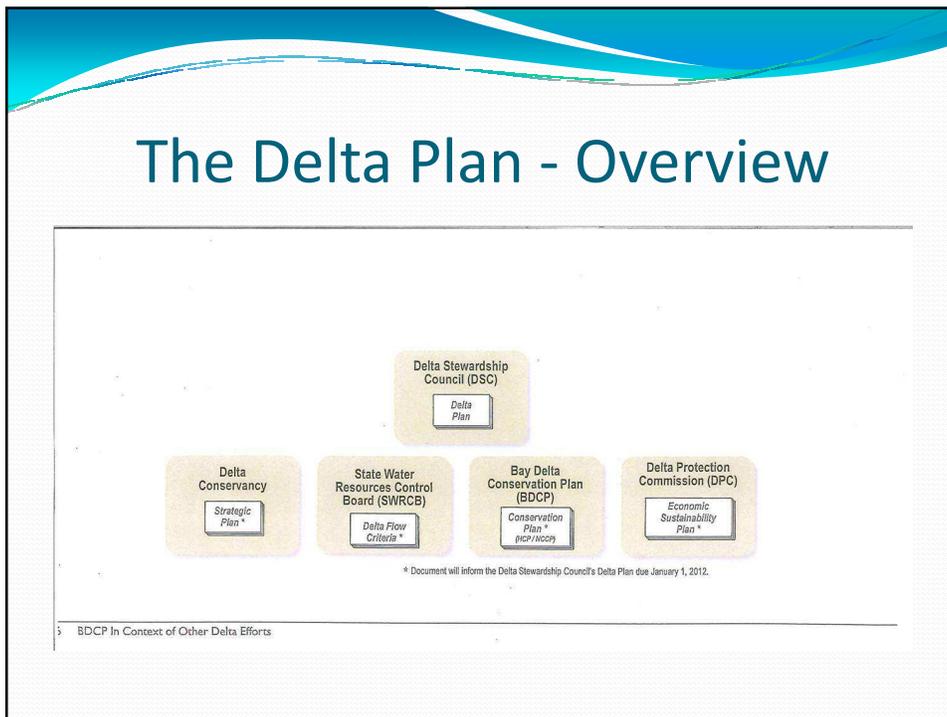


DELTA PLAN LANDUSE AND WATER ISSUES

Sacramento City Planning Commission
By Scot Mende, Principal Planner
And
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April 14, 2011

CONTEXT & OVERVIEW



Importance of the Bay-Delta

- 2/3 of California (24 million residents) rely on Delta water
- Irrigates 45% of the fruits & vegetables produced in US
- 80% of the state's commercial fishery species live in or migrate through the Bay-Delta
- Habitat for 700 native species, including 5 listed by ESA
- About 50% of the State's runoff flows through the Delta






Source : CALFED Bay-Delta

Delta Facts

Covers 738,000 acres,
55,000 acres of which is water

Includes over
1,100 miles of levees

Provides recreation to
12 million users



Supports the largest estuary on the west coast -
and 80% of the state's commercial salmon fisheries

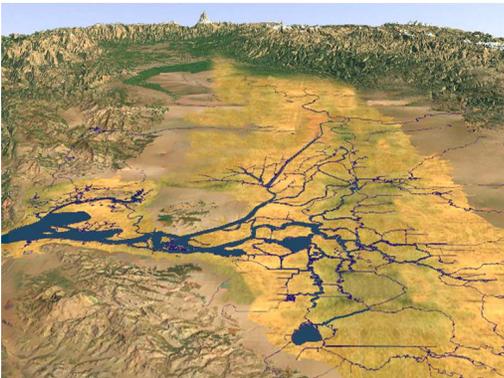
Supports California's
\$27 billion agricultural industry

**Over 24 million people
depend on the Bay-Delta
system for drinking
water!**

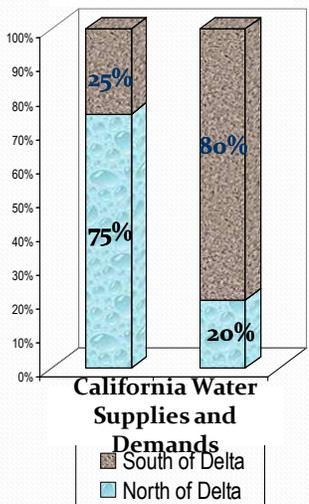
(two-thirds of the State's

5

It All Comes Together in the Delta



Source Demand



Category	North of Delta	South of Delta
Source	75%	25%
Demand	20%	80%

**California Water
Supplies and
Demands**

South of Delta
 North of Delta

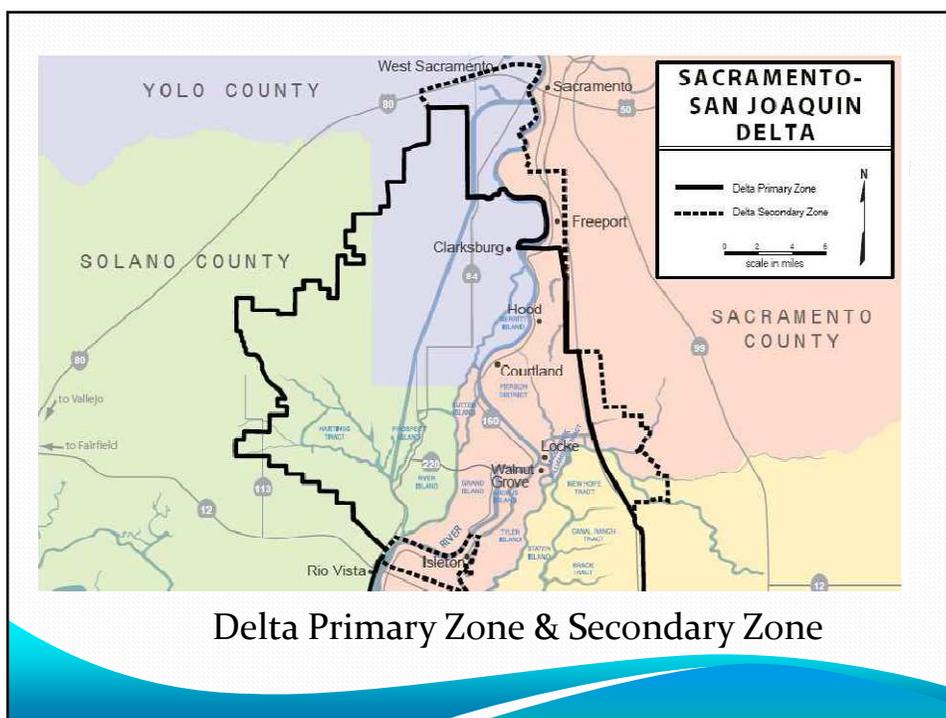
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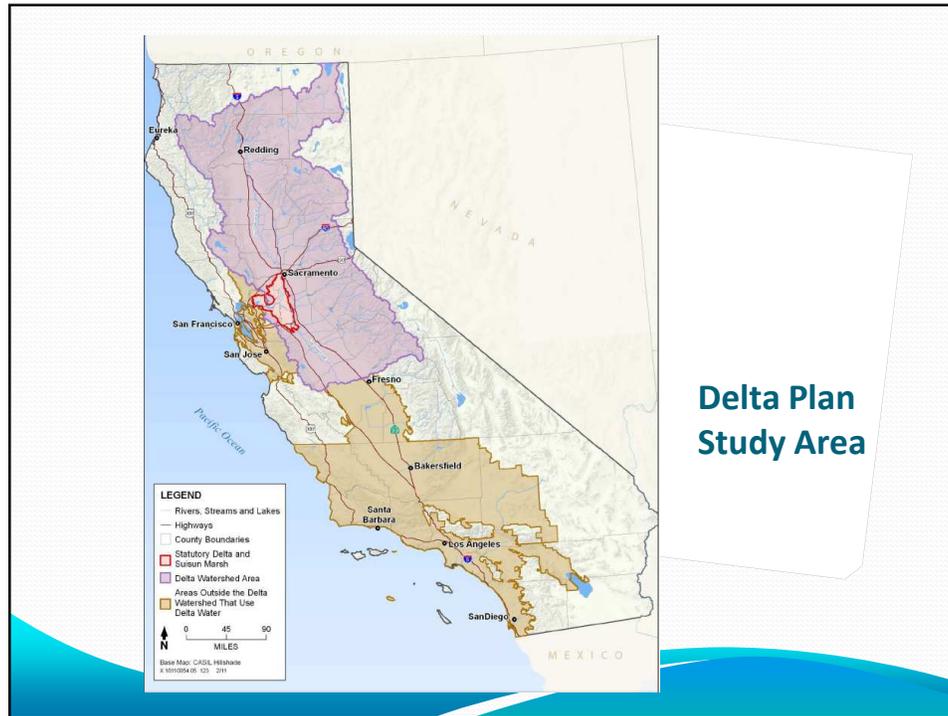
LAND USE ISSUES

Delta Stewardship Council

- The Delta Stewardship Council was established as an independent State agency, by the Sacramento-San Joaquin Delta Reform Act of 2009 (§85000 et seq of the Water Code).
- Must develop and adopt by January 1, 2012, a comprehensive resource management plan for the Delta.
- Co-equal goals
 - Providing a more reliable water supply for California
 - Protecting, restoring and enhancing the Delta ecosystem (which must 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 2009 Act transferred to the Delta Stewardship Council all of the staff, resources, and administrative rights, duties and obligations of the California Bay-Delta Authority.



Delta Primary Zone & Secondary Zone



Sacramento 2030 General Plan

- Goal ER 1.1: Water Quality Protection. Protect local watersheds, water bodies and groundwater resources, including creeks, reservoirs, the Sacramento and American rivers, and their shorelines.
- Policy ER 1.1.1 Conservation of Open Space Areas. The City shall conserve and where feasible create or restore areas that provide important water quality benefits such as riparian corridors, buffer zones, wetlands, undeveloped open space areas, levees, and drainage canals for the purpose of protecting water resources in the City's watershed, creeks, and the Sacramento and American rivers. (RDR/MPSP)
- Policy ER 1.1.2 Regional Planning. The City shall continue to work with local, State, and Federal agencies and private watershed organizations to improve water quality. (IGC/JP)
- Policy U 2.1.1 Exercise and Protect Water Rights. The City shall exercise and protect its water rights and entitlements in perpetuity. (SO)

Covered Actions (1)

- The Delta Plan will become a set of integrated and legally enforceable regulatory policies that are the basis for findings of consistency by local and state agencies for proposed plans, programs and projects that meet the definition of a “covered action” (Water Code 85300(a)).
- Covered actions must be consistent with the plan's regulatory policies.

Covered Actions (2)

- “...a plan, program or project as defined pursuant to Section 20165 of the Public Resources Code that meets all of the following conditions:*
- *Will occur, in whole or in part, within the boundaries of the Delta or Suisun Marsh;*
 - *Will be carried out, approved, or funded by the state or a local public agency;*
 - *Is covered by one or more provisions of the Delta Plan;*
 - *Will have a significant impact on the 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.”*
(Water Code section 85057.5)

Local Land Uses – Covered Actions?

Delta Shores

1. Would the Delta Plan apply to development:
 - Within the Secondary Zone of the Delta?
 - Outside of the legal Delta?
2. Given that the Delta Shores project already had undergone environmental review, what would be the Delta Stewardship Council's scope of review:
 - For land use legislative entitlements (e.g., zoning) already approved by the Sacramento City Council?
 - For discretionary land use entitlements still pending (i.e., quasi-judicial development plan review)
3. Would the water resources elements of the Delta Plan apply to the development since the City is the water supplier as well as the land use agency?

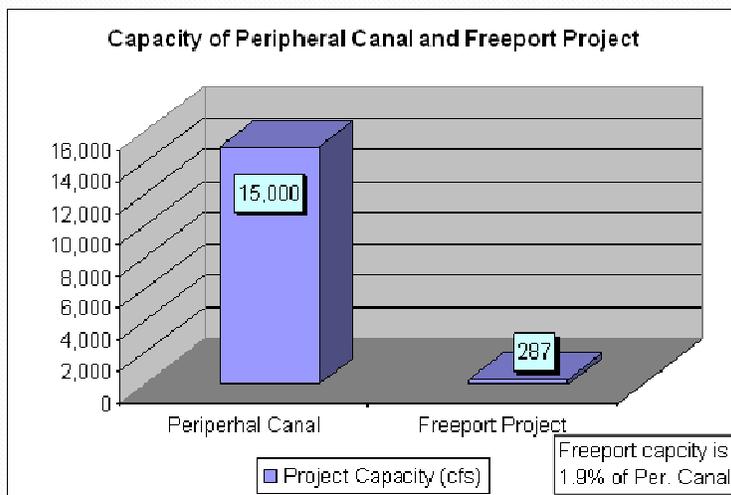
Local Land Uses – Covered Actions?

Freeport Regional Water Authority Intake Facility

1. Would the Delta Stewardship Council have consistency review authority over EBMUD and SCWA decision to implement the Freeport Project?
2. With which Regulations in the Delta Plan would these water agencies have to comply to ensure consistency?
3. In which Geographies would the water agencies need to comply?
4. Which Regulations apply to service areas within / outside the legal Delta?

Water Rights & Supply Issues

What's At Stake?



Key Concern – Water Rights (1/3)

Water rights could be affected

- Legislation not consistent with reality or rhetoric
 - Legislation states that the Delta Plan will not “diminish, impair or otherwise affect....water rights
- However,
 - Delta Stewardship Council
 - States that Delta watershed is over allocated
 - More fresh water is needed for the Delta

Key Concern – Water Rights (2/3)

- However – continued
 - Bay Delta Conservation Plan (BDCP)
 - Established by largest exporters to cement their diversions for 50 years
 - Up to 6 million ac-ft per year
 - 5 Delta diversions of up to 15,000 cfs
 - Peripheral Canal or Tunnel
 - > \$10 Billion

Key Concern – Water Rights *(3/3)*

- Sacramento Region
 - Diverts approximately 0.5 Million ac-ft
 - Returns approximately 40% to the Delta watershed
 - Water rights are extremely valuable