



ACTION ITEM

Consideration and Possible Adoption of revised Delta Plan Chapter 7, “Reduce Risk to People, Property and State Interests in the Delta” (including RR P1), Appendix P, and Delta Plan Executive Summary (Resolution 2024-01)

Summary

Water Code section 85082 directs the Council to adopt and implement the Delta Plan and section 85300(c) directs the Council to review the Delta Plan at least every five years and revise it as the Council deems appropriate. At this time, staff recommends that the Council approve Resolution 2024-01 to adopt and incorporate into the Delta Plan:

- Revisions to Delta Plan Chapter 7, “Reduce Risk to People, Property, and State Interests in the Delta” to incorporate the Delta Levees Investment Strategy (DLIS),
- Delta Plan Appendix P – maps displaying the DLIS island and tract prioritization,
- Revisions to the Delta Plan Executive Summary to incorporate DLIS, and
- Revisions to the Delta Plan Executive Summary to incorporate the policies and recommendations adopted in the 2022 amendment to Delta Plan Chapter 4, “Protect, Restore, and Enhance the Delta Ecosystem”.

Background

The Sacramento-San Joaquin Delta Reform Act of 2009, California Water Code sections 85000-85350 (Delta Reform Act), charges the Council with furthering California’s coequal goals of providing a more reliable water supply for California and protecting, restoring, and enhancing the Sacramento-San Joaquin River Delta and Suisun Marsh (Delta) ecosystem, to be achieved in a manner that protects and enhances the unique characteristics of the Delta as an evolving place (Cal. Wat. Code § 85054). To that end, the Council adopted the Delta Plan in 2013 (Cal. Wat. Code § 85059.) The regulatory portions of the Delta Plan (Delta Plan policies) are set forth in Title 23 of the California Code of Regulations, sections 5001-5016.

In 2018, the Council completed amendments to the Delta Plan that included revisions to Chapter 7, “Reduce Risk to People, Property, and State Interests in the Delta,” proposing a revision to Delta Plan Risk Reduction Policy 1 (**RR P1**) concerning the DLIS (Resolution 2018-01). In 2020, the Council withdrew the subsequent rulemaking documents for **RR P1** and removed the 2018 **RR P1** text and restored the text previously adopted in 2013 to the Delta Plan to further evaluate new Light Detection and Ranging (LIDAR) data that had potential to change the priorities assigned to certain Delta islands or tracts within DLIS and **RR P1** (Resolution 2020-01). The Council recently completed the rulemaking process for **RR P1** (Cal. Code Regs., tit. 23, § 5012) and the revised regulation took effect on January 1, 2024. Staff has updated the 2018 version of Delta Plan Chapter 7 to incorporate the updated DLIS priorities and regulatory text of **RR P1** and Delta Plan Appendix P to incorporate maps depicting the DLIS priorities by island and tract (See Attachments 1 and 2, to Resolution 2024-01).

Similarly, staff has updated the Delta Plan Executive Summary (See Attachment 3 to Resolution 2024-01) to include updated policies and recommendations in Chapter 7, as well as those in Chapter 4, “Protect, Restore, and Enhance the Delta Ecosystem” that were adopted by the Council in 2022 as part of the Ecosystem Amendment.

These revisions to the Delta Plan are proposed to complete previous Council actions described above. They are essentially “clean-ups” that would bring the effective version of the Delta Plan up to date with recent Council actions, making it internally consistent. The proposed updates to Chapter 7, **RR P1**, and the Executive Summary related to DLIS are not substantive and are within the scope of a Program Environmental Impact Report (PEIR) certified by the Council in 2018 for the Delta Plan Amendments (SCH # 2017032048) and further within an EIR Addendum completed in 2021 specifically addressing the revisions to **RR P1**. The proposed revisions to the Executive Summary related to Chapter 4 are not substantive and are within the scope of a PEIR certified by the Council in 2022 for the Delta Plan Ecosystem Amendment (SCH # 2020050219). The proposed revisions would not create any new environmental impact or increase the severity of any environmental impact described in these PEIRs. As a result, no further environmental analysis of these revisions is required under the California Environmental Quality Act (CEQA).

Requested Action

Staff recommends that the Council adopt Resolution 2024-01 (Attachment 3) through which the Council would direct and authorize the following:

Section 1. The Executive Officer, or their designee, is directed to revise the Delta Plan, Chapter 7 “Reduce Risk to People, Property and State Interests in the Delta”, in substantially the same form as presented in Resolution 2024-01 Attachment 1 and Delta Plan, Appendix P, in substantially the same form as presented in Resolution 2024-01 Attachment 2.

Section 2. The Executive Officer, or their designee, is directed to revise the Delta Plan, Executive Summary, in substantially the same form as presented in Resolution 2024-01 Attachment 3.

Section 3. The Executive Officer, or their designee, is authorized to make any technical, nonsubstantive changes that they deem necessary or advisable to effectuate the purposes of this resolution.

Section 4. This resolution takes effect immediately upon approval.

Next Steps

If approved by the Council at today's meeting, staff will make the updated versions of Delta Plan Chapter 7, Appendix P, and the Executive Summary available on the Council's website alongside the other Delta Plan chapters.

Fiscal Information

Not applicable.

List of Attachments

Attachment 1: Resolution 2024-01

Contact

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