



Delta Counties Coalition

Contra Costa County · Sacramento County · San Joaquin County · Solano County · Yolo County
"Working together on water and Delta issues"

April 12, 2011

To (Northern California CEO/Agency Distribution List):

Re: Delta Plan Impacts to Northern California

We are writing to you out of a sense of urgency and concern regarding the potential impacts of the Delta Stewardships Council's (DSC) forthcoming Delta Plan on communities and agencies in Northern California.

The Delta Reform Act of 2009 (SB7X 1, Simitian) established the DSC and tasked it to prepare and complete the Delta Plan by January 1, 2012. The Delta Plan is intended to be the "enforceable" framework to achieve the co-equal goals of a reliable California water supply and restoring and enhancing the California Delta ecosystem. While the stated intent of the legislation would seem positive, the manner and extent to which the Delta Plan is currently being developed would have serious implications on local land use decision-making authority and should be of great concern to local agencies, and residents and businesses in our region.

Existing law limits a "covered action" to include those actions that "will occur, in whole or part, within the boundaries of the Delta or Suisun Marsh" (Water Code § 85057.5). Existing law also defines the Delta to include only the Delta and Suisun Marsh (Water Code § 12220)

As currently drafted, the Delta Plan would give the DSC regulatory power over local projects and activities ("covered actions"), which occur far outside of the Delta itself. Language in the Draft Plan would grant the DSC jurisdiction over the entire Delta watershed and areas of the State that use water from the Delta watershed – roughly two-thirds of the State's area and 96 percent of the population (see Attachment "A"). The impacts to your community from these overreaching powers include:

1. Potential for local land use authority to be usurped through the creation of a consistency finding process. This would subject public projects (defined as a "covered action" in Water Code § 85057.5) located far outside the legal Delta (Water Code § 12220) to a consistency certification review process administered largely by the DSC, without providing clarity on the definition of "covered actions."
2. Potential to impair and diminish existing water rights statewide, counter to the Delta Reform Act of 2009 (specifically Water Code § 85031).
3. Potential for fees to be placed on upstream diverters or dischargers which are unrelated to any specific impacts in the Delta demonstrated by sound science to be attributed to an individual diversion or discharge.

4. Creation of onerous planning and reporting requirements for all aspects of water management for any water-related “covered action” to be found consistent with the Delta Plan. This requirement would apply regardless of whether or not there is a direct relationship of the information to any specific proposed action.
5. Creation of duplicative statutory policies regarding water supply interruption, water use efficiency, recycling, sustainable water management, groundwater, storm water capture and recharge, and seawater desalination – along with the recommendation, outside of statute, for the State Water Resources Control Board to take over management of surface and ground water resources of local agencies if the Board determines that any agency is failing to sustainably manage these resources.
6. Imposition of significant unfunded mandates to comply with the Delta Plan’s “covered action” consistency certification process.

The Delta Reform Act mandates that the DSC adopt the Delta Plan on or before January 1, 2012. The current draft of the Delta Plan represents Draft 2. A third draft will be released later this month. Pursuant to the DSC’s release schedule, the May 2011 draft (Draft 4) will trigger the initial circulation of the Draft Delta Plan EIR in June.

From the beginning of this process, it has been clear that the timeline of 2012 was far too short to develop a thorough, comprehensive, and reasonable policy and procedure plan that includes the input of all agencies that will be unjustly impacted.

For over two years Sacramento County, and the other four Delta Counties (Yolo, San Joaquin, Solano and Contra Costa), have been engaged in the process and has utilized every opportunity to voice its comments and concerns and to have direct discussions with our legislators and those crafting the Delta Plan. Unfortunately, the Delta Plan has continued to be pushed forward at an unnecessarily accelerated rate without relevant consideration of the concerns expressed by those agencies which will be impacted.

Time is of the essence, and it is imperative that the DSC hears the concerns of the entire Northern California region regarding the potential impacts to the economy, land use authority, and water management plans.

We encourage each of you to personally go before the DSC to express your concerns regarding how the Delta Plan, as currently drafted, will impact your agency. Further, it is important that you express the need for the DSC to go to the legislature to request an extension of the deadline and request that the DSC do the following:

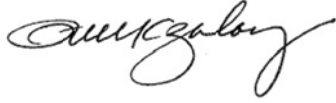
- 1) Re-assess the direction the Plan is currently heading;
- 2) Adopt a modified strategy that focuses more precisely and appropriately on the Delta and Suisun Marsh;
- 3) Develop ways to address the truly relevant and related threats to the Delta; and
- 4) Ensure that the Delta Plan stays on task with achieving the co-equal goals as intended in the legislation.

Finally, it is critical that you approach your own legislators directly to express these same concerns. Written comments to the DSC should include as much detail as possible and provide alternative language for the plan where feasible.

We trust that you will receive this request with the seriousness and urgency with which it is made. The current Draft Delta Plan, along with the schedule for release of future

draft and DSC hearings on the Plan, can be viewed and downloaded at:
www.deltacouncil.ca.gov/draft_delta_plans.html. Questions regarding efforts of the 5-Delta Counties related to the Delta Plan can be directed to Don Thomas at 916-874-5140 (thomasd@saccounty.net) or Michael Peterson at 874-8913 (petersonmi@saccounty.net).

Sincerely,



Steven C. Szalay
Interim County Executive
Sacramento County



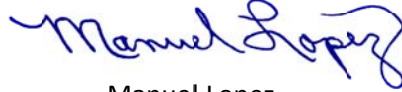
David Twa
County Administrative Officer
Contra Costa County



Patrick Blacklock
County Administrator
Yolo County



Michael D. Johnson
County Administrator
Solano County



Manuel Lopez
County Administrator
San Joaquin County

Attachment A: Proposed Delta Plan Study Area

