



**Delta
Stewardship
Council**

A CALIFORNIA STATE AGENCY

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October 20, 2023

County of Contra Costa
Department of Conservation and Development
30 Muir Street
Martinez, CA 94553

Delivered via email: AdvancePlanning@dcd.cccounty.us

RE: Comments on Notice of Preparation of an Environmental Impact Report for the Contra Costa County 2045 General Plan and Climate Action Plan Update, SCH# 2023090467.

Dear Will Nelson:

Thank you for the opportunity to review and comment on the Contra Costa County (County) 2045 General Plan and Climate Action Plan Update Notice of Preparation (NOP) of a Draft Environmental Impact Report (DEIR). The Delta Stewardship Council (Council) staff appreciates the level of coordination with County staff to date on this project. The Council recognizes the objective of the project, as described in the NOP, for the County to provide comprehensive updates to its existing General Plan and Climate Action Plan that establish County land use policy through 2045 and reduce greenhouse gas (GHG) emissions while enhancing community resiliency. The Council is an independent state agency established by the Sacramento-San Joaquin Delta Reform Act of 2009, codified in Division 35 of the California Water Code, sections 85000-85350 (Delta Reform Act). The Delta Reform Act charges the Council with furthering California's coequal goals of providing a more reliable water supply and protecting, restoring, and enhancing the Sacramento-San Joaquin River Delta (Delta) ecosystem. (Water Code, § 85054.) The

Delta Reform Act further states that the coequal goals are to be achieved in a manner that protects and enhances the unique cultural, recreational, natural resource, and agricultural values of the Delta as an evolving place. The Council is charged with furthering California's coequal goals for the Delta through the adoption and implementation of the Delta Plan. (Wat. Code, § 85300.)

The Delta Plan contains regulatory policies, which are set forth in California Code of Regulations, Title 23, sections 5001-5015. Through the Delta Reform Act, the Council was granted specific regulatory and appellate authority over certain actions of State or local public agencies that take place in whole or in part in the Delta. (Wat. Code, §§ 85210, 85225.30.) A state or local agency that proposes to undertake a covered action is required to prepare a written Certification of Consistency with detailed findings as to whether the covered action is consistent with the Delta Plan and submit that Certification to the Council prior to initiation of the implementation of the project. (Wat. Code, § 85225.) The Delta Reform Act also directs the Council to review and provide timely advice to local and regional planning agencies regarding the consistency of local and regional planning documents with the Delta Plan. (Wat. Code, § 85212.)

COVERED ACTION DETERMINATION AND CERTIFICATION OF CONSISTENCY WITH THE DELTA PLAN

Based on the project location and scope, as provided in the NOP, the project may meet the definition of a covered action. Water Code section 85057.5(a) states that a covered action is 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.* The project would occur in part within the boundaries of the Delta.
- (2) Will be carried out, approved, or funded by a State or a local public agency.* The County would approve the 2045 General Plan and Climate Action Plan Updates.
- (3) Is covered by one of the provisions of the Delta Plan.* Although we anticipate that the project would be covered by multiple Delta Plan regulatory policies, additional project details are needed to determine which policies would apply.
- (4) Will have a significant impact on 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.* The project may have a significant impact on achievement of the coequal goal to protect, restore,

and enhance the Delta ecosystem, and the implementation of government-sponsored flood control programs in the Delta.

The State or local agency approving, funding, or carrying out the project must determine if that project is a covered action and, if so, file a certification of consistency with the Council prior to initiating project implementation. (Wat. Code, § 85225; Cal. Code Regs., tit. 23, § 5001(j)(3).) Additional project details contained in the forthcoming DEIS will be helpful in determining applicable Delta Plan policies supporting this determination.

As the County proceeds with design, development, and environmental impact analysis of the project, the Council invites the County to continue to engage Council staff in early consultation to discuss project features and mitigation measures that would promote consistency with the Delta Plan.

More information on covered actions, early consultation, and the certification process can be found on the Council website, <https://coveredactions.deltacouncil.ca.gov>.

Council staff are available to discuss issues outlined in this letter as the County proceeds in the next stages of its project and approval processes. Please contact Pat Kelly at 916-902-6577 or Patricia.Kelly@deltacouncil.ca.gov with any questions.

Sincerely,

A handwritten signature in black ink, appearing to read "Jeff Henderson", with a long horizontal flourish extending to the right.

Jeff Henderson, AICP

Deputy Executive Officer