



INFORMATION ITEM

Delta Plan Five-Year Review Draft Report

Summary

The Sacramento-San Joaquin Delta Reform Act of 2009 (Wat. Code, § 85000 et seq.; Delta Reform Act) requires the Council to review the Delta Plan at least every five years, and the Council may revise the Delta Plan as the Council deems appropriate. (Wat. Code, § 85300(c).) At today's meeting, staff will present the draft Delta Plan Five-Year Review Report (draft report). The first Five-Year Review was adopted by the Council in 2019, and the Council has worked on implementing priority actions identified in that report. This second Five-Year Review evaluates progress implementing the Delta Plan using performance measures. The draft report will be released for public review following today's meeting. At this time, staff is seeking initial feedback from Council members regarding key findings and recommendations identified in the draft report and the next steps. Staff will incorporate the input received today and during the public review process within the Final Report, which will inform future Council work.

Background

As required by the Delta Reform Act, the Council is conducting a Five-Year Review to evaluate progress implementing Delta Plan policies, recommendations, and performance measures. Consistent with the flexible decision-making framework known as adaptive management, the five-year review process ensures that the Delta Plan responds to changes in the environment, science, and knowledge, and the pace and uncertainty of climate change to stay the course in the pursuit of the coequal goals.

First Five-Year Review and Key Accomplishments since 2019

The first Delta Plan Five-Year Review was completed in 2019, covering the period from adoption of the Delta Plan in 2013 to the first five-year milestone in 2018. This first Review was based on: i) a review of the Delta Plan and evaluation of the status

of implementation activities by staff; ii) surveys and focus group interviews with governmental agencies and interested and affected parties to understand how they view and use the Delta Plan; and iii) input from Council members.

The Council has been working toward implementing the recommended actions identified in the 2019 Review. Major achievements over the past five years include:

- **Ecosystem Amendment:** In 2022, the Council completed an update to Delta Plan Chapter 4, “Protect, Restore and Enhance the Delta Ecosystem,” (Ecosystem Amendment) setting forth a vision and strategies to achieve the dynamic and resilient restored landscape envisioned in the Delta Reform Act. Updated regulations to implement the Ecosystem Amendment are anticipated to take effect in 2025.
- **Delta Levees Investment Strategy:** The Delta Levees Investment Strategy (DLIS) is a tool state agencies use to prioritize investments in Delta levee operations, maintenance, and improvements based on risk analysis, economics, and engineering, to reduce the likelihood and consequences of levee failures. The Council amended Delta Plan Policy **RR P1** to implement the DLIS under an inclusive process spanning 10 years. The revised version of **RR P1** (Cal. Code Regs., tit. 23, § 5012) became law on January 1, 2024.
- **Administrative Procedures Governing Appeals Update:** The updated Administrative Procedures Governing Appeals (Appeals Procedures) improve the process for both certifying agencies and appellants. Updated amendments were adopted by the Council in 2022 and the updated Appeals Procedures are now contained in the California Code of Regulations. (Cal. Code Regs., tit. 23, §§ 5020 – 5035)
- **Delta Adapts: Creating a Climate Resilient Future:** The Council completed the Delta Adapts Vulnerability Assessment in 2021 to analyze how changes in precipitation, temperature, and sea level rise would increase impacts on the Delta related to droughts, floods, extreme heat, and wildfire smoke. A second part of the Delta Adapts initiative is a Climate Adaptation Plan, a draft of which will be released in coming months.
- **Tribal and Environmental Justice Issue Paper:** The Council is nearing completion of a Tribal and Environmental Justice Issue Paper. This issue paper summarizes the best available science concerning environmental and Tribal justice issues impacting Delta communities and identifies potential policy options for the Council to consider. Staff is preparing the issue paper

in coordination with community members, Tribes, and community-based organizations. The Council will complete the issue paper in 2024.

Additionally, the Council continued to perform and improve its numerous core activities, which are detailed in the draft report.

2024 Five-Year Review Draft Report

Performance Progress Reports

As a part of the second Delta Plan Five-Year Review, staff used Delta Plan performance measures to evaluate the progress of implementing the Delta Plan.

The Delta Reform Act requires that the Delta Plan include “performance measurements that will enable the Council to track progress in meeting the objectives of the Delta Plan” (Wat. Code, § 85211.). Accordingly, the Delta Plan establishes performance measures to evaluate whether resource management actions recommended in the Delta Plan are producing the expected results. The Council developed quantitative performance measures based on best available data and science, and management relevance through an inclusive multi-year process involving state, federal, and local agencies; scientists; and interested persons.

The draft report uses the established performance measures to provide a 10-year snapshot of progress toward Delta Plan objectives. Ratings based on quantitative targets are provided for several performance measures established in the Delta Plan and consider the portion of each performance measure’s target achieved by 2023. Only the performance measures that observed a change and could be quantitatively rated are included.

Performance measure evaluations are organized into topic-specific “report cards”. These report cards provide a 10-year “pulse check” of measured progress toward the Delta Pan objectives. Ten years is a relatively short time to discern the effects of management actions on system outcomes; nevertheless, the ratings represent an important part of the feedback loop to inform adaptive management of the Delta Plan. These report card findings inform several of the draft report recommendations.

Regulatory Analysis

The Delta Plan and corresponding Council regulations establish enforceable requirements that apply to covered actions, as defined in the Delta Reform Act. The draft report includes analysis of the regulatory functions of the Delta Plan over the past 10 years, recommends additional priority actions, and identifies emerging planning topics to ensure that the Council's coordination and regulatory roles respond to contemporary issues and opportunities. The draft report includes a summary and analysis of the 51 certifications of consistency that have been submitted to the Council since the Delta Plan's regulations took effect in 2013, 69 percent of which were submitted within the last five years, reflecting both a growing number of Delta projects and a growing awareness of the Council's process and authority.

The Draft Five Year Review report also includes an analysis of 17 appeals the Council considered of certifications of consistency for covered actions and a review of common themes identified in best available science on appeals. The report additionally considers the content of adaptive management plans prepared by certifying agencies for ecosystem restoration and water management covered actions to comply with Delta Plan requirements.

Findings from the regulatory analysis inform several of the 2024 Five Year Review recommendations.

Draft Recommendations

The draft report includes the following draft recommendations, which outline a framework for the Council and its partners to implement the Delta Plan over the next five years. Each recommendation is drawn either from the performance measure report cards or the regulatory analysis described above and is supported by one or more actions described in the draft report.

1. Reduce Reliance on Delta Water
2. Accelerate Ecosystem Restoration
3. Accelerate Subsidence Reversal
4. Promote Delta Recreation and Tourism
5. Improve State and Federal Assurances for Delta Levees
6. Consider and Implement Performance Measure Updates
7. Implement the Delta Levees Investment Strategy

8. Consider Impacts and Benefits of Capturing and Storing Carbon
9. Conduct Covered Action Early Consultation and Post-Project Updates
10. Improve Use of Best Available Science in Certifications of Consistency
11. Enhance Adaptive Management Plans
12. Develop a “Delta as an Evolving Place Facing Rapid Change” Report
13. Implement New Climate Change and Environmental Justice and Tribal Engagements Recommendations as Directed by the Council

Draft Report Organization

The draft report is presented in four parts:

Part 1 presents key accomplishments from the past five years connected to the priorities identified in the 2019 Review.

Part 2 presents progress report cards for Delta Plan chapters drawn from Delta Plan Performance Measures and describes key findings and issue spotlights from performance measure assessments. Technical details from the analysis supporting the performance measure evaluations will be included as an appendix to the 2024 Review (Attachment 2).

Part 3 provides a regulatory analysis and review of all covered actions submitted to the Council since 2013 by state and local public agencies, considers the applicability of Delta Plan regulatory policies to covered actions and appeals, and recommends actions and emerging topics to ensure that the Delta Plan responds to contemporary issues and opportunities.

Part 4 lists recommended actions the Council could take in the next five years to improve performance measure progress and affirm the Council’s regulatory roles to better achieve the objectives of the Delta Plan. This part will be completed following Council discussion at today’s meeting and provide directions on the next steps to implement the recommendations identified in the report.

Appendices to the draft report provide additional information regarding the development of the performance measure report cards (Appendix 1) and a listing of covered actions submitted to the Council since 2013 (Appendix 2).

Today’s Meeting

At today’s meeting, staff will present the draft report (Attachment 1), starting with the status of actions identified in the 2019 Review and key accomplishments over

the last five years. Staff will highlight key findings from the performance measures evaluations and progress report cards. Staff will also present the list of recommendations addressing performance and regulatory areas. Staff will ask the Council to offer its initial input regarding these recommended actions. These recommendations will then be summarized in the Final Report and, if approved by the Council at a future meeting, will inform Council work plans for the next five years.

Next Steps

Staff will incorporate Council input from today's meeting and input received during the public comment period to prepare a final report. The public comment period will be open for 45 days after the draft report is released. Staff anticipate returning to the Council in the third quarter of 2024 to recommend Council approval of the final report.

Fiscal Information

Not applicable.

List of Attachments

Attachment 1: Draft Five-Year Review Report

Attachment 2: Performance Report Card Technical Details

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