



CITY OF MARTINEZ

**CITY COUNCIL AGENDA
February 15, 2012**

TO: City Council
FROM: Mayor Rob Schroder
PREPARED BY: Sandra Chapek, Executive Assistant
SUBJECT: Support for Delta Issues
DATE: January 25, 2011

RECOMMENDATION:

Mayor Schroder requests that the Council adopt the Resolution on Water, Ecosystem Health and Other Issues Related to the San Francisco Bay and the Sacramento - San Joaquin River Delta.

BACKGROUND:

The Contra Costa County Mayors' Conference and the Board of Supervisors at the February meeting considered a report on Delta Issues. They approved a Resolution entitled "Resolution on Water, Ecosystem Health and Other Issues Related to the San Francisco Bay and Sacramento – San Joaquin River Delta." The Board of Supervisors has requested that the cities in Contra Costa County also adopt the resolution. Attached is the staff report that was submitted to and reviewed by the Contra Costa County Board of Supervisors and a resolution prepared for City Council adoption.

FISCAL IMPACT:

If this national resource diminishes in quality that impact will be felt at many levels throughout the Bay Area, including an impact to the local economy in each community in Contra Costa County.

ACTION:

Motion to adopt a "Resolution on Water, Ecosystem Health and Other Issues related to the San Francisco Bay and Sacramento – San Joaquin River Delta."

Attachments
Resolution
County Staff Report

RESOLUTION NO. -12

WATER, ECOSYSTEM HEALTH AND OTHER ISSUES RELATED TO THE SAN FRANCISCO BAY AND THE SACRAMENTO - SAN JOAQUIN RIVER DELTA

WHEREAS, the San Francisco Bay and the Sacramento-San Joaquin River Delta ("the Delta") are at risk from many factors, and the State is proposing large-scale changes to water conveyance through and around the Delta to address state-wide water supply needs, changes to the Delta ecosystem to address declining ecosystem health and fish populations, changes to land use authority within the Delta, and changes to water rights, statewide water management and many other aspects related to the Delta that will impact the areas in and around the Delta; and

WHEREAS, each city and town in the County will be adversely impacted by planned actions in the Delta through reduction in water quality and health of the San Francisco Bay-Delta and the resulting increase in stormwater (NPDES) permit requirements; and

WHEREAS, the Cities, Towns, Contra Costa County Board of Supervisors and other interested parties within Contra Costa County, including Special Districts and other organizations and agencies, both public and private, hereinafter collectively referred to as "STAKEHOLDERS" believe there is value in developing an initiative on issues concerning the Delta, its watershed and greater San Francisco Bay/Delta estuary; and

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

WHEREAS, the STAKEHOLDERS recognize the efforts and value of the Delta Counties Coalition and a need for joint action and advocacy on Delta-related issues, and have identified mutual interests.

NOW, THEREFORE, BE IT RESOLVED that the City of Martinez, as a STAKEHOLDER, adopts this Resolution for the purpose of articulating mutual interests on Bay-Delta issues.

BE IT FURTHER RESOLVED, that the STAKEHOLDERS resolve to work together to defend Bay-Delta related interests at a regional perspective and to use their unified voice to advocate on behalf of local government in available forums at all levels, consistent with the following principles of mutual interest:

1. Local Government Authority. Recognition of the authority and responsibility given to local government related to land use, urban and agricultural water supply, waste water treatment and recycling, water resource development, flood management, public health and safety, economic development and sustainable growth, agricultural stability, recreation, and environmental protection.

2. Delta Ecosystem. Protection and restoration of a healthy sustainable Delta ecosystem including adequate water quality, inflows and outflow, and water supply, to support fisheries, wildlife and habitat in perpetuity.

3. Existing System Reliability. Support immediate improvements to the existing Through-Delta Conveyance and improvements to protect key regionally important infrastructure, such as trans-Delta aqueducts, as part of a complete strategy for the State's water management and to ensure reliability of the existing water supply system.

4. Delta Outflows. Ensure adequate Delta outflows to San Francisco Bay to support fisheries, wildlife, habitat, water quality and other beneficial uses.

5. Regional Self-Sufficiency. Incorporation of sustainable approaches for improved water supply, water quality and reliability through the overarching principle of regional self-sufficiency to reduce reliance on exports from the Delta and reduce the current impacts on the Bay-Delta ecosystem.

6. Delta Area Communities. Protect the economic viability of industry, recreation, tourism, and agriculture, and the ongoing vitality of communities throughout the Delta and immediately adjacent to the Delta, and along the shoreline of the greater San Francisco Bay-Delta.

7. Fair Representation. Represent and include local government in any new governance structures for the Delta.

8. Flood Protection. Support funding and implementation of urban and non-urban flood protection, at the appropriate level of protection, through rehabilitation, improvement and maintenance of flood control levees and structures.

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I HEREBY CERTIFY that the foregoing is a true and correct copy of a resolution duly adopted by the City Council of the City of Martinez at a Regular Meeting of said Council held on the 15th day of February, 2012, by the following vote:

AYES:

NOES:

ABSENT:

RICHARD G. HERNANDEZ, CITY CLERK
CITY OF MARTINEZ



Memo

February 7, 2012

TO: Public Managers Association
FROM: Mitch Avalon, Deputy Director
SUBJECT: STAFF REPORT IN SUPPORT OF A RESOLUTION ON DELTA ISSUES

For the last four or five years there has been a tremendous amount of activity in the Delta that will have far reaching impacts throughout the State. To provide comments and articulate the perspective of Delta counties, Contra Costa, Solano, Yolo, Sacramento, and San Joaquin counties formed the Delta Counties Coalition. The Coalition believes now is the time to reach out to their cities and other interested agencies to increase support for advocacy on Delta issues. The purpose of the attached resolution is to increase awareness and communication on current issues in the Delta and to increase influence at legislative, political, and other levels by having a greater number of agencies that are interested and supportive on Delta issues.

Background

There are several broad initiatives that are underway in the Delta that will have impacts within, around, and outside of the legal Delta boundary. In Contra Costa County the cities of Pittsburg, Antioch, Oakley, and Brentwood are within the legal Delta boundary. The following is a brief discussion of each of these initiatives and the impacts they will have on cities within Contra Costa County.

1. Central Valley Flood Protection Plan

SB 5 enacted in 2007 requires cities and the County in the Delta area to provide 200 year flood protection for new development starting in July 2015. This and other land use requirements are being incorporated into the Central Valley Flood Protection Plan, which is being prepared by the Department of Water Resources (DWR) and is to be adopted by July 2012. Once the Plan is adopted, cities and counties in the Delta will have to amend their General Plans and Zoning Ordinances to be consistent. The Plan will also include new levee design standards currently being developed by DWR. These new standards will need to be incorporated into land use entitlement processes.

2. Delta Plan

In November 2009, the legislature enacted the Delta Reform Act (SBX7-1). This legislation established the Delta Stewardship Council, an independent State agency, and required the Council to develop a Delta Plan by January 2012. The Delta Plan is a long-term management plan for the Delta and Suisun Marsh. Plan implementation is to achieve the co-equal goals of providing a more reliable water supply for California and protecting, restoring, and enhancing the Delta ecosystem. These two co-equal 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. The Plan generally covers six topic areas and goals:

- 1) Increased water supply reliability.
- 2) Restoration of the Delta ecosystem
- 3) Improved water quality
- 4) Reduced risks of flooding in the Delta
- 5) Protection and enhancement of the Delta as an evolving place.
- 6) Regulatory changes in which some local land use decisions will be subject to review and overturning by the Delta Stewardship Council (“covered actions.”)

The Council itself will not construct, own or operate any facilities, however, the Plan sets forth regulatory policies and recommendations that will influence the actions, activities, and projects of cities, counties, the State, Federal and other local agencies. The Delta Plan enforces its policies through defining and processing approval of “covered actions”. A covered action is any plan, program or project that meets all of 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 co-equal goals or the implementation of government sponsored flood control programs to reduce risks to people, property, and State interests in the Delta.

For the purposes of the Delta Plan “project” has the same meaning as it is used for CEQA, although it does not include CEQA’s exemptions, except for ministerial projects. For any covered-action projects, the local jurisdiction must prepare a written certification of consistency with detailed findings as to whether the covered action is consistent with the Delta Plan and submit that certification to the Council. Projects that an agency believes are consistent with the Delta Plan could be appealed to the Council by anyone who opposes the project.

3. Bay Delta Conservation Plan

The Bay Delta Conservation Plan (BDCP) is a plan to develop a new water conveyance project to get more water to the Central Valley and Southern California, along with habitat conservation projects in the Delta and Suisun Bay. The BDCP is co-sponsored by the state and federal governments and water agencies from around California that receive water from the Delta. The BDCP will be prepared to cover a proposed "isolated conveyance" facility. This facility will be a canal around the Delta (Peripheral Canal) or a tunnel under the Delta. The canal or tunnel will pick up Sacramento River water downstream of Sacramento and convey it to Clifton Court Forebay. When the Plan is adopted it will provide the take Permit under the Endangered Species Act for construction of the conveyance facility. It will also provide a body of studies to obtain a water quality certification and other environmental permits. Part of the BDCP effort includes planning for mitigation in the neighborhood of 100,000 acres of tidal marsh, floodplain, terrestrial, and riparian habitats.

Impacts on Cities

1. Land Use

Prior to approving land use projects, cities within the Delta boundary must show that the development has 200 year level of protection. The current maximum level of protection anywhere in Contra Costa County is 100 years. Some public projects and private projects approved by a city within the Delta boundary, will have to make a determination of consistency with the Delta Plan. The amount of effort this entails depends on how the Delta Stewardship Council administers their covered action program.

2. Water Quality

The NPDES stormwater permit for each city is issued by the Regional Water Quality Control Board. The requirements of the stormwater permit are developed in part based upon the water quality of the bodies of water that our streams and creeks drain into, such as the Delta, Carquinez Straits or San Francisco Bay. If the water quality of these water bodies degrades then our stormwater permit requirements increase. There are proposed scenarios in the Delta that would replumb the current flow regime to direct more pollutant laden south Delta water through to San Francisco Bay and direct higher quality

Sacramento River water south to the pumps at Clifton Court Forebay. This would decrease the quality of water through the Carquinez Straits and into San Francisco Bay. If water quality decreases the Regional Water Quality Control Board can adjust an existing TMDL or develop a new TMDL for a particular pollutant of concern. These requirements would be folded into our next stormwater permit. A TMDL (Total Maximum Daily Load) establishes limits or concentrations of a particular pollutant and actions to be taken that will reduce concentrations.

3. Delta Outflow

Ninety percent of the flows coming into San Francisco Bay come from the Delta. The recently release State of the San Francisco Bay 2011 Report indicated that the fresh water inflow index was "very poor" for the water year 2010. Eight of the last ten years have resulted in drought conditions for San Francisco Bay when comparing the fresh water flows during these eight years to flows prior to the construction of dams or diversions. The State Water Resources Control Board and biologists from US Fish and Wildlife Service have both indicated recently that additional flows need to drain through the Delta and into San Francisco Bay for a healthy Delta and San Francisco Bay Estuary. As the health of the Delta goes so goes the health of San Francisco Bay. Reduced outflow is a stressor on the overall health of San Francisco Bay.

4. Economic

To a certain extent the attraction that each city in the County has for bringing in or retaining development and business is due to our location in the Bay Area. The Bay Area is fortunate to have the unparalleled resource of San Francisco Bay and the adjacent Delta, the largest estuary system on the West coast of North and South America. If this national resource diminishes in quality that impact will be felt at many levels throughout the Bay Area, including an impact to the local economy in each community in Contra Costa County.

Latest Developments

On February 2, 2012, the Contra Costa County Mayors' Conference voted unanimously to support the Resolution. On February 7, 2012 the Contra Costa County Board of Supervisors also unanimously adopted the Resolution. The Board's action also established the "Contra Costa County Delta Stakeholders Coalition" as a countywide forum for discussion of issues outlined in the Resolution. The Board also directed County staff to work with the cities/towns and special districts in Contra Costa County and assist them in joining this stakeholders coalition.

Recommendation

Recommendation A: It is recommended that the City/Town Council adopt the Resolution on Water, Ecosystem Health and Other Issues Related to the San Francisco Bay, and Sacramento/San Joaquin River Delta.

Recommendation B: Authorize the City/Town to join the Contra Costa County Delta Stakeholders Coalition and authorize the Mayor/Council Member/City Manager/Town Manager to work with the County on Delta issues as necessary to convey the City's/Town's interest and support to State and Federal elected officials and other committees working on Delta issues.