

DELTA PROTECTION COMMISSION



Annual Report 2011

EXECUTIVE SUMMARY

The Sacramento-San Joaquin Delta is a living natural resource of statewide, national, and international significance, containing irreplaceable agricultural lands, diverse habitat, and recreational opportunities. The Delta provides flood protection for public health and safety to urban areas surrounding the Delta. It is important to the economic sustainability of those who live, work and play in the Delta. As demonstrated through the adoption of the Delta Protection Act (Act) by the Legislature and the Governor in 1992 and the Delta Reform Act of 2008, it is the policy of the State to recognize, preserve, protect and enhance Delta resources for the use and enjoyment of current and future generations.



The Act establishes the Delta Protection Commission (Commission) as an Appeal Authority within the State Resources Agency to plan for and guide the conservation and enhancement of the natural resources of the Delta, while sustaining agriculture and meeting increased recreational demand.

The Act defines a Primary Zone, which comprises the geographic area of jurisdiction of the Commission. The Secondary Zone is the area outside the Primary Zone, within the “Legal Delta.” The Act provides for the Commission to prepare and adopt a Land Use and Resource Management Plan for the Primary Zone of the Delta (Management Plan). The general plans of the five Delta Counties are required to be consistent with the Commission’s Management Plan. County land use decisions that are inconsistent with the Management Plan are appealable to the Commission. The adoption of goals and policies contained in the Management Plan in 1995, and formally incorporated into local government general plans, have provided the framework for effectively carrying out the role of the Commission as provided for in the Act.

The Commission takes great pride in its role of contributing to the stewardship of the Delta by providing a strong voice for those who live, work and play there. This significant role of promoting recognition of “Delta as a Place” is guided and supported through the implementation of the policies of the Management Plan, and the Program Management, Funding and Leadership Strategies of the 2006-2011 Strategic Plan adopted by the Commission to effectively and collaboratively accomplish the following vision and mission:

Vision

The Delta in the year 2011 is a dynamic and living system.

Mission

To protect, maintain, and where possible, enhance and restore the overall quality of the Delta environment consistent with the Act and the Management Plan, including, but not limited to agriculture, wildlife habitat and recreational activities; to ensure orderly, balanced conservation and development of Delta land resources and improve flood protection.

BACKGROUND INFORMATION

The Act

The Act adopted by the Legislature in 1992 and codified in the Public Resources Code beginning with Sections 29700 is also known as the Johnston-Baker-Andal-Boatwright Delta Protection Act of 1992, and updated by the Delta Reform Act (Senate Bill X7-1) of 2009.

The Act was created pursuant to findings and declarations of the Legislature that the Sacramento-San Joaquin Delta is a natural resource of statewide, national, and international significance, containing irreplaceable resources. Furthermore, the Legislature found and declared that it is the policy of the State to recognize, preserve, and protect those resources of the Delta for the use and enjoyment of current and future generations.

The Commission serves as an appeal body relative to land use decisions involving projects in the Primary Zone of the Delta and reviews projects in the Secondary Zone that have the potential to impact the Primary Zone. The diverse composition of the Commission provides for stakeholder representation in the areas of agriculture, habitat, recreation, and water. The fifteen members of the Commission include: One member each of the Board of Supervisors of the five Delta Counties; three representatives from in Delta Cities; three representatives from Delta Reclamation Districts; and one representative from each of the State Agencies: California Department of Food and Agriculture, Business, Transportation and Housing, Resources Agency and the State Land Commission. Ex-officio members of the Commission include a member of the Senate and a member of the Assembly.

The Management Plan was updated and adopted by the Commission in 2010. This Plan sets out findings and policies resulting from background studies in the areas of land use, agriculture, natural resources, recreation and access, including marine patrol, boater education, and safety programs, water, levees, and utilities and infrastructure. In conformance with the provisions of the Act, local government general plans are to be consistent with the provisions of the Management Plan. The Commission serves as an appeal body in the event an action of a local entity on a project located within the Primary Zone is challenged as being inconsistent with the Act or the Management Plan.

Provisions of the Act and Section 29780 of the Public Resources Code require that on January 1 of each year, the Commission submit to the Governor and the Legislature a report describing the progress that has been made in achieving the objectives of the Act. The highlighted 2011 accomplishments of the Commission follow:

2006-2011 Strategic Plan

The 2006-2011 Strategic Plan adopted by the Commission in 2006 and continuing to be implemented in 2011 provides the framework and work plans for proactively and effectively carrying out the provisions of the Act and the implementation of the Management Plan. The Strategic Plan is a five-year business guide for the Commission that includes strategies, and annual tasks and deliverables for accomplishing the Commission's vision and mission. It also

provides a basis for compatibility with adaptive Delta visioning and governance. Primary components of the Strategic Plan include:

- Purpose of Commission, and Opportunities for and Threats to the Delta;
- Commission Vision and Mission, and associated Health Indicators for the Delta;
- Program, Funding, and Leadership Strategies;
- Strategic Work Plan Goals for Program Administration; and
- Strategic Work Plan Goals for Implementation of the Management Plan.

As part of the Strategic Plan process, the Commission reviewed its purpose and identified opportunities for, and threats to, achieving that role as follows:

The purpose of the Commission is to protect, preserve and enhance the Delta as it exists today serving multiple functions, including, but not limited to, agricultural land preservation, habitat protection, and enhancing recreational opportunities.

Threats to achieving the stated purpose were identified as including: insufficient levee integrity (including subsidence); proximity to seismic fault zones; population growth and increased demands on all infrastructure elements of the Delta; potential increase in water supply demand for 23 million plus Californians; urban encroachment in the Primary and Secondary Zones; market pressures on agribusiness, i.e., conversion of ag land to non-agriculture uses; insufficient integrated regional planning and implementation; disputes over public access; environmental influences such as invasion of non-native species in the waterways, rising ocean levels, water quality issues, etc.; and greater need for Commission stewardship and social responsibility, e.g., addressing abandoned vessels, dumping and pollution.

Delta Reform Act/Senate Bill X7-1

The Delta Reform Act revised and restated the provisions of the Delta Protection Act and re-configured the Commission to 15 members. This Bill required the Commission to appoint at least one advisory committee consisting of representatives from specified entities to provide input regarding the diverse interests within the Delta. The 2009 Delta Reform Act required the Commission to complete an Economic Sustainability Plan (ESP) for the Sacramento – San Joaquin Delta for submission to the Delta Stewardship Council and to update the ESP every five years. The Delta Reform Act required the Commission to evaluate and make recommendations to the legislature with respect to the potential expansion or change to the boundaries of the Primary Zone. The Delta Investment Fund was also established by the 2009 Act, in the State Treasury. The Delta Investment Fund, upon appropriation of monies by the Legislature would be required to be expended by the Commission to implement the regional economic sustainability plan.

SIGNIFICANT ACCOMPLISHMENTS IN 2011

Economic Sustainability Plan



The Economic Sustainability Plan (ESP) was completed in January 2012 and submitted to the Delta Stewardship Council for consistency with the Delta Plan. The ESP was peer reviewed by a panel of engineers and economists from across the United States that was impaneled by the Delta Stewardship Council. Comments from the Peer Review Panel were incorporated into the final draft, in addition, the peer review panel found the ESP to be a thorough assessment of the economy of the Delta, its impact locally, regionally and statewide, utilizing state of the art analytical tools.

The ESP established an economic base line and an economic plan for the Delta consistent with the Delta Reform Act co-equal goals of water reliability and habitat restoration and the objective of achieving the co-equal goals in a manner that protects and enhances the unique cultural, recreational, natural resource, and agricultural values of the Delta as an evolving place.

The ESP included information and recommendations to inform the Delta Stewardship Council's policies regarding the socioeconomic sustainability of the Delta region:

- Public safety recommendations, such as flood protection
- The economic goals, policies, and objectives in local general plans and other local economic efforts, including recommendations on continued socioeconomic sustainability of agriculture and its infrastructure and legacy communities in the Delta
- Comments and recommendation to the Department of Water Resources concerning its periodic update of the flood management plan for the Delta
- Identification of ways to encourage recreational investment along key river corridors

The ESP is a planning resource for economic development in the Delta, public safety, preserving and enhancing the cultural values of the Delta as an evolving place. The development of the ESP included the following:

- A thorough analysis of the baseline and trends for the key sectors of the Delta economy
- Identification of linkages between the Delta economy and the regional and state economy
- An assessment of the condition of Delta levees, and recommendations for improvements
- A vision for economic sustainability of the Delta legacy communities
- Detailed model of the effects of water policy proposals on Delta agriculture
- The effects of water policy proposals on the recreation and tourism economy, other economic sectors, and key Delta infrastructure

The findings of ESP were integrated into a general set of recommendations and strategies for the Delta that were the basis for a set of proposal made to the Delta Stewardship Council for consideration for inclusion into the Delta Plan. The Economic Sustainability Plan, Executive Summary and Appendices is available at www.delta.ca.gov.

Primary Zone Study

The Delta Reform Act directs the Delta Protection Commission to prepare and submit to the Legislature recommendations regarding the potential expansion of and or change to the Primary Zone or the Delta, including recommendations on the status of: Rio Vista, Isleton, Brannan-Andrus Island, Cosumnes/Mokelumne Floodway, and the San Joaquin/South Delta Study Area. The analysis conducted in preparing the Primary Zone Study resulted in specific recommendations regarding boundary line adjustments within the Delta. Project Consultants presented the Commission with the Study's Final Report.

The Commission received the report and forwarded on to the Legislature without recommendation for change to the existing boundaries of the Primary Zone. The study is available at www.delta.ca.gov.

National Heritage Area

The Commission has completed a public review draft Feasibility Study for a National Heritage Area (NHA) designation in the Sacramento-San Joaquin Delta. Section 85301 of the Delta Reform Act, charged the Commission with developing “a proposal to protect, enhance, and sustain the unique cultural, historical, agricultural, and economic values of the Delta as an evolving place... The Commission shall include in the proposal a plan to establish state and federal designation of the Delta as a place of special significance, which may include application for a federal designation of the Delta as a National Heritage Area.” Public involvement and outreach have been included throughout all steps of the feasibility study process. The Feasibility Study included development of proposed NHA Mission, Vision, and Goals; identification of proposed NHA themes, inventory of heritage resources; and proposal of a management entity.

In 2011, significant research and analysis were completed including dialogue with those having established a National Heritage Area in other states as there has been no such designation established in California to date. A

Public Review Draft Feasibility Study was completed in October 2011; the Commission will act on the completed study this spring and forward it to Congress for consideration.



Emergency Planning, Preparedness, and Response

In partnership with the California Emergency Management Agency (CalEMA), the Commission completed a “Strategy for Delta-wide Emergency Planning – Phase I.” Senate Bill 27 (Simitian) called for the formation of a Team to address the issue. Chaired by CalEMA, the Team of which the Commission is a member along with the five Delta counties and Department of Water Resources (DWR) has embarked on the completion of a Delta-wide Strategy for effectively coordinating Delta emergency planning and response. The Commission has played a significant role in identifying gaps in existing plans and identifying the need to enhance public education programs. In 2011, the Commission approved becoming a lead agency for the Delta to participate in a regional planning effort for emergency planning, preparedness and response. The Safe Drinking Water, Water Quality & Supply, Flood Control, River & Coastal Bond Act of 2006 allocated funds to Department of Water Resources for “acquisition, design, and construction of essential emergency preparedness supplies and projects”. Initial discussions with the Federal Emergency Management Agency were held in March 2011 concerning the advantages of developing a joint Delta application for this new flood preparedness grant. Implementation of the soon-to-be-released SB 27 Task Force report was seen as the basis for a joint regional application and subsequent implementation of an improved regional response system. This is also consistent with the Delta Reform Act of 2009. The Reform Act required as part of the Economic Sustainability Plan, recommendations for improved emergency response and preparedness in the Delta.

Common past practice has been for eligible local jurisdiction to develop individual applications for funding when the State or Federal governments issue a grant to local government. This has often not allowed for efficiencies in the development of projects to enhance flood protection or coordination for an effective flood response. The Commission in sponsoring this effort to bring local jurisdiction within the Primary and Secondary Zones of the legal Delta together this will allow development of a Delta-wide response system. Delta counties, cities, reclamation districts, and other interested agencies are participating in developing a project list and a regional application for grant money under the Safe Drinking Water, Water Quality & Supply, Flood Control, River & Coastal Bond Act of 2006. A final grant application will be submitted once final grant guidance is released by the State. All projects will be implemented in cooperation with CalEMA, DWR, and Federal agencies.

The Great California Delta Trail

Pursuant to the provisions of Senate Bill 1556 (Torlakson) the Commission has been developing and planning a trail network through all five counties of the Delta. Grant funding from the California Coastal Conservancy as well as funding and resource commitments from Contra Costa County and the National Parks Service were received allowing the Commission to initiate the outreach process in Contra Costa and Solano Counties. A BluePrint Report was created to guide Contra Costa and Solano Counties in participating in the Great California Delta Trail. The BluePrint Report was approved by the Commission, and presented to both Counties’ Board of Supervisors for their consideration and adoption. Once adopted by Contra Costa and Solano Counties, work will commence on developing a Master Plan for each County. Work is commencing with San Joaquin, Sacramento, and Yolo Counties to develop the Blueprint for those Counties with in-kind contributions being granted by the National Parks Service. Stakeholder Advisory Committees and Technical Advisory Committees will be formed for each

County to be part of the development process. In developing the Delta Trail, the Commission is facilitating coordination between Counties.

Delta Working Landscapes

The Delta Working Landscapes projects are part of the State's Environmental Restoration Program. The projects, a collaboration between the Department of Fish and Game, and subcontractors Hart Restoration and Ducks Unlimited, plan to improve ecosystem quality, water quality, and levee system integrity. Six projects are near completion throughout the Delta. These projects include wildlife friendly farm buffers and habitat wetland restorations. Four projects were implemented and completed 2011.



Hart Restoration is creating vegetated buffers on ditch banks and hedgerow plantings that will improve water quality by reducing runoff of sediment and pesticides before these materials reach Delta rivers and sloughs. Additionally, native grasses, sedges, and other low growing species have been planted along the Elk Slough levee in Clarksburg. The native vegetation will also control erosion, discourage burrowing animal recruitment, lessen the threat of flooding, and create wildlife friendly habitats.

Ducks Unlimited is currently working on creating wetland habitats to attract waterfowl. These habitats will include millet, watergrass, timothy, and smartweed planted along swales and potholes. Ducks Unlimited habitat projects are located on Lower Jones Track, Hood, Clarksburg, and Tyler Island.

The Delta Working Landscapes projects are pilot projects intended to serve as a mechanism for adoption by other farmers on a larger scale throughout the Delta. These projects will result in a final report information package and article to be submitted to a science journal and an agricultural journal to ensure delta-wide distribution of the results of the projects. The package will provide information promoting the practice of devoting space to habitat and describe the cost and benefits of such practices in broad terms of intrinsic cultural and ecological value. The Commission is planning a conference for the public outreach component of the grant. The conference will release the information package and discuss with local landowners the benefits of wildlife friendly agriculture.

To date, several landowners have expressed commitment to participate in the program designed to develop and implement habitat friendly agricultural projects throughout the Delta and to then monitor effectiveness over a three (3) year period. The current agreement between the Department of Fish and Game and the Delta Protection Commission has been amended to extend from March 2011 through March 2013.

Abandoned Vessel Removal

The Commission continues to facilitate a discussion group of local government law enforcement officials, resource managers and planners, building officials, and interested parties to discuss a Delta-wide approach for addressing the growing issue of abandoned vessels in the Delta. The group developed a list of tools essential to addressing the issue that included: updating local ordinances for timely removal (completed); development of prevention incentive programs (underway); manpower support resource pooling (ongoing); establishment of a fund to provide required grant match funds; and pursuit of legislation to enhance existing programs, including the extension of grant programs to provide for removal of commercial as well as recreational vessels. The issue of both commercial and recreational vessels abandoned in the Delta is growing with aesthetic, environmental and law enforcement impacts. The Commission recognized that any successful abandoned vessel removal program would only be effective if addressed with a Delta-wide approach. Since 2006, the Commission facilitated forums for discussion of this issue through the formation of a discussion group that includes law enforcement and code enforcement officials, resource managers, and recreation specialists from the five Delta counties as well as representatives from federal and State departments having a role relative to addressing the issue. Issue areas identified by the discussion group that continued to be discussed in 2010 included: addressing the need for more effective ordinances resulting in the updates of Delta county ordinances; providing a streamlined mechanism authorizing removal which lead to legislation being authored to assist Boating and Waterways and State Lands Commission to address the issue; need for legislation to provide funding for removal of commercial as well as recreational vessels; development of a preventative program; upfront funding pending receipt of grant funding for timely removal; and pooling of resources utilizing support such as the Conservation Corps for vessel removal.

Delta as a Place

The Commission promoted, facilitated and sponsored several programs in 2011 to provide recognition of the significance of the Delta and the Delta “as a place” attributes. Five sites were included in the California Coastal Clean-up Day to demonstrate the importance of local stewardship. Staff and members of the Commission participated in several Delta tours and panels to enlighten and educate about the role of the Commission and the uniqueness and importance of the Delta as a statewide asset. These and other programs sponsored by the Commission emphasized the importance of the Commission’s role as a strong voice for those who live, work and play in the Delta. The Commission also included facilitation of forums for discussion and information sharing to assure that boating interests have an opportunity to provide input into waterway projects that could potentially have an impact on recreational uses. These discussions have lead to the identification of adaptive and creative ways that project objectives can be accomplished while still providing compatibility with boating uses.

Program Management/Administration

The Commission conducted eight (8) meetings and numerous committee meetings in 2011, which demonstrates the commitment of member entities to fulfilling the role and responsibilities of the Commission. Pursuant to the provisions of the Delta Reform Act, the Chair of the Commission serves as a member of the Delta Stewardship Council and the Commission has a designated representative on the Delta Conservancy.

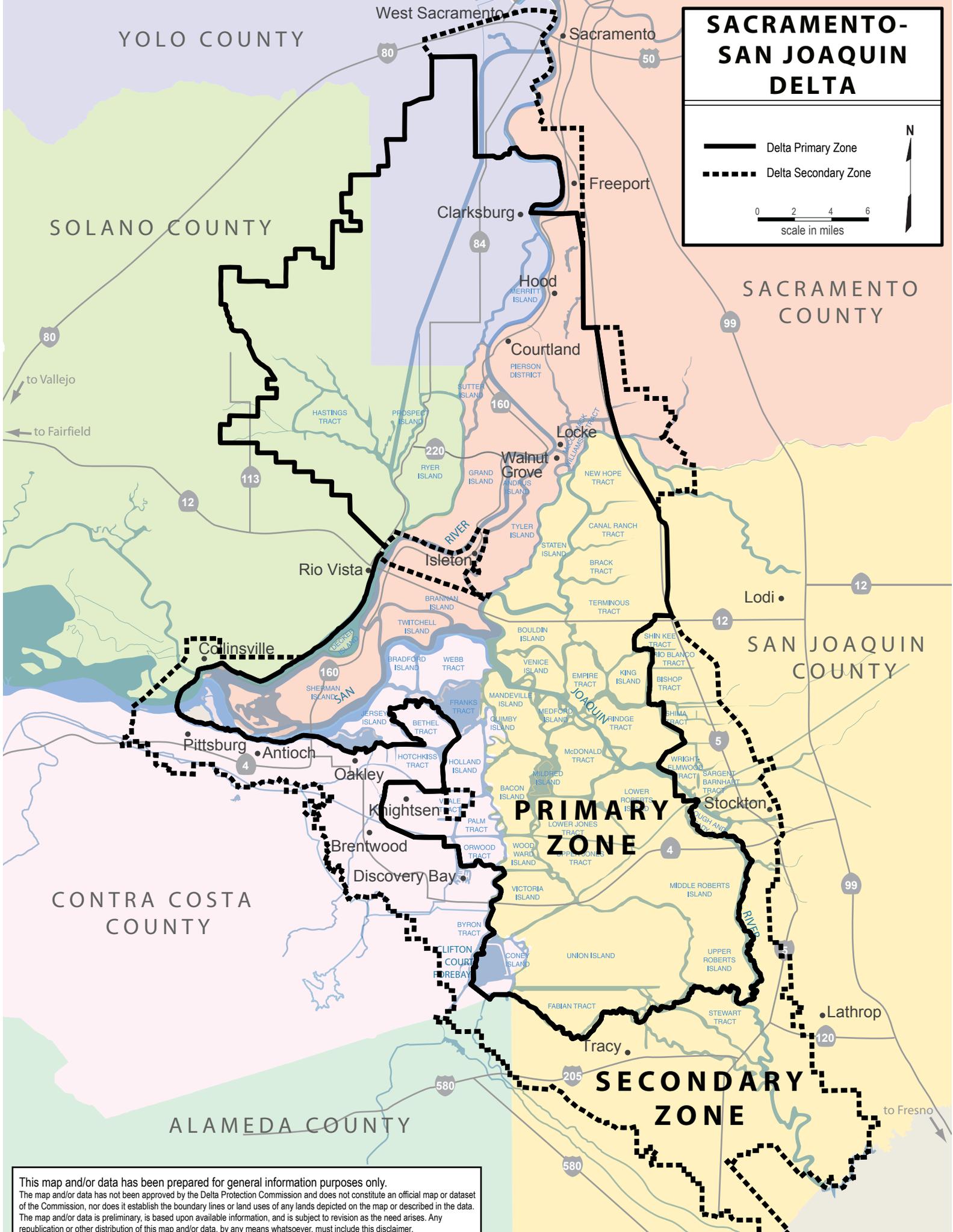
In 2011 the Commission received funding from the Environmental License Plate Fund and the Harbors and Watercraft Fund. Additionally, funding strategies from various foundations was used for the following projects: NHA Phase II Feasibility Study, The Great California Delta Trail and Delta Working Landscapes.

The accomplishments of the Commission in 2011 have been guided by the provisions of the Act, Policies of the Management Plan, and Goals of the 2006-2011 Strategic Plan. The Commission focus has been to promote recognition of the “Delta as a Place.” The significant role the Commission played in promoting this concept demonstrates the need to continue in its role as a strong voice for those who live, work and play in the Delta. The Delta Reform Act further defined the role of the Delta Protection Commission to continue to promote economic sustainability and guide land use decisions to protect, preserve and enhance the unique resources of the Delta for generations to come.

Attachments

- A. Map of the Sacramento-San Joaquin Delta
- B. Delta Protection Commission Roster (2011)





This map and/or data has been prepared for general information purposes only. The map and/or data has not been approved by the Delta Protection Commission and does not constitute an official map or dataset of the Commission, nor does it establish the boundary lines or land uses of any lands depicted on the map or described in the data. The map and/or data is preliminary, is based upon available information, and is subject to revision as the need arises. Any republication or other distribution of this map and/or data, by any means whatsoever, must include this disclaimer.

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