the Delta. In order to achieve the coequal goals, it is essential that these ongoing efforts be completed and if possible accelerated, and that the Legislature and Governor devote sufficient funding to make this possible. The Delta Stewardship Council specifically

RECOMMENDATION NUMBER	SHORT TITLE	RECOMMENDATION LANGUAGE
		recommends that: ◆ The State Water Resources Control Board should complete development of the proposed Policy for nutrients for Inland Surface Waters of the State of California by January 1, 2014. ◆ The State Water Resources Control Board and the San Francisco Bay and Central Valley Regional Water Quality Control Boards should prepare and begin implementation of a study plan for the development of objectives for nutrients in the Delta and Suisun Marsh by January 1, 2014. Studies needed for development of Delta and Suisun Marsh nutrient objectives should be completed by January 1, 2016. The Water Boards should adopt and begin implementation of nutrient objectives, either narrative or numeric, where appropriate, for the Delta and Suisun Marsh by January 1, 2018. ◆ The State Water Resources Control Board and the Central Valley Regional Water Quality Control Board should complete the Central Valley Pesticide Total Maximum Daily Load and Basin Plan Amendment for diazinon and chlorpyrifos by January 1, 2013. ◆ The State Water Resources Control Board and the Central Valley Regional Water Quality Control Board prioritize and accelerate the completion of the Central Valley Pesticide Total Maximum Daily Load and Basin Plan Amendment for pyrethroids by January 1, 2016. ◆ The State Water Resources Control Board, San Francisco Bay and Central Valley Regional Water Quality Control Boards have completed Total Maximum Daily Load and Basin Plan Amendments for methylmercury and efforts to support their implementation should be coordinated. Parties identified as responsible for current methylmercury loads or proponents of projects that may increase methylmercury loading in the Delta or Suisun Marsh should participate in control studies or implement site-specific study plans that evaluate practices to minimize methylmercury discharges. The Central Valley Regional Water Quality Control Board should review these control studies by December 31, 2018 and determine control measures for implementation starting in 2020.
WQ R9	Implement Delta Regional Monitoring Program	The State Water Resources Control Board and Regional Water Quality Control Boards should work collaboratively with the Department of Water Resources, Department of Fish and Wildlife, and other agencies and entities that monitor water quality in the Delta to develop and implement a Delta Regional Monitoring Program that will be responsible for coordinating monitoring efforts so Delta conditions can be efficiently assessed and reported on a regular basis.
WQ R10	Evaluate Wastewater Recycling, Reuse, or Treatment	The Central Valley Regional Water Quality Control Board, consistent with existing water quality control plan policies and water rights law, should require responsible entities that discharge wastewater treatment plant effluent or urban runoff to Delta waters to evaluate whether all or a portion of the discharge can be recycled, otherwise used, or treated in order to reduce contaminant loads to the Delta by January 1, 2014.
WQ R11	Manage Dissolved Oxygen in Stockton Ship Channel	The State Water Resources Control Board and the Central Valley Regional Water Quality Control Board should complete Phase 2 of the Total Maximum Daily Load and Basin Plan Amendment for dissolved oxygen in the Stockton Ship Channel by January 1, 2015.

RECOMMENDATION NUMBER	SHORT TITLE	RECOMMENDATION LANGUAGE
WQ R12	Manage Dissolved Oxygen in Suisun Marsh	The State Water Resources Control Board and the San Francisco Bay Regional Water Quality Control Board should complete the Total Maximum Daily Load and Basin Plan Amendment for dissolved oxygen in Suisun Marsh Wetlands by January 1, 2014.

Chapter 7

RR R1	Implement Emergency Preparedness and Response	The following actions should be taken by January 1, 2014, to promote effective emergency preparedness and response in the Delta: ◆ Responsible local, State, and federal agencies with emergency response authority should consider and implement the recommendations of the Delta Multi-Hazard Coordination Task Force (Water Code section 12994.5). Such actions should support the development of a regional response system for the Delta. ◆ In consultation with local agencies, the Department of Water Resources should expand its emergency stockpiles to make them regional in nature and usable by a larger number of agencies in accordance with Department of Water Resources' plans and procedures. The Department of Water Resources, as a part of this plan, should evaluate the potential of creating stored material sites by "over-reinforcing" west Delta levees. ◆ Local levee maintaining agencies should consider developing their own emergency action plans, and stockpiling rock and flood fighting materials. ◆ State and local agencies and regulated utilities that own and/or operate infrastructure in the Delta should prepare coordinated emergency response plans to protect the infrastructure from long-term outages resulting from failures of the Delta levees. The emergency procedures should consider methods that also would protect Delta land use and ecosystem.
RR R2	Finance Local Flood Management Activities	The Legislature should create a Delta Flood Risk Management Assessment District with fee assessment authority (including over State infrastructure) to provide adequate flood control protection and emergency response for the regional benefit of all beneficiaries, including landowners, infrastructure owners, and other entities that benefit from the maintenance and improvement of Delta levees, such as water users who rely on the levees to protect water quality. This district should be authorized to: ◆ Identify and assess all beneficiaries of Delta flood protection facilities. ◆ Develop, fund, and implement a regional plan of flood management for both project and non-project levees of the Delta, including the maintenance and improvement of levees, in cooperation with the existing reclamation districts, cities, counties, and owners of infrastructure and other interests protected by the levees. ◆ Require local levee maintaining agencies to conduct annual levee inspections per the Department of Water Resources subventions program guidelines, and update levee improvement plans every 5 years. ◆ Participate in the collection of data and information necessary for the prioritization of State investments in Delta levees consistent with RR P1. ◆ Notify residents and landowners of flood risk, personal safety information, and available systems for obtaining emergency information before and during a disaster on an annual basis.

**RECOMMENDATION
NUMBER**

SHORT TITLE

RECOMMENDATION LANGUAGE

		◆ Potentially implement the recommendations of the Delta Multi-Hazard Coordination Task Force (Water Code section 12994.5) in conjunction with local, State, and federal agencies and maintain the resulting regional response system and components and procedures on behalf of SEMS jurisdictions (reclamation district, city, county, and State) that would jointly implement the regional system in response to a disaster event. ◆ Identify and assess critical water supply corridor levee operations, maintenance, and improvements.
RR R3	Fund Actions to Protect Infrastructure from Flooding and Other Natural Disasters	◆ The Public Utilities Commission should immediately commence formal hearings to impose a reasonable fee for flood and disaster prevention on regulated privately owned utilities with facilities located in the Delta. Publicly owned utilities should also be encouraged to develop similar fees. The Public Utilities Commission, in consultation with the Delta Stewardship Council, the Department of Water Resources, and the Delta Protection Commission, should allocate these funds between State and local emergency response and flood protection entities in the Delta. If a new regional flood management agency is established by law, a portion of the local share would be allocated to that agency. ◆ The Public Utilities Commission should direct all regulated public utilities in their jurisdiction to immediately take steps to protect their facilities in the Delta from the consequences of a catastrophic failure of levees in the Delta, in order to minimize the impact on the State's economy. ◆ The Governor, by Executive Order, should direct State agencies with projects or infrastructure in the Delta to set aside a reasonable amount of funding to pay for flood protection and disaster prevention. The local share of these funds should be allocated as described above.
RR R4	Actions for the Prioritization of State Investments in Delta Levees	The Delta Stewardship Council, in consultation with the Department of Water Resources, the Central Valley Flood Protection Board, the Delta Protection Commission, local agencies, and the California Water Commission, should develop funding priorities for State investments in Delta levees by January 1, 2015. These priorities shall be consistent with the provisions of the Delta Reform Act in promoting effective, prioritized strategic State investments in levee operations, maintenance, and improvements in the Delta for both levees that are a part of the State Plan of Flood Control and non-project levees. Upon completion, these priorities shall be considered for incorporation into the Delta Plan. The priorities should identify guiding principles, constraints, recommended cost share allocations, and strategic considerations to guide Delta flood risk reduction investments, supported by, at a minimum, the following actions to be conducted by the Department of Water Resources, consistent with available funding: ◆ An assessment of existing Delta levee conditions. This should include the development of a Delta levee conditions map based on sound data inputs, including, but not limited to: • Geometric levee assessment • Flow and updated stage-frequency analysis ◆ An island-by-island economics-based risk analysis. This analysis should consider, but not be limited to, values related to protecting: • Island residents/life safety • Property • Value of Delta islands' economic output, including agriculture

RECOMMENDATION NUMBER	SHORT TITLE	RECOMMENDATION LANGUAGE
		• State water supply • Critical local, State, federal, and private infrastructure, including aqueducts, state highways, electricity transmission lines, gas/petroleum pipelines, gas fields, railroads, and deep water shipping channels • Delta water quality • Existing ecosystem values and ecosystem restoration opportunities • Recreation • System wide integrity ◆ An ongoing assessment of Delta levee conditions. This should include a process for updating Delta levee assessment information on a routine basis. This methodology should provide the basis for the prioritization of State investments in Delta levees. It should include, but not be limited to, the public reporting of the following items: ◆ Tiered ranking of Delta islands, based on economics-based risk analysis values ◆ Delta levee conditions status report, including a levee conditions map ◆ Inventory of Delta infrastructure assets
RR R5	Fund and Implement San Joaquin River Flood Bypass	The Legislature should fund the Department of Water Resources and the Central Valley Flood Protection Board to evaluate and implement a bypass and floodway on the San Joaquin River near Paradise Cut that would reduce flood stage on the main stem San Joaquin River adjacent to the urban and urbanizing communities of Stockton, Lathrop, and Manteca in accordance with Water Code section 9613(c).
RR R6	Continue Delta Dredging Studies	The current efforts to maintain navigable waters in the Sacramento River Deep Water Ship Channel and Stockton Deep Water Ship Channel, led by the U.S. Army Corps of Engineers and described in the Delta Dredged Sediment Long-Term Management Strategy (USACE 2007, Appendix L), should be continued in a manner that supports the Delta Plan and the coequal goals. Appropriate dredging throughout other areas in the Delta for maintenance purposes, or that would increase flood conveyance and provide potential material for levee maintenance or subsidence reversal should be implemented in a manner that supports the Delta Plan and coequal goals. Coordinated use of dredged material in levee improvement, subsidence reversal, or wetland restoration is encouraged.
RR R7	Designate Additional Floodways	The Central Valley Flood Protection Board should evaluate whether additional areas both within and upstream of the Delta should be designated as floodways. These efforts should consider the anticipated effects of climate change in its evaluation of these areas.
RR R8	Develop Setback Levee Criteria	The Department of Water Resources, in conjunction with the Central Valley Flood Protection Board, the Department of Fish and Wildlife, and the Delta Conservancy, should develop criteria to define locations for future setback levees in the Delta and Delta watershed.
RR R9	Require Flood Insurance	The Legislature should require an adequate level of flood insurance for residences, businesses, and industries in flood prone areas.

RECOMMENDATION NUMBER	SHORT TITLE	RECOMMENDATION LANGUAGE
RR R10	Limit State Liability	The Legislature should consider statutory and/or constitutional changes that would address the State's potential flood liability, including giving State agencies the same level of immunity with regard to flood liability as federal agencies have under federal law.
Chapter 8		
FP R1	Conduct Current Spending Inventory	An inventory of current State and federal spending on programs and projects that do or may achieve the coequal goals will be conducted. Data sources to be used include the CALFED crosscut budget, State bond balance reports, and the annual State budget, among others. Consideration will be given to selecting an independent agency (which could include a non- governmental organization) to conduct the inventory.
FP R2	Develop Delta Plan Cost Assessment	Costs will be assigned to the projects and programs proposed in the Delta Plan (Chapters 2 through 7) and sources of funding will be identified.
FP R3	Identify Funding Gaps	Current State and federal funding gaps will be identified that are determined to hinder progress towards meeting the coequal goals.



DELTA PLAN APPROACH

Act Now

We have been studying the problems of California's water supply and the declining Delta ecosystem for decades. While all parties agree the status quo is not acceptable, failure to take action only prolongs a worsening status quo. Near-term actions must move forward while the long-term conveyance, storage and ecosystem solutions are being decided over the next five, 10 and 15 years. Waiting is NOT an option. We must double-down on our investments in the Delta ecosystem and in the improved reliability of California's water supplies and water use efficiency.

Improve Water Supply Reliability

Everyone in California must conserve water and must increase their efforts to do so. Modifying operations in the Delta so that exported water will more closely match water supplies available to be exported, based on water year type, can improve water supply reliability consistent with ecosystem protections. New surface and groundwater storage is also necessary to manage the timing of water for people and for fish. Done right, additional storage can make efficient water management possible and better allow for water use that reduces ecosystem conflict. Improved Delta

conveyance, including successful completion of the Bay Delta Conservation Plan (BDCP), is essential and it should be done as soon as possible.

Commit to Delta Ecosystem Restoration

We must preserve land in the Delta for future habitat restoration, and we must immediately begin restoration efforts on long-studied priority areas. In the Delta, the conflict between the way we move water and the health of native species must be resolved. A successfully permitted BDCP is key to that, including flow objectives updated by the SWRCB for beneficial uses including the Delta's ecosystem. Without more natural functional water flow (the right mix of timing and amount), we cannot expect fisheries to recover no matter how well we deal with other stressors.

Preserve Delta as a Place

The Delta serves many demands, but we must preserve and protect a unique sense of place distinguished by geography, Legacy Communities, a rural and agricultural setting, vibrant natural resources and a mix of economic and recreational activities.

About the Council

Created by the legislature in 2009, the Delta Stewardship Council is composed of members who represent different parts of the state and offer diverse expertise in fields such as agriculture, science, the environment and public service. Of the seven, four are appointed by the Governor, one each by the Senate and Assembly, and the seventh is the Chair of the Delta Protection Commission. State law requires the Delta Stewardship Council to help provide a more reliable water supply and restore the Delta's ecosystem. To accomplish this, we are applying a common sense approach based on the best available science to preserve opportunities for habitat restoration, increase the diversity and efficiency of California's water supplies, enhance floodplains and improve the Delta's levee system, and preserve the unique values of the Delta.

For more information visit <http://deltacouncil.ca.gov>



"Coequal goals" means the two 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."

— CA Water Code §85054



DELTA STEWARDSHIP COUNCIL

UNDERSTANDING THE DELTA PLAN

About the Delta Plan

The California Delta of today is the result of centuries of natural and manmade actions and reactions. After decades of conflict and unsuccessful efforts to address the many problems and challenges in the Delta, the California Legislature, water agencies and environmental groups throughout the state united in an unprecedented manner to pass the 2009 Delta Reform Act.

The legislation created the Delta Stewardship Council to develop a legally enforceable, long-term management plan for the Delta to achieve the coequal goals of protecting, restoring and enhancing the Delta ecosystem, and providing for a more reliable water supply for California in a manner that protects and enhances the unique character of the Delta as an evolving place.

Now, the Council will serve as a coordinator and integrator across agencies to focus on the Delta and will provide a thoughtful approach to managing the Delta's resources — an approach based on common sense and best available science.

Key Delta Plan Strategies

- 1 IMPROVE WATER SUPPLY RELIABILITY & REDUCE RELIANCE ON WATER FROM THE DELTA WATERSHED** Water supply reliability will be increased through better water management throughout California and Delta reliance will be reduced by investing in improved local and regional supplies and water use efficiency. The Plan also calls for improved Delta conveyance and expansion of groundwater and surface storage.
- 2 SUCCESSFULLY COMPLETE AND PERMIT THE BAY DELTA CONSERVATION PLAN** as soon as possible to begin ecosystem and conveyance improvements needed to achieve the coequal goals.
- 3 UPDATE DELTA WATER QUALITY OBJECTIVES** by June 2014 and Delta watershed water quality objectives for high-priority tributaries by 2018 in support of the coequal goals.
- 4 RESTORE HABITAT IN SIX HIGH PRIORITY LOCATIONS** in the Delta and Suisun Marsh to recover endangered species, rebuild salmon runs and enhance habitat for native wildlife. The Plan prioritizes actions to reduce pollution, invasive species and impacts of other ecosystem stressors.
- 5 PROTECT THE DELTA AS A UNIQUE PLACE** by locating new residential, commercial or industrial development in areas planned for urban use, protecting rural lands for agriculture and ensuring a role for Delta voices in significant projects.
- 6 IMPROVE FLOOD PREPAREDNESS AND EMERGENCY RESPONSE** by creating a Delta Flood Risk Management Assessment District with the authority to impose appropriate fees for local costs of flood management actions. A unified local decision-making body will increase the effectiveness of the more than 100 flood control entities in the Delta.
- 7 REDUCE DELTA EXPOSURE TO FLOOD RISK** by enhancing the Yolo Bypass, improving the Cosumnes River-Mokelumne River Confluence, establishing the Lower San Joaquin River Bypass and using setback levees where feasible. The Delta Plan also protects floodplains from new development and restricts new subdivisions to areas with adequate flood protection.
- 8 SET STATE PRIORITIES FOR INVESTMENT IN DELTA FLOOD PROTECTION BY 2015** State investment in flood protection must be appropriate to the uses of land to be protected. The Council will take the lead in making priority recommendations for State funds in Delta flood protection based on a risk analysis that includes an assessment of State interests.

Central Valley Flood Protection Plan and the Delta Plan

State of California (State) law, enacted through the Central Valley Flood Protection Act of 2008 and codified in Sections 9600 through 9625 of the California Water Code, requires the California Department of Water Resources (DWR) to prepare the Central Valley Flood Protection Plan (CVFPP). The CVFPP proposes a State Systemwide Investment Approach for sustainable, integrated flood management in areas currently protected by facilities of the State Plan of Flood Control (SPFC). The Related Project Series provides a brief summary of the subject effort and its relationship to CVFPP.

Each fact sheet in the CVFPP Related Project Series provides a brief summary of the subject effort and its relationship to the CVFPP.

The Delta Stewardship Council is to develop, adopt, and implement a legally enforceable, comprehensive, long-term management plan for the Sacramento-San Joaquin Delta (Delta) and the Suisun Marsh – the **Delta Plan** – that achieves the coequal goals as described in California Water Code Section 85054.

“‘Coequal goals’ means the two 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.”

Portions of the Delta Plan, once adopted as State regulations, will become legally enforceable policies; the remainder will consist of recommendations. These policies and recommendations will be organized under five categories: (1) creating a more reliable water supply for California, (2) restoring the Delta ecosystem, (3) improving water quality, (4) reducing flood risk in the Delta, and (5) protecting and enhancing the unique cultural, recreational, natural resources, and agricultural values of the Delta as an evolving place.

The Delta Plan will not contain a list of physical projects to achieve the coequal goals. Rather, the policies and recommendations will be statements of direction to other agencies that could lead to specific physical actions.

Delta Stewardship Council released a draft Program Environmental Impact Report (PEIR) in November 2011, and expects the final Delta Plan and PEIR in spring 2012. More information on the Delta Plan and PEIR is available at <http://deltacouncil.ca.gov/>.

Relationship to Central Valley Flood Protection Plan

The primary goal of the CVFPP is to improve flood risk management. Accordingly, the CVFPP focuses on reducing the chance of flooding on lands protected by facilities of the SPFC, including those located in the Delta. However, not the entire Delta receives protection from such facilities. The CVFPP is one of many management plans that would contribute to the Delta Plan.

The CVFPP’s recommended approach – known as the State Systemwide Investment Approach (SSIA) – sets forth a strategy for responsibly meeting the State’s objectives to improve public safety, ecosystem conditions, and economic sustainability, while recognizing the financial challenges facing local, State, and federal governments today. The major SSIA elements are consistent with the policies and recommendations in the draft Delta Plan. Under the CVFPP, the State will consider the following for areas protected by SPFC facilities:

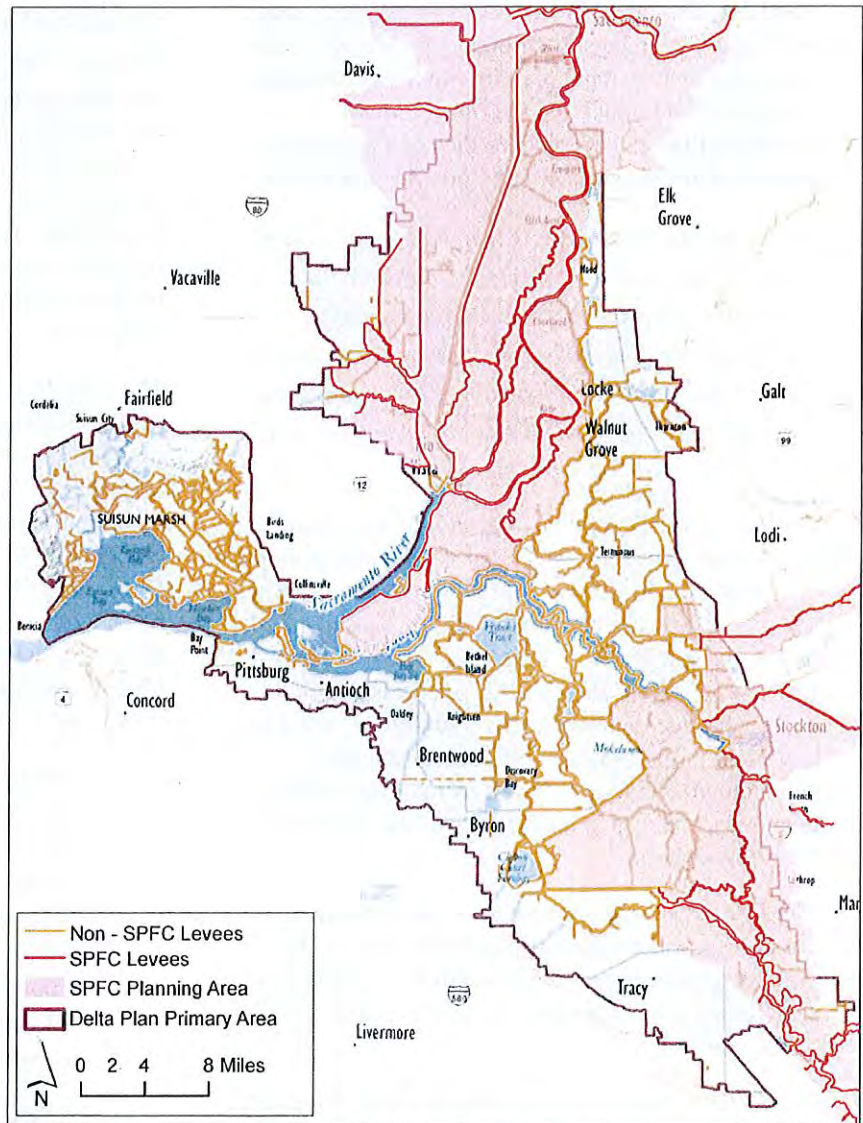
1. Urban level of flood protection against a 200-year (0.5% annual chance) flood for urban and urbanizing areas (e.g. Stockton metropolitan area).
2. Structural and nonstructural options for protecting small communities from a 100-year (1% annual chance) flood (including Clarksburg, Isleton, Walnut Grove, Courtland, Hood, and Rio Vista).
3. Rural-agricultural flood protection options, with a focus on integrated projects that achieve multiple benefits and help preserve the rural-agricultural lands from urban development:



- » Maintaining SPFC levee crown elevations and providing all-weather access roads to facilitate inspection and floodfighting.
- » Conducting levee improvements, including setbacks, to address known performance problems; and subject to additional project-level evaluation, reconstructing rural SPFC levees to also address small community protection, where economically feasible.
- » Acquiring agricultural conservation easements to preserve agricultural practices in the secondary zone and prevent urban development, when consistent with local land use plans and in cooperation with willing landowners.

In addition, the SSIA includes system elements such as a potential Yolo Bypass expansion to increase system capacity, attenuate peak flow during flood events, and increase opportunities for ecosystem restoration compatible with the Bay-Delta Conservation Plan (another major management plan contributing to the Delta Plan), and a potential new Lower San Joaquin Bypass to alleviate flood risk to the Stockton metropolitan area and to provide opportunities for environmental restoration and agricultural preservation.

As discussed in the draft Delta Plan, many upstream actions could affect the State's ability to meet the Delta Plan's coequal goals. Similarly, the State is sensitive to the potential effects that upstream SPFC improvements may have on the Delta and is developing more detailed State policies for minimizing and mitigating for redirected hydraulic and other adverse impacts. Based on the results of current evaluations, the SSIA as a whole would not have adverse impacts on the Delta; however as part of implementation actions, additional studies would be required to evaluate potential temporary impacts and mitigation strategies related to the sequence of implementation activities.



Delta Plan Primary Area and Areas Protected by SPFC facilities

The CVFPP will be implemented in coordination with other FloodSAFE programs and projects also addressing flood risk in the Delta, especially from tidal estuaries and for non-SPFC facilities, such as the Delta Levee Maintenance Subventions Program, the Delta Levees Special Flood Control Projects, and the Delta Emergency Operations Plan.

■ **USACE Delta Islands and Levees Feasibility Study, Long-Term Management Strategy for Dredging and Dredge Material Placement, Periodic Inspection Program, and Levee Safety Portfolio Risk Management System.** USACE has multiple programs addressing Delta-related flood management issues, including levee safety, levee integrity, and the beneficial reuse of dredged material.

■ **CVP and SWP Reoperation Studies.** DWR's Forecast-coordinated Operations Program and Systems Reoperation Program address reservoir operational criteria, as noted in Chapter 3.

The Council will consider the findings of these studies and may incorporate them into future Delta Plan updates. The CVFPP and FloodSAFE include many concepts relevant to flood protection in the Delta. At the federal level, the National Committee on Levee Safety (2009) submitted a report to Congress that outlined the critical components of a National Levee Safety Program, and a high-level timeframe and steps for its creation. It is up to Congress to act on these recommendations, which will be monitored by the Council as they relate to the Delta Plan.

The CVFPB, DWR, and USACE each play unique and critical roles in Delta flood risk management. Because of this, the Council's role in facilitation, coordination, and integration of various agencies and other parties is of particular importance. Frequent, ongoing collaboration with other State, federal, and local agencies to improve communication and coordination is essential to meeting the Delta Plan's flood management objectives.

The Delta's Levees

The levees within the legal Delta protect approximately 740,000 acres of land. They define the Delta's physical characteristics; influence the reliability of its water supplies and its ecosystem health; and are critical to the Delta's residents, farms, businesses, cities, and legacy communities. Because

CENTRAL VALLEY FLOOD PROTECTION PLAN

The Central Valley Flood Protection Act of 2008 directed DWR to prepare the CVFPP. The CVFPP is a flood management planning effort that addresses flood risks and ecosystem restoration opportunities in an integrated manner. It specifically proposes a systemwide approach to flood management for the areas currently protected by facilities of the State Plan of Flood Control (SPFC). The CVFPP was adopted by the CVFPB in June 2012. It is expected that the CVFPP will be updated every 5 years thereafter.

The CVFPP proposes a systemwide approach to address the following issues:

- Physical improvements in the Sacramento and San Joaquin river basins
- Urban flood protection
- Small community flood protection
- Rural/Agricultural area flood protection
- System improvements
- Non-SPFC levees
- Ecosystem restoration opportunities
- Climate change considerations

The geographic scope of the CVFPP includes the portions of the Delta covered by the SPFC, including about 65 miles of urban, nonproject levees at Stockton; approximately two-thirds of Delta levees are not addressed in the CVFPP.

The effects of systemwide improvements directed by the CVFPP and the potential of redirected impacts to areas within the Delta will be monitored by the Council to ensure alignment with the coequal goals and the Delta Reform Act. Additionally, the Council may, at its discretion, incorporate those portions of the CVFPP into the Delta Plan to the extent that those portions promote the coequal goals (Water Code section 85350).

The 2012 CVFPP is only a descriptive document, highlighting a planning perspective at a reconnaissance level. Follow-on feasibility studies and project-specific development activities will be conducted over the next several years. The Council will continue to monitor and provide input to those activities to ensure that Delta flood risk issues are considered. Flood system improvement actions undertaken upstream of the Delta are of particular concern if not coupled with in-Delta actions that reduce overall systemwide flood risk.

many Delta levees protect land below sea level, they hold back water all day, year-round, rather than only during floods, and so are called "the hardest working levees" in America.

Planning for Flood Management

This section summarizes the current state of flood management planning for the Delta. To reduce the risk of flooding, Delta landowners, local governments, and State and federal agencies have planned and built an extensive levee system in the Delta, and significant flood control works upstream of the Delta. Other government flood control programs plan for emergency response in the event of floods, or help manage flood risks through land use planning, building standards, and flood insurance. The Delta Reform Act refers to these government-sponsored flood control programs in its provisions regarding covered actions (Water Code section 85057.5(a)(4)). The sidebar, What Is a Government-sponsored Flood Control Program?, highlights those programs referenced in statute; and proposed actions in the Delta that will have a significant impact on the implementation of one of these programs may be considered covered actions. Chapter 2 provides details about covered actions.

There are more than 1,000 miles of project and nonproject levees in the Delta and Suisun Marsh. Differences in how levees are classified can influence reports about their length and condition. Approximately 65 percent of the levees in the Delta and all levees in the Suisun Marsh are owned or maintained by local agencies or private owners and are not part of the flood control projects on the Sacramento or San Joaquin rivers. Most of these nonproject levees are maintained by local reclamation districts created and funded by landowners, initially for the purpose of draining (“reclaiming”) Delta islands and tracts. The reclamation districts continue to maintain levees and other water control facilities today. These nonproject levees are defined in Water Code section 12980(e).

Many facilities throughout the Delta also drain rainfall runoff from land into Delta channels. Local cities and districts own and maintain urban storm drains in developed areas. Stockton, Sacramento, West Sacramento, Lathrop, Manteca, and Tracy are Delta cities with storm drainage facilities.

WHAT IS A GOVERNMENT-SPONSORED FLOOD CONTROL PROGRAM?

Any State or federal strategy, project, approval, funding, or other effort that is intended to reduce the likelihood and/or consequence of flooding of real property and/or improvements, including risks to people, property, and State interests in the Delta, that is carried out pursuant to applicable law, including, but not limited to, the following code:

- State Water Resources Law of 1945, Water Code section 12570 et seq.
- Sacramento-San Joaquin River Flood Control Projects (Flood Control Act of 1941, Public Law 77-228)
- Local Plans of Flood Protection (Water Code section 8201)
- Central Valley Flood Protection Plan (Water Code section 9600 et seq.)
- Subventions Program, Special Projects Program (Water Code section 12300 et seq.)
- Way Bill 1973 – Subventions Program, Special Projects Program (Water Code section 12980 et seq.)
- Central Valley Flood Protection Board Authority (California Code of Regulations, Title 23, Division 1)
- National Flood Insurance Program (National Flood Insurance Act of 1968, 42 United States Code 4001 et seq., Public Law 90-448)

Most Delta islands have a network of agricultural drains and pumps to pump runoff into the Delta channels. Some Delta channels have been dredged to increase their capacity to carry floodwater and to obtain material for levee construction and maintenance.

The flood control projects on the Sacramento and San Joaquin rivers include approximately one-third of the Delta’s levees. Known as “project levees,” they begin on the left bank of the Sacramento River at Sherman Island, and line most of the riverbanks, as well as the Sacramento River Deep Water Ship Channel and some connecting waterways, north to Sacramento and beyond. The Delta Cross Channel’s control gates are an important feature of this levee system, closing during high flows to keep the Sacramento River’s floodwaters out of the central Delta. The flood control

The Delta Plan: Covered Actions

August 2013

The Delta Reform Act of 2009 established a certification process for compliance with the Delta Plan. This means that state and local agencies that propose to carry-out, approve or fund a qualifying action, called a “covered action” in the Delta Plan, must certify that this action is consistent with the Delta Plan and must file a certificate of consistency with the Delta Stewardship Council.

What Is a Covered Action?

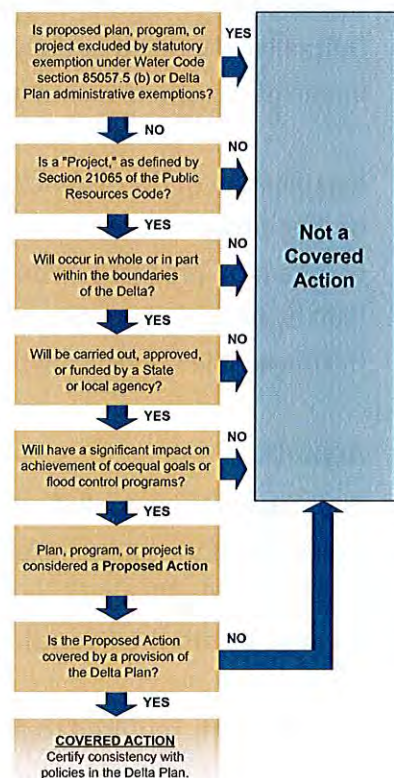
A State or local agency that proposes to carry out, approve, or fund a plan, program, or project is the entity that must determine whether that plan, program, or project is a covered action. That determination must be reasonable, made in good faith, and consistent with the Delta Reform Act and relevant provisions of the Delta Plan.

Both the Delta Reform Act and the Delta Stewardship Council’s own Administrative Procedures contain exemptions for such things as state agency regulatory actions, routine maintenance of certain facilities, projects located within specified regional planning areas, or specific ministerial actions.

Unless otherwise exempt, start with the Delta Reform Act to determine whether proposed plans, programs, or projects are covered actions under the Delta Plan and therefore subject to the regulatory provisions in the plan. The Act defines a covered action as (Water Code section 85057.5(a)):

...a plan, program, or project as defined pursuant to Section 21065 of the Public Resources Code that meets all of the following conditions:

1. *Will occur, in whole or in part, within the boundaries of the Delta or Suisun Marsh;*
2. *Will be carried out, approved, or funded by the state or a local public agency;*
3. *Is covered by one or more provisions of the Delta Plan;*
4. *Will have a significant impact on the achievement of one or both of the coequal goals or the implementation of government-sponsored flood control programs to reduce risks to people, property, and state interests in the Delta.*



If an agency determines that a proposed plan, program, or project is not a covered action that determination is not subject to Council regulatory review, but is subject to judicial review as to whether it was reasonable, made in good faith, and is consistent with the Delta Reform Act and relevant provisions of the Delta Plan.

Early Consultation

If requested, the Council staff will meet with the agency's staff during early consultation to review the consistency of the proposed action and to offer non-binding advice as to whether the proposed plan, program, or project appears to be a covered action, provided that the ultimate determination in this regard must be made by the agency.

Certification of Consistency

A state or local agency that proposes to undertake a covered action, prior to initiating the implementation of that covered action, is required to submit a written certification to the Council, with detailed findings demonstrating that the covered action is consistent with the Delta Plan. Detailed findings must address consistency with each policy in the Delta Plan that is implicated by the covered action.

Certification of Consistency requests are to be submitted on-line. The Council has developed an on-line process to assist state and local agencies in preparing the required certification. The certification process will demonstrate whether a covered action is consistent with the Delta Plan by being fully transparent, disclosing potential environmental impacts, and identifying how best available science will be used in decision-making and adaptive management.

Appeals

The Council has appellate authority to determine the consistency of covered actions with the Delta Plan if they are challenged. Any person who claims that a covered action is inconsistent with the Delta Plan and, as a result would have a significant adverse impact has 30 days to file an appeal with the Council.

The Council is required to apply the standard of substantial evidence when reviewing covered action appeals. State or local agencies are required to submit detailed findings upon filing their consistency determination, described previously. These findings and the record will provide the basis for the Council's decision making. Upon receiving an appeal, the Council has 60 days to hear the appeal and an additional 60 days to make its decision and issue specific written findings. If the covered action is found to be inconsistent, the project may not proceed until it is revised so that it is consistent with the Delta Plan.

Delta Flood Management Facilities

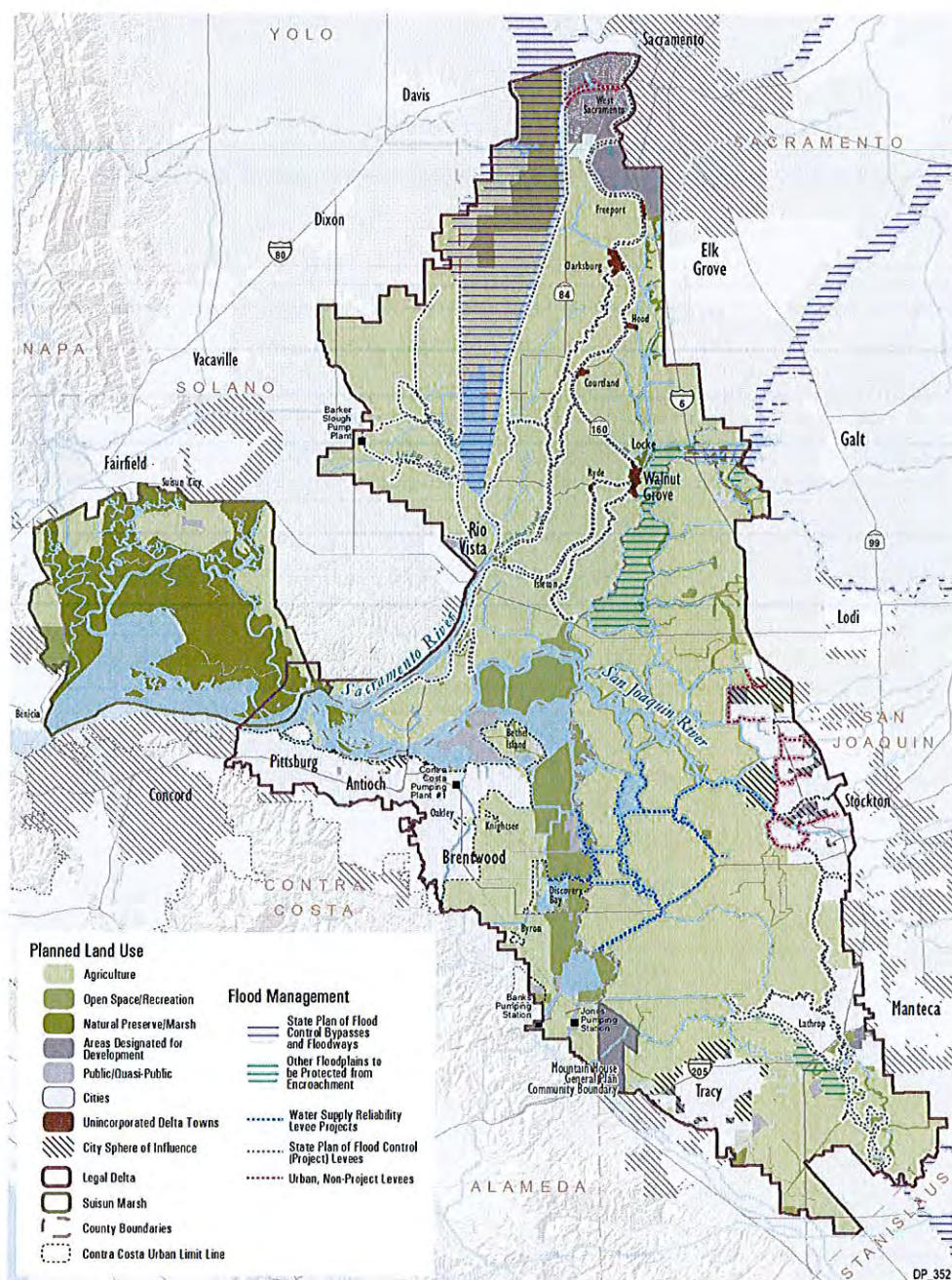


Figure 7-6

The map shows land uses designated by city and county general plans. Within cities' spheres of influences, the map shows land use designations proposed in city general plans, where available. In cases where cities have not proposed land uses within their spheres of influence, the map shows land uses designated by county general plans.

Sources: City of Benicia 2003, Contra Costa County 2008, Contra Costa County 2010, DWR 2011b, DWR 2011c, DWR 2011d, City of Fairfield 2008, Jones & Stokes 2007, City of Lathrop 2012, City of Manteca 2012, Mountain House Community Services District 2008, City of Rio Vista 2001, SACOG 2009, City of Sacramento 2008, Sacramento County 2011, Sacramento County 2012, Sacramento County 2013, San Joaquin County 2008a, San Joaquin County 2008b, Solano County 2008a, Solano County 2008b, South Delta Levee Protection and Channel Maintenance Authority 2011, City of Stockton 2011a, City of Stockton 2011b, City of Suisun City 2011, City of Tracy 2011a, City of Tracy 2011b, City of West Sacramento 2010, Yolo County 2010a, Yolo County 2010b.

Levees in the Delta

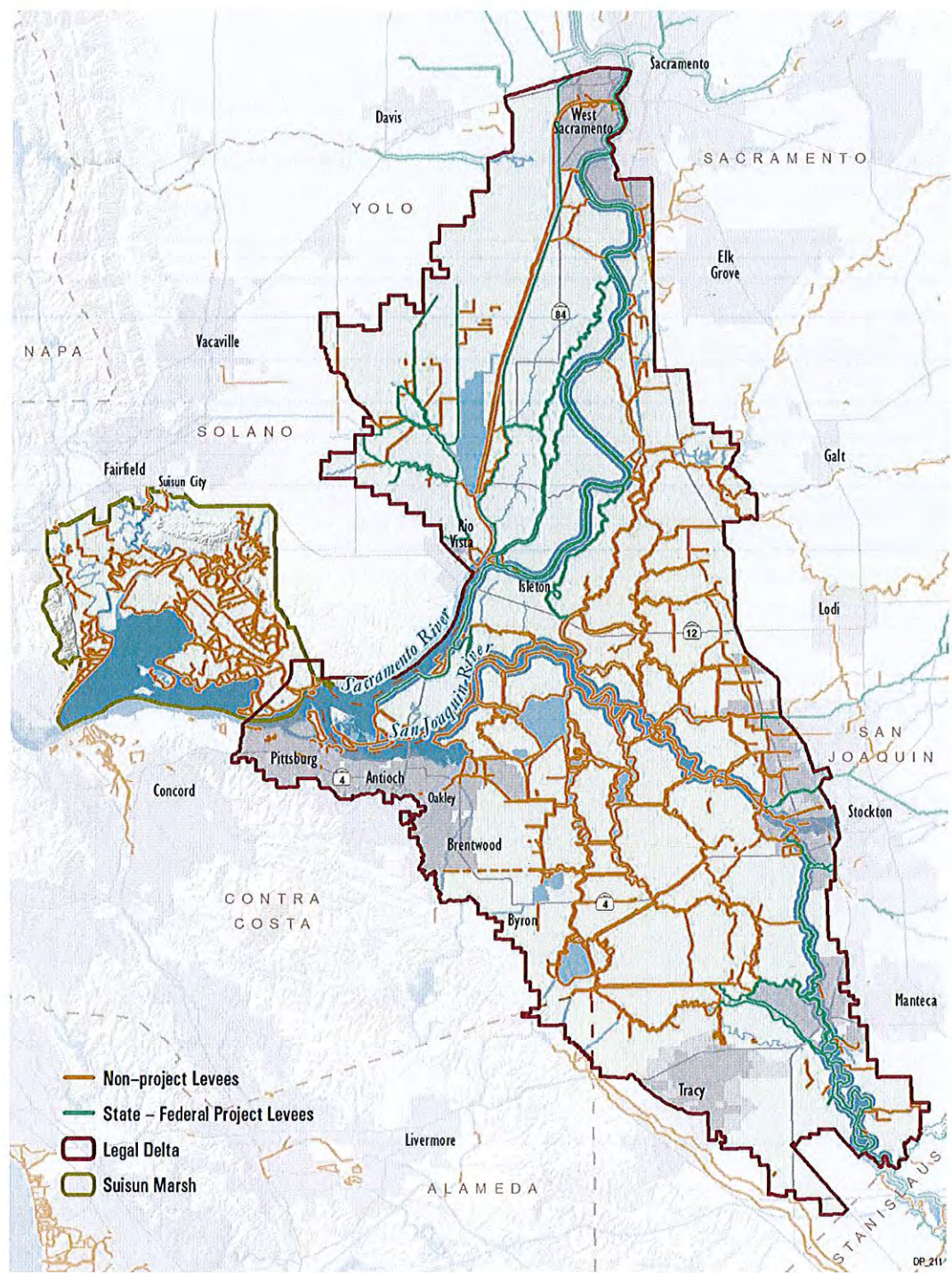


Figure 7-3 *Source: DWR 2011e*

