

Comments on Preprint AB 1

Released September 3, 2009

Overview:

Preprint AB 1/AB 39 focuses on the Delta Plan. It incorporates many of the recommendations of the *Delta Vision Strategic Plan*. These comments identify several areas where changes would bring the proposed bill closer to those recommendations.

	Section	Comment	Possible Solution
I. Preprint AB 1 (incorporating AB 39, Huffman)	85054	Track more closely the language of Delta Vision Strategic Plan’s Goal 2 in second sentence.	Revise second sentence as follows: The coequal goals shall be achieved in a manner that protects and enhances the unique cultural, recreational, and agricultural values of the Delta as an evolving place. An action critical to achieving the co-equal goals is recognizing and enhancing the unique cultural, recreational, and agricultural values of the California Delta as an evolving place, but it is separate from the co-equal goals. .
	85081	Early actions include appointing persons to serve on the Delta Independent Science Board. Will this be a replacement or successor to the CALFED Independent Science Board? The relationship between CALFED and the Delta Council needs to be clarified. The Science Board will be established under section 85280, which is not in this bill, but in preprint SB 1. The nominating bodies named to not include adequate representation of scientists knowledgeable about Delta species or ecosystems.	Revise as follows: The Council shall request a list of nominees to serve on the Delta Independent Science Board, from the Director of the University of California Center for Water Resources and the Director of the United States Geologic Survey office in Sacramento. The council shall establish a transparent process to obtain nominees to serve on the Delta Independent Science Board, which shall include soliciting nominees from the Director of the University of California Center for Water Resources, the Director of the California Sea Grant Program and the Director of the United States Geologic Survey. Such

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			nominees may include members of the CALFED Independent Science Board.”
	85300 (c)	Provides that in developing the Delta Plan, the council shall develop the Delta Plan consistent with the provisions of the federal CZMA. It would be good to give the council flexibility in case CZMA proves not to be the best option.	Revise as follows: In developing the Delta Plan the council shall <u>may</u> develop the Delta Plan consistent with the provisions of the federal Coastal Zone Management Act of 1972 or other approach to achieve integration of federal agency actions with the Delta Plan. . . (continue with existing language.)
	85300	Bill requires Delta Plan to be adopted by January 1, 2011, and subsequent regular update and revision. Providing for developing and revision of the Delta Plan, itself integrating many other state developed plans, without separate CEQA process is appropriate to ensure timely completion and revision. The processes detailed for development and revision of the Delta Plan ensure transparency and wide involvement. Projects required to implement the Delta Plan are appropriately subject to CEQA analyses.	Add new section: The California Environmental Quality Act (Division 13, commencing with Section 21000 of the Public Resources Code) does not apply to the preparation and adoption of the Delta Plan and subsequent revisions to the plan. This part does not exempt projects for implementation of CEQA.
	85302	Add <i>Delta Vision Strategic Plan</i> target for habitat restoration.	Add at end of section 85302(a): The Plan shall target 100,000 acres of restored habitat by 2100.
	85305	This section addresses Delta Levees. Consider repealing or modifying part of Water Code section 12981, to conform existing law to current understanding of the evolving nature of the Delta. Subsection (c) of section 12981 should perhaps also be amended to mention the 2 coequal goals.	Revise Water Code section 12981(b) to read: The Legislature further finds and declares that the delta’s uniqueness is particularly characterized by its hundreds of miles of meandering waterways and the many islands adjacent

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			<p>thereto; that, in order to it is important to preserve the delta's invaluable resources, which include highly productive agriculture, recreational assets, fisheries, and wildlife environment. the physical characteristics of the delta should be preserved essentially in their present form; and that the a key to preserving the Delta's physical characteristics resources is the system of levees defining the waterways and protecting the adjacent islands.</p> <p>Add to 85305(c): Levee maintenance must be prioritized on full consideration of any levee's roles in protecting people, land, reliable water supplies, water quality, aquatic ecosystems, infrastructure, the aesthetic and cultural values of the Delta, and the capacity of the Delta to evolve over time. It must consider threats to the levees posed by climate change, seismicity, subsidence, and localized deterioration. It must also consider the potential consequences of levee removal for remaining levees, including increased wind and wave fetch.</p>
	85306	Bill does not address the format of the Delta Plan	<p>Add: new(a)(6): Regularly include graphics and maps to facilitate public understanding of the plan and its implications. The council shall use all reasonable efforts to post the plan and key background infor-</p>

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			<p>mation on its website and update such information on a regular basis using the best available sources of information. . Renumber existing (6) as (7).</p>
	85320	<p>Adds provisions for completion of the Bay Delta Conservation Plan (BDCP), many consistent with recommendations of the <i>Delta Vision Strategic Plan</i>, but includes additional provisions. Successful completion of the Bay Delta Conservation Plan on its projected schedule is important.</p> <p>However, that success will not fully satisfy the recommendations in Goal 5 of the <i>Delta Vision Strategic Plan</i>. This section should be revised to clarify the intent of the Legislature to complete the BDCP and also to provide for the additional actions needed to satisfy Goal 5, especially in regard to expanding options for storage outside of the Delta and for improved operations of water storage and conveyance systems</p>	<p>Add intent in new sentence at end of Section 85320 (a) "It is the intent of the legislature that the Bay Delta Conservation Plan be completed by January 2011."</p> <p>Insert a new chapter 3 incorporating recommended actions 5.1.2, 5.1.3, 5.2.1, 5.2.2 and 5.2.3 from the <i>Delta Vision Strategic Plan</i>.</p> <p>Change the current Chapter 3 to Chapter 4.</p>