



**CITY OF LODI
COUNCIL COMMUNICATION**

AGENDA TITLE: Adopt a Resolution Supporting the Joint Resolution of Cities, County, and Other San Joaquin County Stakeholders Regarding Land Use, Water and Other Delta Related Issues

MEETING DATE: December 21, 2011

PREPARED BY: City Clerk

RECOMMENDED ACTION: Adopt a resolution supporting the joint resolution of cities, county, and other San Joaquin County stakeholders regarding land use, water and other Delta related issues.

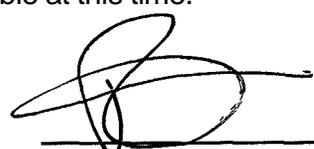
BACKGROUND INFORMATION: The City was recently asked by the San Joaquin County Delta Initiative Coalition Stakeholders to adopt a joint resolution, along with various other agencies, regarding land use, water and other Delta related issues. In addition, the City was asked to schedule a City Council presentation to receive a status report regarding the same from Board of Supervisors Chairman Ruhstaller and Stockton Mayor Ann Johnston.

As you are aware, the Delta Stewardship Council will soon be adopting the "Delta Plan." The requested adoption of the attached resolution is based on the following premise with the respect to the Delta Plan: (1) The proposed Delta Plan threatens growth and land use approvals, including growth and new land uses consistent with existing planning documents; (2) the proposed Delta Plan may stifle progress in existing urban areas or prevent orderly and carefully planned growth; (3) the Delta Plan should not threaten local water supplies; (4) urban development within existing planning areas, located behind levees that meet current federal standards, should be considered consistent with the Delta Plan; and (5) the Delta Plan should address economic sustainability impacts within the Secondary Zone of the Delta, particularly in urban areas like Stockton and the Port of Stockton. Supporting documentation for these assertions is attached.

For these reasons, it is recommended that the City Council adopt a resolution supporting the joint resolution as recommended.

FISCAL IMPACT: Not applicable at this time.

FUNDING AVAILABLE: Not applicable at this time.



Randi Johl
City Clerk

APPROVED: 

Konradt Bartlam, City Manager

A" JOHNSTON
Mayor

KATHERINE M. MILLER
Vice Mayor
District 2



CITY OF STOCKTON

OFFICE OF THE CITY COUNCIL

CITY HALL • 425 N. El Dorado Street • Stockton, CA 95202-1997
209 / 937-8244 • Fax 209 / 937-8568

ELBERT H. HOLMAN, JR.
District 1

PAUL CANEPA
District 3

DIANA LOWERY
District 4

SUSAN TALAMANTES EGGMAN
District 5

DALE FRITCHEN
District 6

December 6, 2011

San Joaquin County Delta Initiative Coalition Stakeholders, Other Cities, Delta Protection Commission, and Others in the Sacramento-San Joaquin River Delta

JOINT RESOLUTION OF CITIES, COUNTY, AND OTHER SAN JOAQUIN COUNTY STAKEHOLDERS REGARDING LAND USE, WATER, AND OTHER DELTA RELATED ISSUES

On December 5, 2011, the San Joaquin County Delta Initiative Coalition Stakeholders adopted a joint resolution (a draft of which is attached hereto as Attachment A) in support of an initiative for joint action, advocacy, and mutual interests on issues concerning the Sacramento-San Joaquin River Delta (Delta). On behalf of the San Joaquin County Delta Initiative Coalition Stakeholders, I respectfully request that your board, council, commission, or executive committee, as applicable, support and adopt this same joint resolution, in coordination with other cities, the county, and other stakeholders in San Joaquin County and other areas of the Delta. The purpose of this request is to facilitate a coordinated and collaborative response, with other affected stakeholders, in regard to the Delta Stewardship Council's proposed Draft Delta Plan and corresponding Draft Program Environmental Impact Report (DPEIR), and related Delta plans or programs that may adversely affect economic development and sustainability, local governance, water supplies, flood control, agricultural production, and habitat management in San Joaquin County and within the Delta as a whole.

In November 2009, the California Legislature enacted Senate Bill X7 1 (The Delta Reform Act). It established the Delta Stewardship Council (DSC), an independent State agency, and requires that the DSC develop, adopt, and implement by January 1, 2012 the Delta Plan, a legally enforceable, comprehensive, long-term management plan for the Sacramento-San Joaquin Delta and the Suisun Marsh (Delta) that achieves the "coequal goals" as specified in California Water Code Section 85300(a). The coequal goals are the two goals of providing "a more reliable water supply for California and protecting, restoring and enhancing the Delta ecosystem. 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" (Water Code Section 85054). Achieving the coequal goals is a primary and fundamental purpose of the Delta Plan. The DSC has issued several staff drafts of the Delta Plan, the most recent being the Fifth Staff Draft, which is the "project" or "program" analyzed in the recently released Delta Plan Draft Program Environmental Impact Report (DPEIR).

December 6, 2011

**JOINT RESOLUTION OF CITIES, COUNTY, AND OTHER SAN JOAQUIN COUNTY
STAKEHOLDERS REGARDING LAND USE, WATER, AND OTHER DELTA RELATED
ISSUES**

(Page 2 of 2)

The Delta Plan sets forth regulatory policies, recommendations, and review and appeal procedures that seek to influence the actions, activities and projects of cities, counties, State, regional, and other local agencies toward meeting the coequal goals. In other words, local public agencies, located within the Delta, will be required to conform their actions to the policies in the Delta Plan and to the regulatory and appeal procedures established to implement the Plan. Projects within the Delta's watershed may also be affected by the Delta Plan's policies and recommendations. The scope and extent of proposed regulatory and review authority that the DSC is considering for adoption threatens the ability of local communities to grow and prosper, takes away local decision making, and provides an appointed body with the authority to veto local land use and other decisions based upon subjective criteria. A summary of the City of Stockton's concerns is provided in a document entitled "City of Stockton Talking Points Re: 5th Draft Delta Plan" (Attachment B).

A stakeholder group of San Joaquin County public and private agencies and other interested parties with interest in the Delta has been formed to facilitate a collaborative and uniform effort to address our mutual concerns with the proposed adoption and implementation of the Delta Plan, the Program EIR, and with related Delta plans and programs, such as the Bay Delta Conservation Plan (BDCP). Presently, the stakeholder group is preliminarily known as the "San Joaquin County Delta Initiative Coalition Stakeholders" (a roster of attendees at the December 5, 2011 meeting is attached as Attachment C). The intent is to expand this group to include other affected San Joaquin County cities and interested parties with mutual concerns to improve our negotiating position with the DSC and with legislators in Sacramento and Washington, D.C.

As Chairperson of the San Joaquin County Delta Initiative Coalition Stakeholders, I respectfully request your support and adoption of this resolution and encourage your future active and collaborative participation and partnership in this critical issue of mutual concern. Should you wish to discuss this matter or require additional information, please do not hesitate to contact me.



ANN JOHNSTON
MAYOR OF STOCKTON

AJ/ML/JL/MMN:ss

Attachments

emc: Stockton City Council w/attachments
Bob Deis, City Manager w/attachments
Mayor's Delta Initiative Coalition w/attachments
San Joaquin County Board of Supervisors w/attachments
Other San Joaquin County Cities w/attachments

December 13,2011

CITY OF STOCKTON TALKING POINTS RE: 5TH DRAFT DELTA PLAN

The Delta Stewardship Council will soon adopt a “Delta Plan”. Local public agencies such as the City of **Stockton** will be required to conform their actions to the policies in the Plan. The City and other agencies are concerned with the scope and extent of proposed regulatory and review authority that the Council is considering for adoption. The Proposed Delta Plan, in its current form, continues to threaten the ability of local communities to grow and prosper, may usurp local decision making, and provides an appointed body with the authority to veto local land use and other decisions regarding “covered **actions**” based upon subjective criteria. Some of the City’s most significant concerns are outlined below:

- The Proposed Delta Plan threatens growth and land use approvals, including growth and new land uses consistent with existing planning documents.

Over 50 percent (21,256 acres) of the City’s incorporated urban area and an additional 7,932 acres within the City’s Sphere of Influence are located within the Secondary or Primary Zones of the Delta. Currently, all development within these boundaries must be consistent with the City’s adopted 2035 General Plan and Infrastructure Master Plans. The Delta Plan, as currently drafted, could act as a *de facto reversal* of the prior approvals and indirectly usurp the City’s existing land use authority within the areas covered by the Delta Plan.

- The Proposed Delta Plan may stifle progress in existing urban areas or prevent orderly and carefully planned growth.

The Proposed Delta Plan creates new standards and criteria for all but ministerial approvals within the area covered by the Delta Plan. The practical effect of the implementation of the Delta Plan could be to create new barriers to growth and redevelopment within the City’s existing urban footprint. The City believes that the ultimate Delta Plan should exclude existing urban areas in the secondary zone of the Delta from the Delta Plan certification of consistency determination requirements for covered actions and should exempt planned urban development within the incorporated City limits and the City’s adopted Sphere of Influence.

- **The Delta Plan should not threaten local water supplies.**

The Proposed Delta Plan requires water users to “reduce reliance” on the Delta. For many local communities, the local water supplies include the Delta. For many of these communities, it is not possible or practicable to find alternate sources of water. The Delta Plan must recognize the need for local Delta communities to achieve regional self-reliance through the continued beneficial use of water from local sources, including the Delta.

- **Urban development within existing planning areas, located behind levees that meet current federal standards, should be considered consistent with the Delta Plan.**

The Proposed Delta Plan would place new restrictions on development “behind levees,” and would impose requirements that greatly exceed existing federal requirements for levee construction. The City believes that the Delta Plan should provide for development consistent with federal standards for levee construction / flood protection.

- **The Delta Plan should address economic sustainability impacts within the Secondary Zone of the Delta, particularly in urban areas like Stockton and the Port of Stockton.**

The implementation of the Delta Plan could adversely impact the financial viability of local communities through increased restrictions and by creating regulatory uncertainties. Currently, the Economic Sustainability Plan prepared by the Delta Protection Commission (DPC), which is being used to develop the Delta Plan, focuses solely on the Primary Zone and does not address the economic impacts within the Secondary Zone of the Delta. As portions of the City’s existing urban area and Sphere of Influence are located within the secondary zone, the Delta Plan should build upon the DPC’s Economic Sustainability Plan and analyze the impacts of the Delta Plan and the Bay Delta Conservation Plan on these areas.

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RESOLUTION NO. 2011-201

A RESOLUTION OF THE LODI CITY COUNCIL
SUPPORTING THE JOINT RESOLUTION OF CITIES,
COUNTY, AND OTHER SAN JOAQUIN STAKEHOLDERS
REGARDING LAND USE, WATER, AND OTHER DELTA
RELATED ISSUES

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WHEREAS, this Resolution is effective upon passage by the cities, the county, and other stakeholders within San Joaquin County, which include political subdivisions of the State of California and other interested parties, both public and private, hereinafter collectively referred to as "the Members"; and

WHEREAS, the Sacramento-San Joaquin River Delta is at risk from many factors, and in addressing these threats the State is proposing large-scale changes to the Delta ecosystem, land use authority within the Delta, water conveyance through and around the Delta, water rights, statewide management, and many other aspects related to the Delta; and

WHEREAS, the cities, county, and other stakeholders as Members believe there is value in developing an initiative on issues concerning the Sacramento-San Joaquin River Delta, its watershed, and greater Bay/Delta estuary; and

WHEREAS, the Members wish to collectively articulate the issues and interests from the perspective of the Delta region itself and from the people who call the Delta home and best understand the tremendous resource the Delta represents; and

WHEREAS, the Members have identified a need for joint action, advocacy, and mutual interests on Delta-related issues.

NOW, THEREFORE, BE IT RESOLVED that the Lodi City Council as a member adopts this Resolution for the purpose of articulating mutual interests on Delta issues. Furthermore, the Lodi City Council resolves to work with the Members to defend Delta-related interests at a regional perspective and to use the Members' unified voice to advocate on behalf of local government in available forums at all levels. Our principles of mutual interests are as follows:

1. Recognition of the authority and responsibility given to local government related to land use, water resource development, flood management, public health and safety, economic development and sustainable growth, agricultural stability, recreation, and environmental protection.
2. Protect the economic viability of agriculture, industry, recreation, and the ongoing vitality of communities throughout the Delta.
3. Represent and include local government in any new governance structures for the Delta.

4. Funding and implementation of urban and non-urban flood protection through rehabilitation, improvement, and maintenance of flood control levees and structures.
5. Protection and restoration of the Delta ecosystem including adequate water supply, quality, and outflow to support fisheries, wildlife, and habitat in perpetuity while supporting immediate improvements to the existing Through-Delta Conveyance as part of a complete strategy for the State's water management.
6. Incorporation of sustainable approaches for improved water supply, quality, and reliability through the overarching principle of regional self-sufficiency to reduce future reliance on exports from the Delta.

Date: December 21, 2011

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I hereby certify that Resolution No. 2011-201 was passed and adopted by the Lodi City Council in a regular meeting held December 21, 2011, by the following vote:

AYES: COUNCIL MEMBERS – Hansen, Katzakian, Nakanishi, and Mayor Mounce

NOES: COUNCIL MEMBERS – None

ABSENT: COUNCIL MEMBERS – Johnson

ABSTAIN: COUNCIL MEMBERS – None



RANDI JOHL
City Clerk

I-1

Jennifer Robison

From: Randi Johl
Sent: Tuesday, December 20, 2011 10:01 AM
To: Jennifer Robison
Subject: FW: Letters from DSC to City (1) and County (4)
Attachments: letter - Delta Stewardship Council 2011-10-13.pdf; ATT824312.htm; CommunityDevelopment@stockongov.com_20111108_105803_5.pdf; ATT824313.htm; DSC letters_2.pdf; ATT824314.htm

Randi Johl, JD, MMC
City Clerk, City of Lodi
221 West Pine Street
Lodi, California 95240
(209) 333-6702 Telephone
(209) 333-6807 Facsimile

From: Bob Johnson [mailto:valuel@softcom.net]
Sent: Monday, December 19, 2011 04:15 PM
To: Randi Johl
Subject: Fwd: Letters from DSC to City (1) and County (4)

Fyi

Sent from my iPhone

Begin forwarded message:

From: "Julie Lalonde" <Julie.Lalonde@stockongov.com>
Date: December 19, 2011 2:05:29 PM PST

To: "David Nelson" <dnelson@agspanos.com>, "Natalia Orfanos" <norfanos@agspanos.com>, "Elden Nutt" <erednutt@aol.com>, "Terry Dermody" <trpd@aol.com>, "Chanel Murray" <Chanel.Murray@asm.ca.gov>, "Jennifer Bond" <jennifer.bond@asm.ca.gov>, "Robin Adam" <robin.adam@asm.ca.gov>, "John Beckman" <johnb@biadelta.org>, "Susan Delosso" <sdelloso@cambavgroup.com>, "J. Santos" <chaka@ci.lathrop.ca.us>, "Glenn Gebhardt" <ggehardt@ci.lathrop.ca.us>, "Steve DeBrum" <sdebrum@ci.manteca.ca.us>, "Willie Weatherford" <wweatherford@ci.manteca.ca.us>, "Andrew Malik" <andrewm@ci.tracy.ca.us>, "Brent Ives" <bives@ci.tracy.ca.us>, "Dan Sodergren" <daniel.sodergren@ci.tracy.ca.us>, "Bill Dean" <william.dean@ci.tracy.ca.us>, "Danny Fox" <dfox@cityofescalon.org>, "Bill Berryhill" <billberryhill@gmail.com>, "Nelson Bahler" <nbahler@grupe.com>, "Kavna Harrigfeld" <kharrigfeld@herumcrabtree.com>, "Steve Herum" <sherum@herumcrabtree.com>, "Charlie Swimley" <cs swimley@lodi.gov>, "Bob Johnson" <johnson@lodi.gov>, "Gary Prost" <gary.prost@mail.house.gov>, "Bill Jennings" <deltakeep@me.com>, "Rod Attebery" <rattebery@neumiller.com>, "Dante Nomellini" <ngmplcs@pacbell.net>, "Barbara Barrigan-Parrilla" <Barbara@restorethedelta.org>, "Max Vargas" <Max.Vargas@sen.ca.gov>, "Andrew Chesley" <Chesley@sjcog.org>, "Steve Dial" <Dial@sjcog.org>, "Steve Mayo" <mayo@sjcog.org>, "Katie Patterson" <kpatterson@sifb.org>, "David Wooten" <dwooten@sigov.org>, "Elena Reyes" <ereyes@sigov.org>, "John Maguire" <jmaguire@sigov.org>, "Ken Vogel" <kvogel@sigov.org>, "Larry Ruhstaller" <lrhstaller@sigov.org>, "Mel Lytle" <mllytle@sigov.org>, "Tom Gau" <tgau@sigov.org>, "Ron Addington" <raddington@sipnet.org>, "Doug Wilhoit" <doug@stocktonchamber.org>, "Ann Johnston" <Ann.Johnston@stockongov.com>, "Jeff Willett" <Jeff.Willett@stockongov.com>, "Jim Giottonini" <Jim.Giottonini@stockongov.com>, "John Luebberke" <John.Luebberke@stockongov.com>, "Juan Neira" <Juan.Neira@stockongov.com>, "Kathy Miller" <Kathy.Miller@stockongov.com>, "Mike Locke" <Mike.Locke@stockongov.com>, "Mike Niblock" <Mike.Niblock@stockongov.com>, "Jeff Wingfield" <jwingfield@stocktonport.com>, "Richard Aschieris" <raschieris@stocktonport.com>, "Tom Zuckerman" <tmz@talavera.us>, "Susan Eggman" <susan.eggman@yahoo.com>, "Anthony Barkett" <ambarkett@ymail.com>, "Mike Machado" <michael.machado@ymail.com>
Cc: "K. Rubianes" <krubianes@sigov.org>, "Stephen Reid" <sreid@sigov.org>, "Florence Low" <Florence.Low@stockongov.com>, "JoAnne Montanez" <JoAnne.Montanez@stockongov.com>, "Nicole Mamorno" <Nicole.Mamorno@stockongov.com>

Subject: Fwd: Letters from DSC to City (1) and County (4)

We have had requests from some in the group for copies of the attached letters from Delta Stewardship Council. I apologize if this is duplicate information for you, but it is the only way I can be assured that you all have the same documents in hand.

Julie LaLonde
Executive Assistant to the Mayor
julie.lalonde@stockongov.com
209-937-8499



DELTA STEWARDSHIP COUNCIL

980 NINTH STREET, SUITE 1500
SACRAMENTO, CALIFORNIA 95814
WWW.DELTACOUNCIL.CA.GOV
(916) 445-5511

October 13, 2011

Chair
Phil Isenberg

Mr. Jeffrey Levers
San Joaquin County, Public Works Department
1810 East Hazelton Avenue
Stockton, CA 95205

Members
Randy Florini
Gloria Gray
Patrick Johnston
Hank Nordhoff
Don Nattoil
Felicia Marcus

Executive Officer
P. Joseph Grindstaff

RE: Thornton Community Improvement Study, SCH# 2011092049

Dear Mr. Levers:

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 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 with proposed Mitigated Negative Declaration for the Thornton Community Improvement Study. While the project does take place 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. 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 of 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

Mr. Jeffrey Levers
October 13, 2011
Page Two

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

cc: DSC Chron File



980 NINTH STREET, SUITE 1500
SACRAMENTO, CALIFORNIA 95814
WWW.DELTACOUNCIL.CA.GOV
(916) 445-5511

DELTA STEWARDSHIP COUNCIL

November 1, 2011

RECEIVED
NOV 04 2011

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

CITY OF STOCKTON
COMMUNITY DEVELOPMENT DEPT.

Chair
Phil Isenberg

Members
Randy Fiorini
Gloria Gray
Patrick Johnston
Hank Nordhoff
Don Nottoli
Felicia Marcus

Executive Officer
P. Joseph Grindstaff

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)

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- CA Water Code §85054

Mr. Adam Brucker
November 1, 2011
Page Two

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,

A handwritten signature in black ink, appearing to read 'Kevan Samsam', with a long horizontal flourish extending to the right.

Kevan Samsam, P.E.
Delta Stewardship Council

cc: DSC Chron File



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DELTA STEWARDSHIP COUNCIL

October 11, 2011

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

Chair
Phil Isenberg

Members
Randy Fiorini
Gloria Gray
Patrick Johnston
Hank Nordhoff
Don Nottoli
Felicia Marcus

Executive Officer
P. Joseph Grindstaff

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)

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,

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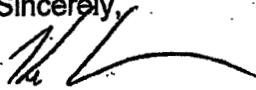
-- CA Water Code §85054

Ms. Corinne King
October 11, 2011 ■
Page Two

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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

cc: DSC Chron File



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DELTA STEWARDSHIP COUNCIL

October 14, 2011

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Felicia Marcus

Mr. John Funderburg
San Joaquin County Community Development Department
1810 E. Hazelton Ave
Stockton, CA 95205

Executive Officer
P. Joseph Grindstaff

RE: Lost Isle Expansion Project, SCH# 2011102016

Dear Mr. Funderburg:

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 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 Lost Isle Expansion Project Initial Study. 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)

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,

"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."

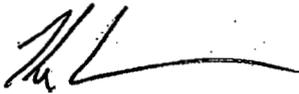
- CA Water Code §85054

Mr. John Funderburg
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recreational, and natural resource, and agricultural values of the Delta as an evolving place.”
(CA Wafer 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) 11 or al

Sincerely,



Kevan Samsam, P.E.
Delta Stewardship Council

cc: DSC Chron File



DELTA STEWARDSHIP COUNCIL

980 NINTH STREET, SUITE 1500
SACRAMENTO, CALIFORNIA 95814
WWW.DELTACOUNCIL.CA.GOV
(916) 445-5511

October 21, 2011

Mr. John Funderburg
San Joaquin County Community Development
1810 East Hazelton Avenue
Stockton, CA 95205

Chair
Phil Isenberg

Members
Randy Fiorini
Gloria Gray
Patrick Johnston
Hank Nordhoff
Don Nottoli
Felicia Marcus

Executive Officer
P. Joseph Grindstaff

RE: Cortopassi Minor Subdivision and Lot Line Adjustment, SCH# 201 1102022

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Council staff recently reviewed the Negative Declaration for the Cortopassi Minor Subdivision and Lot Line Adjustment project. While the project does take place 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. 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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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

cc: DSC Chron File