December 13, 2011

TO: The Honorable Mayor and City Council

FROM: Bonnie Paige, City Clerk

SUBJECT: ADDITIONAL INFORMATION – ITEM 15.04 RELATING TO LAND USE, WATER AND OTHER DELTA RELATED ISSUES

The following correspondence was received in our office today and provided for your reference relating to Agenda Item 15.04 regarding land use, water and other Delta related issues:

1. A letter from the Delta Stewardship Council, dated November 2, 2011 addressed to Adam Brucker, Senior Planner, City of Stockton, signed by Kevan Samsam, P.E., Delta Stewardship Council, regarding ALCO Stockton Recycling Facility Mitigated Negative Declaration, SCH #201102047;

2. A letter from the Delta Stewardship Council, dated October 11, 2011 addressed to Ms. Corinne King, San Joaquin County Community Development Department, signed by Kevan Samsam, P.E., Delta Stewardship Council, regarding Initial Study for Neighborhoods K and L at Mountain House, SCH #2011092041; and

3. The Delta Plan/EIR Timeline from the Delta Stewardship Council.

If you have any questions, please call me at 937-8458.

BONNIE PAIGE
CITY CLERK

ec: City Manager
City Attorney
November 1, 2011

Mr. Adam Brucker
Senior Planner
City of Stockton
345 North El Dorado Street
Stockton, CA 95202-1997

RE: ALCO Stockton Recycling Facility Mitigated Negative Declaration, SCH # 2011102047

Dear Mr. Brucker:

The Delta Stewardship Council (Council) is an independent state agency charged with adopting and implementing a legally-enforceable, integrated resources management plan for the Sacramento–San Joaquin Delta, referred to as the "Delta Plan" (see generally, the Sacramento-San Joaquin Delta Reform Act of 2009, Div. 35 of the California Water Code). Once the Delta Plan becomes effective as a state regulation (anticipated in Summer 2012), state and local agencies that propose to carry out, approve or fund "covered actions" must first prepare and file with the Council written certifications that those actions are consistent with the Delta Plan. Those certifications are subject to appeal, and a project may not proceed until it is consistent with the Delta Plan.

Council staff recently reviewed the ALCO Stockton Recycling Facility Mitigated Negative Declaration. While the project does occur in the Delta it appears that the project, as it is currently described, would likely not meet the definition of a "covered action". However, the project could become a covered action in the future if it changes and, as a result, has a significant impact on the achievement of the coequal goals. Should that occur, we would encourage you to consult with us to ensure the project's consistency with the Delta Plan and the coequal goals.

What is a covered action? It is "a plan, program, or project as defined by §21065 of the PRC that meets the following conditions: 1) will occur, in whole or in part, within the boundaries of the Delta or Suisun Marsh; 2) will be carried out, approved, or funded by the state or a local public agency; 3) is covered by one or more provisions of the Delta Plan; 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." (CA Water Code §85057.5)

"Coequal goals" means the two goals of providing a more reliable water supply for California and protecting, restoring, and enhancing the Delta ecosystem. The coequal goals shall 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.

— CA Water Code §85054
What are the coequal goals? “Coequal goals' means the two goals of providing a more reliable water supply for California and protecting, restoring and enhancing the Delta ecosystem. The coequal goals shall be achieved in a manner that protects and enhances the unique cultural, recreational, and natural resource, and agricultural values of the Delta as an evolving place.” (CA Water Code §85054) The Delta Reform Act of 2009 created the DSC and charged it with developing a Delta Plan to achieve the coequal goals.

If you have any questions or would like to set up an initial consultation, please contact me at (916) 455-5011 or ksamsam@deltacouncil.ca.gov.

Sincerely,

Kevan Samsam, P.E.
Delta Stewardship Council

c: DSC Chron File
October 11, 2011

Ms. Corinne King
San Joaquin County Community Development Department
1810 E. Hazleton Ave
Stockton, CA 95205

RE: Initial Study for Neighborhoods K and L at Mountain House, SCH# 2011092041

Dear Ms. King:

The Delta Stewardship Council is an independent state agency charged with adopting and implementing a legally-enforceable, integrated resources management plan for the Sacramento–San Joaquin Delta, referred to as the “Delta Plan” (see generally, the Sacramento-San Joaquin Delta Reform Act of 2009, Div.35 of the California Water Code). Once the Delta Plan becomes effective as a state regulation (anticipated in Spring 2012), state and local agencies that propose to carry out, approve or fund “covered actions” must first prepare and file with the Council written certifications that those actions are consistent with the Delta Plan. Those certifications are subject to appeal, and a project may not proceed until it is consistent with the Delta Plan.

Council staff recently reviewed the Initial Study for Neighborhoods K and L at Mountain House. It appears that the project would likely meet the definition of a “covered action”, and would be subject to the Delta Plan, if the Delta Plan becomes effective prior to the filing of a notice of approval or determination for your project. As such we would encourage you to consult with us to ensure the project’s consistency with the Delta Plan and the coequal goals.

What is a covered action? It is “a plan, program, or project as defined by §21065 of the PRC that meets the following conditions: 1) will occur, in whole or in part, within the boundaries of the Delta or Suisun Marsh; 2) will be carried out, approved, or funded by the state or a local public agency; 3) is covered by one or more provisions of the Delta Plan; 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.” (CA Water Code §85057.5)

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developing a Delta Plan to achieve the coequal goals.

If you have any questions or would like to set up an initial consultation, please contact me at
(916) 455-5011 or ksamsam@deltacouncil.ca.gov.

Sincerely,

Kevan Samsam, P.E.,
Delta Stewardship Council

c: DSC Chron File
The Delta Stewardship Council was created in November 2009 when the State legislature passed the Delta Reform Act. The Council's first public meeting was held in April 2010 and work to develop the Delta Plan and its Program Environmental Impact Report have steadily progressed. This timeline captures work completed since August 2011 and projected through the summer of 2012.

**Delta Stewardship Council Plan Timeline**

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<td>Aug 2011</td>
<td>Draft Field Hearings</td>
<td>Draft EIR - Certified</td>
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<td>Sep 2011</td>
<td>Council Review of Draft EIR Comments</td>
<td>Final EIR Certified</td>
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<td>Nov 2011</td>
<td>Sixth Staff Draft Delta Plan</td>
<td>Submittion to OAL</td>
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<td>Dec 2011</td>
<td>Fifth Staff Draft Delta Plan</td>
<td>Regulations Take Effect</td>
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<td>Jan 2012</td>
<td>Draft Program EIR Released</td>
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**Continual Outreach to Stakeholders, LEG, Tribes, Public, etc.**

*Version: 120811*