

DELTA STEWARDSHIP COUNCIL

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Sacramento, CA 95814

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BOARD OF SUPERVISORS

2012 DEC -3 A 1:50

Please find enclosed:

1. Notice of Availability of a Recirculated Draft Program Environmental Impact Report for the Delta Plan
2. Delta Stewardship Council Notice of Proposed Rulemaking

NOTICE OF AVAILABILITY OF A RECIRCULATED DRAFT PROGRAM ENVIRONMENTAL IMPACT REPORT FOR THE DELTA PLAN

The Delta Stewardship Council, an independent state agency, is issuing this notice to advise the public that a Recirculated Draft Program Environmental Impact Report (Recirculated Draft PEIR) for the Delta Plan, which is Volume 3 of the Draft Program Environmental Impact Report for the Delta Plan, has been prepared and is now available for public review and comment for 45 days, from November 30, 2012 through (and including) January 14, 2013. This notice is provided pursuant to noticing requirements found in the California Environmental Quality Act (CEQA) (Public Resources Code Sec. 21092), and the State CEQA Guidelines (Guidelines Sec. 15087).

SUMMARY

In November 2009, the California Legislature enacted SBX7 1. It requires the Delta Stewardship Council (Council) to develop, adopt, and implement the Delta Plan, a legally enforceable, comprehensive, long-term management plan for the Sacramento–San Joaquin Delta and the Suisun Marsh (Delta) that furthers the coequal goals (Water Code section 85300(a)). “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” (Water Code section 85054). Furthering achievement of the coequal goals is a primary and fundamental purpose of the Delta Plan.

The Recirculated Draft PEIR analyzes the significant adverse environmental effects of the November 2012 Final Draft Delta Plan. The Council developed the Final Draft Delta Plan in response to comments received on the August 2011 Fifth Staff Draft Delta Plan and the November 2011 Draft Program Environmental Impact Report (Draft PEIR), which analyzed the Fifth Draft Delta Plan and consists of Volumes 1 and 2. **A Final Draft Delta Plan to meet the requirements of SBX7 1 has been prepared and is the project being evaluated in the Recirculated Draft PEIR, which is Volume 3 of the Draft PEIR.** For the purposes of this Recirculated Draft PEIR, the Fifth Staff Draft Delta Plan analyzed in the November 2011 Draft PEIR is referred to as the “Proposed Project” or the “Proposed Project Alternative.” The Final Draft Delta Plan analyzed in the Recirculated Draft PEIR is the “Revised Project.”

PROJECT DESCRIPTION AND PROJECT AREA

The Final Draft Delta Plan covers five topic areas and goals: increased water supply reliability, restoration of the Delta ecosystem, protection and enhancement of the Delta as an evolving place, improved water quality, and reduced risks of flooding in the Delta. The Delta Plan does not propose or contemplate the Council constructing, owning, or operating any facilities related to these five topic areas, however. Rather, the Delta Plan contains regulatory policies, recommendations, performance measures and issues for further evaluation and coordination that seek to influence and encourage actions, activities and projects of cities, counties, and State, federal, regional and local agencies that will further achievement of the coequal goals. Examples of the types of actions/activities the Delta Plan seeks to influence and encourage include, but are not limited to: new or expanded water storage reservoirs; wetlands and riparian restoration; invasive species management; water flow patterns in the Delta; water, wastewater, stormwater and agricultural runoff water treatment; levee modification and construction; floodplain expansion; new/improved active and passive recreation opportunities in the Delta.

The focus of the Delta Plan is on the Delta and Suisun Marsh, although the Delta Plan could have influence beyond the Delta. The Delta area is generally located west of Sacramento and east of the San Francisco Bay area within the network of waterways formed primarily by the confluence of the Sacramento and San Joaquin rivers. Activities the Delta Plan could influence in the Delta and Suisun Marsh could include, for example, levee improvements, wetlands restoration, and recreation projects, among others. Accomplishing the coequal goals across the five topic areas the Delta Plan covers, however, could involve physical actions (should other agencies undertake them) in areas outside the Delta, including the Delta Watershed to the north of the Delta and other areas that currently rely on water exported from the Delta. These areas include, for example, portions of the Sacramento and San Joaquin Valleys and southern California. Activities the Delta Plan could influence in those areas could include, for example, groundwater storage enhancements, new/expanded reservoirs, and treatment plants, among others.

DOCUMENT AVAILABILITY

Copies of the Recirculated Draft Delta Plan Program EIR are available online at the Delta Stewardship Council’s Web site: <http://www.deltacouncil.ca.gov>. You can obtain a CD-ROM copy of the Recirculated Draft PEIR by sending an e-mail with the subject line “Request for CD-ROM Copy of Recirculated DPEIR” to recirculateddpeircomments@deltacouncil.ca.gov or by calling 916-445-0144. A copy of the Recirculated Draft PEIR and any documents incorporated by reference are also available for viewing at the Delta Stewardship Council offices located at 980 9th Street, Suite 1500, Sacramento, CA 95814. Lastly, a copy of the Recirculated Draft PEIR is available in the main branch of each County library in counties that possibly could be affected by the Delta Plan; addresses for these libraries can be found at <http://www.deltacouncil.ca.gov>.

PROVIDING COMMENTS ON THE RECIRCULATED DRAFT PEIR

Written comments on the Recirculated Draft Delta Plan Program EIR should be provided to the Delta Stewardship Council on or before January 14, 2013. Written comments on the Recirculated Draft Delta Plan Program EIR should be sent to: "Recirculated Draft PEIR Comments," Delta Stewardship Council, 980 Ninth Street, Suite 1500, Sacramento, CA 95814.

Comments on the Recirculated Draft Delta Plan Program EIR also may be submitted electronically through the Delta Stewardship Council's web site at <http://www.deltacouncil.ca.gov>, or via e-mail with the subject line "Recirculated Draft EIR" to recirculateddpeircomments@deltacouncil.ca.gov.

FOR FURTHER INFORMATION CONTACT: Cindy Messer, Acting Deputy Executive Officer, Delta Stewardship Council, 980 9th Street, Suite 1500 , Sacramento, CA 95814 (telephone: 916-445-0144 or 916-445-0258).

ANTICIPATED SIGNIFICANT ENVIRONMENTAL EFFECTS OF THE PROJECT: The Council does not propose construction, operation, or maintenance of any facilities as part of the Delta Plan. Rather, the Council seeks to influence and encourage other agencies to take certain actions. The degree to which that influence or encouragement results in physical changes to the environment is uncertain, and depends upon what specific actions those other agencies propose. The Recirculated DPEIR takes a conservative approach, however, in concluding that activities/projects other agencies could implement that the Delta Plan could influence may have significant environmental impacts to resources in the following areas: water resources, biological resources, flood management, land use and planning, agriculture and forestry resources, visual resources, air quality, cultural resources, geology and soils, paleontological resources, mineral resources, hazards and hazardous materials, noise, recreation, transportation, utilities, climate change and greenhouse gas emissions.



NOTICE OF AVAILABILITY OF A RECIRCULATED DRAFT PROGRAM
ENVIRONMENTAL IMPACT REPORT FOR THE DELTA PLAN
SCH #2010122028

Title 23. Water Division 6. Delta Stewardship Council Notice of Proposed Rulemaking

The Delta Stewardship Council (hereafter Council) proposes to adopt the proposed regulation described below after considering comments, objections, and recommendations regarding the proposed action.

Opportunity for Public Comment

- **Public Hearings.** The Council will hold one public hearing. This hearing will be held in accordance with the requirements set forth in Government Code section 11346.8.

Date: January 24, 2013

Time: The public hearing will convene at 9:30 a.m. and remain open as long as attendees are presenting testimony.

Location: Ramada Inn & Suites

1250 Halyard Drive, West Sacramento, CA 95691

- **Written Comment Period.** The opportunity to submit written comment begins November 30, 2012, and closes January 14, 2013. Any interested person, or his or her authorized representative, may submit written comments relevant to the proposed regulatory action. Submit written comments to:

Cindy Messer

Delta Stewardship Council

980 Ninth Street, Suite 1500

Sacramento, CA 95814

(916) 445-0258

cindy.messer@deltacouncil.ca.gov

Authority and Reference

Water Code section 85210(i) authorizes the Council to adopt the proposed regulations. The proposed regulations implement, interpret, and make specific sections 10608, 10610.2, 10610.4, 10801, 10802, 85020, 85021, 85022, 85023, 85032, 85052, 85054, 85057.5, 85058, 85059, 85225, 85300, 85302, 85303, 85305, 85306, 85308, 85001(c), and 85004(b) of the Water Code. The proposed regulations make references to: sections 1702, 8201, 9600 et seq., 10608.12, 10610 et seq., 10853, 12300 et seq., 12570 et seq., 12930, 12980 et seq., 12994.5, 85001(c), 85004(b), 85020(a), 85020(d), 85020(h), 85032(j), 85087, 85210(i), 85304, Division 6, Parts 2.55, 2.6, and 2.8 of the Water Code; sections 12220, 21065, 21080(b), 29101 of the Public Resources Code; California Code of Regulations, Title 23, Division 1; 33 C.F.R. Section 320.4(i)(1), 16 U.S.C. Sec. 1451 et seq., 33 U.S.C. Sec. 1251 et seq., 42 U.S.C. 4001 et seq., P.L. 84-99, P.L. 90-448, and Section 226 of P.L. 97-293.

Informative Digest

Policy Statement Overview Explaining the Broad Objectives of the Regulations

In 2009 the Sacramento-San Joaquin Delta Reform Act of 2009 (Delta Reform Act), Water Code sections 85001 through 85308, established a new governance approach for the Sacramento-San Joaquin Delta (Delta) that is focused on achieving the coequal goals. As stated in the California Water Code, “‘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 resources, and agricultural values of the Delta as an evolving place” (Water Code section 85054).

Under the authority stated in the Delta Reform Act, the Council proposed to adopt and implement the Final Draft Delta Plan, November 2012 (Delta Plan), which includes a suite of regulatory policies, to ensure achievement of the coequal goals and the objectives inherent in the coequal goals, including long-term management of the Delta's water and environmental resources and the water resources of the state; protecting and enhancing the unique cultural, recreational, and agricultural values of the Delta as an evolving place; restoring the Delta ecosystem; promoting statewide water conservation, water use efficiency, and sustainable water use; improving water quality to protect human health and the environment; improving the water conveyance system and expanding statewide water storage; reducing risks to people, property, and State of California (State) interests in the Delta; and establishing a governance structure with the authority, responsibility, accountability, scientific support, and adequate and secure funding to achieve these objectives.

Throughout the three-year process of developing the Delta Plan and the Draft Program Environmental Impact Report (PEIR), the Council sought extensive public, stakeholder, and government agency input. Using input from the broad base of expertise and resources, the Council developed a long-term management plan for the Delta that used the best available science and was built upon the principles of adaptive management. The Delta Plan contains a foundational set of policies and recommendations to guide Plan implementation. Consistent with the Delta Reform Act, the regulatory policies set a comprehensive, legally enforceable direction for how the State manages important water and environmental resources in the Delta, and ensure coherent and integrated implementation of that direction through a certification process.

Policy Statement Overview Explaining the Specific Benefits Anticipated from the Proposed Action

Implementation of Delta Plan policies would provide the best means to achieve the coequal goals of providing a more reliable water supply for California and protecting, restoring, and enhancing the Delta ecosystem. The comprehensive set of policies would ensure that the coequal goals will be achieved in a manner that protects and enhances the unique cultural, recreational, natural resources, and agricultural values of the Delta as an evolving place while reducing risks to people, property, and State interests in the Delta.

Summary of Existing Laws and Regulations Related Directly to the Proposed Rulemaking

The Delta Plan draws upon existing State and federal laws and policies and ongoing programs to chart a course to further the coequal goals. The regulatory policies are all targeted toward the goal of aligning significant activities in the Delta with State policy priorities. Since no single entity in California has the sole responsibility or authority for managing water supply and the Delta ecosystem, the Council asserts its leadership role through the appellate authority vested by the Delta Reform Act to enforce the regulatory policies contained in the Delta Plan.

Consistent with sections 85302 to 85308 of the Water Code, the proposed regulatory policy actions contained in the Delta Plan constitute measures that promote all the characteristics of a healthy Delta ecosystem; a more reliable water supply; actions to implement the sub-goals and strategies for restoring a healthy ecosystem; statewide water conservation, water use efficiency, and sustainable use of water; options for new and improved infrastructure; and effective emergency preparedness, appropriate land uses, and strategic levee investments to reduce risks to people, property, and State interests in the Delta.

Consistency with Existing State Laws and Regulations

The Council developed the Delta Plan consistent with the following sections of Water Code: Section 85302 through 85306 specifying requisite content of the Delta Plan. Furthermore, the Council developed the Delta Plan consistent with existing laws and regulations.

- Water Code section 85031(a). The proposed regulations, under the authority provided in the Delta Reform Act, do not affect water rights protections under existing laws. Water Code

section 85031(d). The proposed regulations, under the authority provided in the Delta Reform Act, do not affect existing authorities of the State Water Resources Control Board or the courts to regulate the diversion and use of water.

- Water Code section 85032. The proposed regulations, under the authority provided in the Delta Reform Act, do not affect the Natural Community Conservation Planning Act; the California Endangered Species Act; the Fish and Game Code; the Porter-Cologne Water Quality Control Act; Water Code section 12930 related to Water Resources Development Bonds; the California Environmental Quality Act; Water Code section 1702 related to change of point of diversion, place of use, or purpose of use, the application of the public trust doctrine, any water right, or the liability of the State for flood protection in the Delta or its watershed.

In addition to the consistency of the regulatory policies with the above listed laws, the policies are also consistent with existing laws and regulations that relate to specific policies, as discussed below:

- Terms such as *Agricultural water management plan*, *agricultural water supplier*, *coequal goals*, *Delta*, *Delta Plan*, *urban area*, *urbanizing area*, *urban water management plan*, *urban water supplier*, *urban retail water supplier*, and *urban wholesale water supplier* are all defined consistent with the Water Code.
- Covered action is defined pursuant to Water Code section 85057.5. The definition of a “project” is as defined in Public Resources Code section 21065. Exemptions to the covered action definition are consistent with Water Code §85057.5(b) and Public Resources Code §21080(b) and §21002.1(c).
- Requiring mitigation measures is consistent with CEQA contained in the Public Resources Code §21002.1(b).
- Requiring reduced reliance on the Delta is consistent with the Delta Reform Act contained in Water Code §85021, the Urban Water Management Planning Act contained in Water Code §10610-10610.4, and the Agricultural Water Management Planning Act contained in Water Code §10820-10821. It is also consistent with Water Code §85023 mandating the use of the constitutional principle of reasonable use and the public trust doctrine as the foundation of State water management policy. The reasonable use doctrine is described in the California Constitution, Article 10, Sec. 2.
- The water contracting transparency requirement is consistent with existing policies of the Department of Water Resources (DWR) contained in DWR Guidelines 03-09 and/or 03-10 (each dated July 3, 2003), as well as section 226 of P.L. 97-293 or section 3504(a)(2)(B) of P.L. 102-575.
- The development, implementation, and enforcement of new and updated flow objectives are consistent with the authorities and responsibilities of the State Water Resources Control Board (SWRCB) and regional water quality control boards pursuant to Water Code §13000-13002 and §13240-13242. The Federal Clean Water Act (33 U.S.C., section 1251 et seq.) regulates the discharge of pollutants into the waters of the United States and regulates quality standards for surface waters. Federal Regulations, 40 CFR 131.37, established water quality criteria applicable to waters specified in the Water Quality Control Plan for Salinity for the San Francisco Bay/Sacramento-San Joaquin Delta Estuary. Although the attainment of salinity standards and fish migration criteria would be influenced by flows and Delta operation, the SWRCB may not have to submit the updated flow objectives to U.S. Environmental Protection Agency (EPA) for approval as long as the regulatory standards are met. Nevertheless, it is expected that the SWRCB will provide the updated flow objectives to U.S. EPA for its consideration in accordance with Water Code §13144.
- The policies on Delta habitat restoration are consistent with the California Environmental Quality Act described in the Public Resources Code §21000-21006; the Suisun Marsh Protection Plan described

in the Public Resources Code §29000-29014; the Delta Protection Act of 1992; Water Code §8611, which requires the Central Valley Flood Protection Board to develop a mitigation plan prior to flood control construction; and Water Code §12842, which requires flood control and watershed protection projects to include features to preserve the state's fish and wildlife resources and to provide for recreation.

- The policies to reduce risks in the Delta are consistent with the State's flood management interests in §8325 and §8532 of the Water Code, and §29702(d) and §29704 of the Public Resources Code. The policies will further the intent of the Central Valley Flood Protection Act of 2008 mandating a 200-year level of flood protection in urban and urbanizing areas, contained in Government Code §65865.5.
- Prohibiting encroachments and protecting floodplain functions and values will further the intent contained in sections 8410, 8608, and 8609 of the Water Code. Protecting floodways and floodplains also furthers the authorities of the State Lands Commission, as stated in Public Resources Code §6001-6314, to enforce public trust protection onto swamp and overflowed lands in the Delta. These regulations complement federal regulatory authority and responsibilities in the Delta, described in C.F.R. Title 44, Chapter 1, Parts 60.3(d)(3), and Code of Federal Regulations, Title 44, Chapter 1, §9.11 (4).
- Policies to protect private property rights are consistent with Public Resources Code §29714.
- The policy does not increase the State's flood liability, consistent with Water Code §85032(j).

Substantial Differences from Existing, Comparable Federal Regulations or Statutes

To avoid substantial difference with existing comparable federal regulation or statute, the Delta Plan was developed in accordance with the Delta Reform Act requirement of consistency with the federal Clean Water Act, section 8 of the federal Reclamation Act of 1902, and the federal Coastal Zone Management Act of 1972, or an equivalent compliance mechanism. (Water Code §85300(d)(1))

In addition, the federal Energy and Water Development Appropriations Act of 2012 (Title II of the Consolidated Appropriations Act of 2012 (P.L.112-074)) requires that federal policy for addressing California's water supply and environmental issues related to the Bay-Delta to be consistent with State law, including the coequal goals.

The proposed regulations are consistent with and complement existing federal regulations and statutes.

Whether the Proposed Regulation Is Inconsistent or Incompatible with Existing State Regulations

None of the proposed regulations are inconsistent or incompatible with existing state regulations. The Council has developed these regulations in alignment with existing state law and regulations. The section above titled "Summary of Existing Laws and Regulations Related Directly to the Proposed Rulemaking" provides a detailed explanation of how individual policies proposed in the regulation are consistent with existing laws and regulations.

Documents Incorporated by Reference

None. Definitions, policies, and other portions of the Delta Plan are included within the text of the proposed regulation or attached as appendices.

Mandated by Federal Law or Regulations

The proposed regulations are not mandated by federal law or regulations, although they complement their intents and further their implementation in the Delta.

Other Statutory Requirements

None.

Local Mandate

Government Code section 17556 provides that no mandate exists where "(d) The local agency or school district has the authority to levy assessments, rates, fees, or other charges sufficient to pay for the mandated program or increased level of service." The Cost Analysis for Proposed Delta Plan Regulations provides general information on the authority and mechanisms by which local agencies in the Delta can recover any costs potentially resulting from the proposed regulation. Cost to any local agency or school district that is required to be reimbursed under Part 7 (commencing with section 17500) of Division 4, Government Code, other nondiscretionary costs or savings imposed on local agencies, or costs or savings in federal funding to the state are not expected.

Fiscal Impact

The fiscal effects of Delta Plan policies and administrative requirements to state and local agencies occur in two forms. First, administrative requirements require State and local agencies undertaking a covered action to prepare and file a Certification of Consistency. This includes description of the covered action, CEQA documentation, summary of other government approvals, and the certification of consistency with each of the Delta Plan policies.

The agency may also incur the costs of consulting with the Council prior to submitting a Certification of Consistency, or the costs relating to an appeal of the certification, such as submitting the covered action record, attending and providing testimony at the appeal hearing, and, if the Council upholds the appeal, modifying and re-filing the Certificate of Consistency.

Second, implementation of Delta Plan policies may result in costs to State and local agencies resulting from modifications to an agency's existing plans for covered actions to make them consistent; development of covered actions that are different than what the agency would have done in absence of the Delta Plan, changes in water supply reliability, ecosystem restoration, or flood risk that affect an agency whether or not it has proposals for covered actions; and administrative costs to monitor Council activities, attend meetings, and review documents and findings.

It is anticipated that costs would be recovered by an agency of a covered action through assessments, rates, user fees, or other mechanisms the agencies use to fund activities. While in some cases State or local agencies would be able to absorb the additional costs within their existing budgets and resources, other circumstances may require the aforementioned funding mechanisms.

The total cost State and local agencies may incur to prepare and file a Certification of Consistency and implement Delta Plan policies could range from \$11.9 to \$16.8 million annually. A document titled "Cost Analysis for Proposed Delta Plan Regulations" provides a detailed analysis of the cost to State and local agencies of Delta Plan regulations, and is available for review.

Housing Costs

No significant direct impacts on housing costs are likely to occur from implementation of Delta Plan policies. The benefits and costs of Delta Plan policies can have complex and counteracting effects on housing prices. For housing directly affected by covered actions, Delta Plan policies may increase housing costs for two reasons: consistency certification costs will likely be passed on, at least in part, to buyers; and the benefits of improved flood protection and ecosystem amenities could increase property value, thereby increasing housing costs. Importantly, the Delta Plan policies are expected to provide substantial benefits to housing by increasing value due to improved flood protection, water supply reliability, and environmental amenities. A document titled "Cost Analysis for Proposed Delta Plan

Regulations” provides a detailed analysis on the effects of the Delta Plan regulations on housing costs, and is available for review.

Significant Statewide Adverse Economic Impact Directly Affecting Business, Including the Ability of California Businesses to Compete with Businesses in Other States

Although the total indirect cost of Delta Plan policies to private business or individuals is uncertain, the proposed action is not anticipated to have significant statewide adverse economic impact directly affecting business, including the ability to compete with businesses in other states.

Statement of the Results of the Economic Impact Assessment

Although the total indirect cost of Delta Plan policies to private business or individuals is uncertain, the proposed action is not anticipated to have significantly impact on:

1. The creation or elimination of jobs within the State of California
2. The creation of new businesses or the elimination of existing businesses within the State of California.
3. The expansion of businesses currently doing business within the State of California.

The proposed action would provide significant long-term benefits to the state by meeting the coequal goals of providing a more reliable water supply for California and protecting, restoring, and enhancing the Delta ecosystem. The comprehensive set of policies would ensure that the coequal goals shall be achieved in a manner that protects and enhances the unique cultural, recreational, natural resources, and agricultural values of the Delta as an evolving place, improving the welfare and state’s environment.

Cost Impacts on Representative Person or Business

Delta Plan policies and administrative requirements apply to State and local agencies. Private businesses and individuals are not directly affected by costs of Delta Plan policies or administrative requirements. However, private businesses and individuals could be affected indirectly in two ways. First, costs could be passed directly to private businesses and individuals by an agency proposing a covered action. Second, cost could be recovered by an agency of a covered action through taxes, user fees, assessments, or other mechanisms the agencies use to fund activities. The total indirect cost of Delta Plan policies to private business or individuals is uncertain.

Because private businesses and individuals are not directly affected by costs of Delta Plan policies or administrative requirements, the Council is not aware of any cost impacts that a representative private person or business would necessarily incur in reasonable compliance with the proposed action. This statement is accurate also for small business.

Business Reporting Requirements

The proposed regulations require State and local agencies undertaking a covered action to prepare and file a Certification of Consistency. However, the administrative requirements of the proposed regulations do not apply to business or private individuals. Therefore, the report requirement does not apply to business.

Small Business

The proposed regulatory policies do not affect small businesses. The direct cost of the proposed regulatory policies falls on State and local public agencies, not on businesses. Businesses in general are affected by: 1) costs passed on by a local agency through assessments, rates, fees, or other charges; and 2) benefits foregone if a covered action must be modified to comply with Delta Plan policies. There is no evidence that small businesses would be disproportionately affected or overly burdened by the proposed regulations.

Several policies are specifically designed to avoid impacts on small businesses in the Delta. For example, limitations on construction or development in the Delta (§5012) specifically exempt “commercial recreational visitor-serving uses or facilities for processing of local crops or that provide essential services to local farms.” Also, §5013 directs covered actions to avoid conflicts with existing land uses including farming.

Alternatives Statement

The Council must determine that no reasonable alternative considered or that has otherwise been identified and brought to its attention would be more effective in carrying out the purpose for which the action is proposed, would be as effective and less burdensome to affected private persons than the proposed action, or would be more cost-effective to affected private persons and equally effective in implementing the statutory policy or other provision of law.

The Council has prepared an initial statement of reasons that contains an analysis of alternatives considered and rejected due to reasons as described. Interested persons may present statements or arguments with respect to alternatives to the proposed regulations at the scheduled hearing or during the written comment period.

Contact Persons

Inquiries concerning the proposed administrative action may be directed to:

Cindy Messer
Delta Stewardship Council
980 Ninth Street, Suite 1500
Sacramento, CA 95814
(916) 445-0258
cindy.messer@deltacouncil.ca.gov

Dan Ray
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Availability Statements

The following materials are available for public review throughout the public comment period:

- Text of Proposed Regulation
- Notice of Proposed Rulemaking
- Initial Statement of Reasons
- Materials Relied Upon
- Form 400
- Form 399
- Final Statement of Reasons (upon completion)
- Final Text of Regulation (upon completion)

These materials may be viewed in two ways:

- Visiting the Council’s website (<http://deltacouncil.ca.gov>)
- Arranging an in-person review. Please contact Cindy Messer (contact information provided above).

After holding the hearing and considering all timely and relevant comments received, the Council may adopt the proposed regulations substantially as described in this notice. If the Council makes modifications which are sufficiently related to the originally proposed text, it will make the modified text (with the changes clearly indicated) available to the public for at least 15 days before the Council adopts the regulations as revised. Please send requests for copies of any modified regulations to the attention of Cindy Messer at the address indicated above. The Council will accept written comments on the modified regulations for 15 days after the date on which they are made available.

Final Statement of Reasons

The Final Statement of Reasons will be posted on <http://deltacouncil.ca.gov>, along with the date the rulemaking is filed with the Secretary of State and the effective date of the regulations.

Internet Access

All materials published or distributed by the Council are available at its internet website at <http://deltacouncil.ca.gov>