

Delta Statutes

Selected California Statutes that deal specifically with the Delta

STATE WATER RESOURCES DEVELOPMENT BOND ACT

The State Water Resources Development Bond Act (also known as the Burns-Porter Act) ratified at the General Election, November 8, 1960, authorized the sale of \$1,750,000 of general obligation bonds to assist in financing the initial facilities of the State Water Resources Development System which are now known as the State Water Project. The facilities of the State Water Project are described in Water Code Section 12934(d). The pertinent provisions relating to the Sacramento-San Joaquin Delta are:

(2) An aqueduct system which will provide for the transportation of water from a point or points at or near the Sacramento-San Joaquin Delta to termini in the Counties of Marin, Alameda, Santa Clara, Santa Barbara, Los Angeles and Riverside, and for delivery of water both at such termini and at canal-side points enroute, for service in Solano, Napa, Sonoma, Marin, Alameda, Contra Costa, Santa Clara, San Benito, Santa Cruz, Fresno, Tulare, Kings, Kern, Los Angeles, Ventura, San Bernardino, Riverside, Orange, San Diego, San Luis Obispo, Monterey and Santa Barbara Counties.

Said aqueduct system shall consist of intake and diversion works, conduits, tunnels, siphons, pipelines, dams, reservoirs, and pumping facilities, and shall be composed of a North Bay aqueduct extending to a terminal reservoir in Marin County; a South Bay aqueduct extending to terminal reservoirs in the Counties of Alameda and Santa Clara; a reservoir near Los Banos in Merced County; a Pacheco Pass Tunnel aqueduct from a reservoir near Los Banos in Merced County to a terminus in Pacheco Creek in Santa Clara County; a San Joaquin Valley-Southern California aqueduct extending to termini in the vicinity of Newhall, Los Angeles County, and Perris, Riverside County, and having a capacity of not less than 2,500 cubic feet per second at all points north of the northerly boundary of the County of Los Angeles in the Tehachapi Mountains in the vicinity of Quail Lake and a capacity of not less than 10,000 cubic feet per second at all points north of the initial offstream storage reservoir; a coastal aqueduct beginning on the San Joaquin Valley-Southern California aqueduct in the vicinity of Avenal, Kings County, and extending to a terminal at the Santa Maria River;

(3) Master levees, control structures, channel improvements, and appurtenant facilities in the Sacramento-San Joaquin Delta for water conservation, water supply in the Delta, transfer of water across the Delta, flood and salinity control, and related functions.

(Added by Stats. 1959, Ch. 1762.)

WATERSHED PROTECTION LAW

Water Code Sections 11460 to 11463 set forth restrictions and limitations to protect the reasonable water requirements of water needs of the watershed wherein water originates. The Burns-Porter Act (Water Code Section 12931) declares the Delta to be part of the Sacramento River watershed.

11460. In the construction and operation by the department of any project under the provisions of this part a watershed or area wherein water originates, or an area immediately adjacent thereto which can conveniently be supplied with water therefrom, shall not be deprived by the department directly or indirectly of the prior right to all of the water reasonably required to adequately supply the beneficial needs of the watershed, area, or any of the inhabitants or property owners therein.

(Amended by Stats. 1957, Ch. 1932. Note: Amendment by Stats. 1980, Ch. 632, did not take effect; Ch. 632 was rejected by referendum as Prop. 9 on June 8, 1982.)

11460. In no other way than by purchase or otherwise as provided in this part shall water rights of a watershed, area, or the inhabitants be impaired or curtailed by the department, but the provisions of this article shall be strictly limited to the acts and proceedings of the department, as such, and shall not apply to any persons or state agencies.

(Amended by Stats. 1957, Ch. 1932.)

11462. The provisions of this article shall not be so construed as to create any new property rights other than against the department as provided in this part or to require the department to furnish to any person without adequate compensation therefor any water made available by the construction of any works by the department.

(Amended by Stats. 1957, Ch. 1932.)

11463. In the construction and operation by the department of any project under the provisions of this part, no exchange of the water of any watershed or area for the water of any other watershed or area may be made by the department unless the water requirements of the watershed or area in which the exchange is made are first and at all times met and satisfied to the extent that the requirements would have been met were the exchange not made, and no right to the use of water shall be gained or lost by reason of any such exchange.

(Amended by Stats. 1957, Ch. 1932.)

DELTA PROTECTION ACT

The Delta Protection Act was enacted in 1959 at the same session of the Legislature at which the Burns-Porter Act was enacted.

12200. The Legislature hereby finds that the water problems of the Sacramento-San Joaquin Delta are unique within the State; the Sacramento and San Joaquin Rivers join at the Sacramento-San Joaquin Delta to discharge their fresh water flows into Suisun, San Pablo and San Francisco Bays and thence into the Pacific Ocean; the merging of fresh water with saline bay waters and drainage waters and the withdrawal of fresh water for beneficial uses creates an acute problem of salinity intrusion into the vast network of channels and sloughs of the Delta; the State Water Resources Development System has as one of its objectives the transfer of waters from water-surplus areas in the Sacramento Valley and the north coastal area to water-deficient areas to the south and west of the Sacramento-San Joaquin Delta via the Delta; water surplus to the needs of the areas in which it originates is gathered in the Delta and thereby provides a common source of fresh water supply for water-deficient areas. It is, therefore, hereby declared that a general law cannot be made applicable to said Delta and that the enactment of this law is necessary for the protection, conservation, development, control and use of the waters in the Delta for the public good.

(Added by Stats. 1959, Ch. 1766.)

12201. The Legislature finds that the maintenance of an adequate water supply in the Delta sufficient to maintain and expand agriculture, industry, urban, and recreational development in the Delta area as set forth in Section 12220, Chapter 2, of this part, and to provide a common source of fresh water for export to areas of water deficiency is necessary to the peace, health, safety and welfare of the people of the State, except that delivery of such water shall be subject to the provisions of Section 10505 and Sections 11460 to 11463, inclusive, of this code.

(Added by Stats. 1959, Ch. 1766.)

12202. Among the functions to be provided by the State Water Resources Development System, in coordination with the activities of the United States in providing salinity control for the Delta through operation of the Federal Central Valley Project, shall be the provision of salinity control and an adequate water supply for the users of water in the Sacramento-San Joaquin Delta. If it is determined to be in the public interest to provide a substitute water supply to the users in said Delta in lieu of that which would be provided as a result of salinity control no added financial burden shall be placed upon said Delta water users solely by virtue of such substitution. Delivery of said substitute water supply shall be subject to the provisions of Section 10505 and Sections 11460 to 11463, inclusive, of this code.

(Added by Stats. 1959, Ch. 1766.)

12203. It is hereby declared to be the policy of the State that no person, corporation or public or private agency or the State or the United States should divert water from the channels of the Sacramento-San Joaquin Delta to which the users within said Delta are entitled.

(Added by Stats. 1959, Ch. 1766.)

12204. In determining the availability of water for export from the Sacramento-San Joaquin Delta no water shall be exported which is necessary to meet the requirements of Sections 12202 and 12203 of this chapter.

(Added by Stats. 1959, Ch. 1766.)

12205. It is the policy of the State that the operation and management of releases from storage into the Sacramento-San Joaquin Delta of water for use outside the area in which such water originates shall be integrated to the maximum extent possible in order to permit the fulfillment of the objectives of this part.

(Added by Stats. 1959, Ch. 1766.)

SACRAMENTO-SAN JOAQUIN DELTA LEVEES

The State in 1976 adopted a conceptual plan for improvement of Delta levees which is contained in Water Code Chapter 3, Sections 12225 to 12227.

12225. The plan for improvement of the Sacramento-San Joaquin Delta levees, as set forth in Bulletin No. 192 of the Department of Water Resources, dated May 1975, is approved as a conceptual plan to guide the formulation of projects to preserve the integrity of the delta levee system.

(Added by Stats. 1976, Ch. 1302.)

12226. The department may prepare detailed plans and specifications for the improvement of the levees or levee segments specified in Section 12225.

(Added by Stats. 1976, Ch. 1302.)

12226.1. The department shall report on its recommendations to the Legislature concerning the improvement of the levees specified in Section 12225, including, but not limited to, recommendations concerning construction, cost sharing, land use, zoning, flood control, recreation, fish and wildlife habitat, and aesthetic values. The department shall submit interim reports to the Legislature concerning the status of the delta levees program on or before January 15 of each year beginning in 1978, with the final report on its recommendations to be made on or before January 15, 1980.

(Added by Stats. 1976, Ch. 1302.)

12226.2. The department may proceed immediately with the improvement of a pilot levee project which the department determines, after a public hearing, is in critical need of improvement and which is highly susceptible to failure in the absence of such immediate improvement. Prior to commencing such improvement, the department shall enter into an agreement with a local agency whereby the local agency will bear at least 20 percent of the cost of the improvement.

(Added by Stats. 1976, Ch. 1302.)

12227. This chapter shall be known and may be cited as the "Nejedly-Mobley Delta Levees Act".

(Added by Stats. 1976, Ch. 1302.)

ENVIRONMENTAL MITIGATION AND PROTECTION REQUIREMENTS

The following sections were added to the Water Code in 1991 to establish coordination between The Resources Agency, the Department of Water Resources, The Reclamation Board, and the Department of Fish and Game to assure that flood protection activities result in no net loss of riparian, wildlife, or fishery habitat.

12306. This chapter applies to special flood control projects subject to Chapter 2 (commencing with Section 12310) and to the payment of delta levee subventions under Part 9 (commencing with Section 12980).

(Added by Stats. 1991, Ch. 1140, Sec. 1.)

12306.5. The Resources Agency shall supervise the implementation of the programs subject to this chapter.

(Added by Stats. 1991, Ch. 1140, Sec. 1.)

12307. (a) The Resources Agency, the department, the Reclamation Board, and the Department of Fish and Game shall enter into a memorandum of understanding to coordinate the implementation of the programs subject to this chapter.

(b) The memorandum of understanding shall provide that the Department of Fish and Game shall enforce any mitigation requirements involving programs subject to this chapter.

(Added by Stats. 1991, Ch. 1140, Sec. 1.)

12308. The Resources Agency shall report to the Legislature not later than January 15 of each year all of the following information for each plan approved pursuant to this part:

(a) The name of each local agency submitting a plan, the island or tract involved, and a map of the island or tract indicating the work and the mitigation sites.

(b) The amount of money allocated to the plan, and the amount of money spent on project construction and on project mitigation.

(c) The number of acres of riparian, wildlife, and fisheries habitat and the number of lineal feet of shaded aquatic areas disturbed by projects funded under this part.

(d) The number and quality of acres of replacement habitat provided as mitigation.

(e) An annual assessment as to whether the cumulative impact of projects funded pursuant to this part has resulted in no net long-term loss of riparian, wildlife, or fisheries habitat. If the Resources Agency determines that a net long-term loss has occurred, it shall include in its assessment the necessary steps to correct those deficiencies.

(Added by Stats. 1991, Ch. 1140, Sec. 1.)

DELTA FLOOD PROTECTION ACT OF 1988

This act created the Special Flood Control Project Program for the eight islands in the western Delta (Bethel, Bradford, Holland, Hotchkiss, Jersey, Sherman, Twitchell, and Webb) and the communities of Thornton and Walnut Grove. It also amended the Delta Levee Maintenance Subvention Program which was

established in 1973 to provide State financial assistance to local districts for maintaining and improving nonproject Delta levees. Finally, the act created a special account in the California Water Fund for appropriation by the Legislature to the Department of Water Resources for fish, wildlife, and water quality mitigation activities in the Delta, Suisun Marsh, and San Francisco Bay. Sections of the Water Code pertaining to the Special Flood Control Project Program and the Delta Levee Maintenance Subvention Program follow.

Special Flood Control Project Program

12310. As used in this chapter, the following terms have the following meanings:

(a) "Local public agency" means a reclamation district or levee district or other public agency responsible for the maintenance of a nonproject levee as defined in subdivision (d) of Section 12980.

(b) "Project" means the flood control improvement constructed or interests in land acquired pursuant to this chapter.

(c) "Department" means the Department of Water Resources.

(d) "Delta" means the Sacramento-San Joaquin Delta as described in Section 12220.

(Added by Stats. 1988, Ch. 28, Sec. 3. Effective March 14, 1988.)

12311. (a) The department shall develop and implement a program of flood control projects on Bethel, Bradford, Holland, Hotchkiss, Jersey, Sherman, Twitchell, and Webb Islands in the delta and for the Towns of Thornton and Walnut Grove. This program shall have, as its primary purpose, the protection of discrete and identifiable public benefits, including the protection of public highways and roads, utility lines and conduits, and other public facilities, and the protection of urbanized areas, water quality, recreation, and other public benefits.

(b) Notwithstanding subdivision (a), the department shall develop and recommend a plan of action, including alternatives, for flood control for the Towns of Thornton and Walnut Grove and shall submit the plan to the Legislature by January 1, 1989. The department shall not allocate any funds for implementation of the plan of action for flood control for the Towns of Thornton and Walnut Grove until a plan is approved by the Legislature.

(Added by Stats. 1988, Ch. 28, Sec. 3. Effective March 14, 1988.)

12312. The department may expend any moneys available to it pursuant to paragraph (2) of subdivision (b) of Section 12300 for the purposes of this chapter. In addition, the department shall seek a sharing of costs with the beneficiaries or owners or operators of the public facilities benefited by the flood protection projects. The department shall also seek cost sharing with, or financial assistance from, federal agencies which have programs applicable to, or which have an interest in, the flood protection projects.

(Added by Stats. 1988, Ch. 28, Sec. 3. Effective March 14, 1988.)

12313. (a) The department shall develop a list of areas where flood control work is needed to protect public facilities or

provide public benefits. In developing the list, the department shall consult with all appropriate federal, state, and local agencies. The list shall establish a priority for the areas based upon both of the following:

(1) The importance or degree of public benefit needing protection.

(2) The need for flood protective work.

(b) The list shall be submitted to the California Water Commission for approval, and shall be updated by the department, with the approval of the California Water Commission, as the department may deem appropriate.

(Added by Stats. 1988, Ch. 28, Sec. 3. Effective March 14, 1988.)

12314. Guided by the approved priority list developed pursuant to Section 12313, the department shall develop project plans to accomplish the needed flood protection work, in cooperation with the local public agency, the public beneficiary, and the Department of Fish and Game.

The plans shall be subject to the approval of the appropriate local public agency or agencies and subject to any cost-sharing agreement the department may have entered into under Section 12312. Project plans may include, or be a combination of, the improvement, rehabilitation, or modification of existing levees and the conveyance of interests in land to limit or to modify land management practices which have a negative impact on flood control facilities.

Project plans shall include provision for the protection of fish and wildlife habitat determined to be necessary by the Department of Fish and Game and not injurious to the integrity of flood control works. The Department of Fish and Game shall consider the value of the riparian and fisheries habitat and the need to provide greater flood protection in preparing its requirements, and shall not approve any plan which calls for the use of channel islands or berms with significant riparian communities as borrow sites for levee repair materials, unless fully mitigated, or any plans which will result in a net long-term loss of riparian, fisheries, or wildlife habitat.

(Added by Stats. 1988, Ch. 28, Sec. 3. Effective March 14, 1988.)

12315. Projects shall be undertaken and completed in accordance with the approved project plans. Project works may be undertaken by the department or, at the department's option, by the local public agency pursuant to an agreement with the department.

(Added by Stats. 1988, Ch. 28, Sec. 3. Effective March 14, 1988.)

12316. In addition to any obligations assumed under an agreement with the department and to the extent consistent with that agreement, the local public agency shall do all of the following:

(a) Provide construction access to lands or rights-of-way which it owns or maintains for flood control purposes or for purposes with which the project's required uses are compatible and necessary to complete the project.

(b) Maintain the completed project.

(c) Apply for federal disaster assistance, whenever eligible, under Public Law 93-288.

(d) Hold and save the department, any other agency or

department of the state, and their employees free from any and all liability for damages, except that caused by gross negligence, that may arise out of the construction, operation, or maintenance of the project.

(e) Acquire easements up to 400 feet in width from the crown along levees in areas where the department determines that such an easement is desirable to maintain structural stability of the levee. The easement shall (1) restrict the use of the land to open-space uses with minimum tillage of the soil, including, without limitation, nontillable crops such as pasture, the propagation of wildlife habitat, and other compatible uses, (2) provide full access to the local agency for levee maintenance and improvement purposes, and (3) allow the owner to retain reasonable rights of ingress and egress as well as reasonable rights of access to the waterways for water supply and drainage. The local public agency costs of acquisition of the easements shall be reimbursable by the department from moneys appropriated pursuant to paragraph (2) of subdivision (b) of Section 12300.

(f) Comply with all mitigation requirements required pursuant to this chapter.

(Added by Stats. 1988, Ch. 28, Sec. 3. Effective March 14, 1988.)

Delta Levee Maintenance Subvention Program

In 1973, the Legislature passed Senate Bill 541 (also known as the Way Bill, Chapter 717, Statutes of 1973), which establishes this program. It was amended by the Delta Flood Protection Act of 1988.

12980. As used in this part:

(a) "Board" means the Reclamation Board.

(b) "Delta" means the Sacramento-San Joaquin Delta as described in Section 12220.

(c) "Local agency" means any city, county, district, or other political subdivision of the state which is authorized to maintain levees.

(d) "Nonproject levee" means a levee in the delta which is not a project facility under the State Water Resources Law of 1945.

(Added by Stats. 1973, Ch. 717.)

12981. The Legislature hereby finds and declares that the delta is endowed with many invaluable and unique resources and that these resources are of major statewide significance. The Legislature further finds and declares that the delta's uniqueness is particularly characterized by its hundreds of miles of meandering waterways and the many islands adjacent thereto; that, in order to preserve the delta's invaluable resources, which include highly productive agriculture, recreational assets, fisheries, and wildlife environment, the physical characteristics of the delta should be preserved essentially in their present form; and that the key to preserving the delta's physical characteristics is the system of levees defining the waterways and producing the adjacent islands. However, the Legislature recognizes that it may not be economically justifiable to maintain all delta islands.

(Amended by Stats. 1985, Ch. 1271, Sec. 3.)

12982. The Legislature further finds and declares that while

most of the delta's levees are privately owned and maintained they are being subjected to varied multiple uses and serve to benefit many varied segments and interests of the public at large, and that as a result of the varied multiple uses of such levees, added maintenance costs are being borne by adjacent landowners.

(Added by Stats. 1973, Ch. 717.)

12983. The Legislature further finds and declares that there is an urgent need for a higher degree of levee maintenance and rehabilitation generally throughout the delta and that the state has an interest in providing technical and financial assistance for delta levee maintenance and rehabilitation.

The Legislature also finds and declares that, because of the instability of delta soils, the effect of winds, tides, and floodflows, and the unique problems of erosion, seepage, and subsidence, the same security against levee failure and flooding cannot be achieved by protective works in the delta as in areas less vulnerable to these problems. Although the rehabilitation and maintenance of delta levees is an important undertaking, a significant risk of levee failure will still persist.

The purpose of the state's approval of plans and inspection of works, which duties are set forth in this part, is to ensure that subvention funds are properly expended and that delta levees are effectively rehabilitated and maintained, and the state does not thereby assume any responsibility for the safety of any delta levee against failure.

(Amended by Stats. 1986, Ch. 824, Sec. 1. Effective September 15, 1986.)

12984. The department shall develop and submit to the board, for adoption by the board, criteria for the maintenance and improvement of nonproject levees. The criteria shall vary as required to meet specific conditions and shall be multipurpose in nature, and include environmental considerations, when feasible. The criteria shall embody and implement the short-term mitigation plan set forth in the "Flood Hazard Mitigation Plan for the Sacramento-San Joaquin Delta," prepared by the department for the Office of Emergency Services, dated September 15, 1983, and as it may be subsequently amended.

(Amended by Stats. 1986, Ch. 824, Sec. 2. Effective September 15, 1986.)

12985. Prior to adoption of any such criteria, the board shall hold public hearings and may revise the criteria as it determines necessary.

(Added by Stats. 1973, Ch. 717.)

12986. (a) It is the intention of the Legislature to reimburse an eligible local agency pursuant to this part for costs incurred in any year for the maintenance or improvement of nonproject levees as follows:

(1) No costs incurred shall be reimbursed if the entire cost incurred per mile of nonproject levee is one thousand dollars (\$1,000) or less.

(2) Seventy-five percent of any costs incurred in excess of one thousand dollars (\$1,000) per mile of nonproject levee shall be reimbursed.

(b) This section shall remain in effect only until January 1, 1999, and as of that date is repealed, unless a later enacted statute, which is enacted before January 1, 1999, deletes or extends that date.

(Amended by Stats. 1988, Ch. 28, Sec. 5. Effective March 14, 1988. Repealed as of January 1, 1999, by its own provisions. See later operative version, as added by Stats. 1988, Ch. 28, Sec. 6.)

12986. (a) It is the intention of the Legislature to reimburse from the General Fund an eligible local agency pursuant to this part for costs incurred in any year for the maintenance or improvement of nonproject levees as follows:

(1) No costs incurred shall be reimbursed if the entire cost incurred per mile of levee is one thousand dollars (\$1,000) or less.

(2) Fifty percent of any costs incurred in excess of one thousand dollars (\$1,000) per mile of levee shall be reimbursed.

(3) The maximum total reimbursement from the General Fund shall not exceed two million dollars (\$2,000,000) annually.

(b) This section shall become operative on January 1, 1999.

(Repealed (by Sec. 5) and added by Stats. 1988, Ch. 28, Sec. 6. Effective March 14, 1988. Operative January 1, 1999, by its own provisions.)

12987. Local agencies maintaining nonproject levees shall be eligible for reimbursement pursuant to this part upon submission to and approval by the board of plans for the maintenance and improvement of the nonproject levees, including plans for the annual routine maintenance of the levees, in accordance with the criteria adopted by the board.

The plans shall also be compatible with the plan for improvement of the delta levees as set forth in Bulletin No. 192-82 of the department, dated December 1982, and as approved in Section 12225, and shall include provisions to acquire easements up to 400 feet in width from the crown along levees in areas where the department determines that such an easement is desirable to maintain structural stability of the levee. The easement shall (1) restrict the use of the land to open-space uses with minimum tillage of the soil, including, without limitation, nontillable crops such as pasture, the propagation of wildlife habitat, and other compatible uses, (2) provide full access to the local agency for levee maintenance and improvement purposes, and (3) allow the owner to retain reasonable rights of ingress and egress as well as reasonable rights of access to the waterways for water supply and drainage. The local agency cost of acquisition of the easements shall be reimbursable by the department from moneys appropriated pursuant to paragraph (1) of subdivision (b) of Section 12300. The plans shall also include provision for protection of the fish and wildlife habitat determined to be necessary by the Department of Fish and Game and not injurious to the integrity of the levee. The Department of Fish and Game shall consider the value of the riparian and fisheries habitat and the need to provide safe levees in preparing its requirements. The Department of Fish and Game shall not approve any plan which calls for the use of channel islands or berms with significant riparian communities as borrow sites for levee repair material, unless fully mitigated, or any plans which will result in a net long-term loss of riparian, fisheries, or wildlife habitat.

The plans shall also take into account the most recently updated Delta Master Recreation Plan prepared by the Resources Agency.

Upon approval of the plans by the board, the local agencies

shall enter into an agreement with the board to perform the maintenance and improvement work, including the annual routine maintenance work, specified in the plans. If applications for state funding in any year exceed the state funds available, the board shall apportion the funds among those levees or levee segments that are identified by the department as most critical and beneficial, considering the needs of flood control, water quality, recreation, and wildlife.

(Amended by Stats. 1988, Ch. 28, Sec. 7. Effective March 14, 1988.)

12987.5. (a) In an agreement entered into under Section 12987, the board may provide for an advance to the applicant in an amount not to exceed 75 percent of the estimated state share. The agreement shall provide that no advance shall be made until the applicant has incurred costs averaging one thousand dollars (\$1,000) per mile of levee.

(b) Advances made under subdivision (a) shall be subtracted from amounts to be reimbursed after the work has been performed. If the department finds that work has not been satisfactorily performed or where advances made actually exceed reimbursable costs, the local agency shall promptly remit to the state all amounts advanced in excess of reimbursable costs. If advances are sought, the board may require a bond to be posted to ensure the faithful performance of the work set forth in the agreement.

(c) This section shall remain in effect only until January 1, 1999, and as of that date is repealed, unless a later enacted statute, which is enacted before January 1, 1999, deletes or extends that date.

(Added by Stats. 1988, Ch. 28, Sec. 8. Effective March 14, 1988. Repealed as of January 1, 1999, by its own provisions.)

12988. Upon the completion in any year of the maintenance or improvement work, including annual routine maintenance work, as specified in the plans approved by the board, the local agency shall notify the department, and the department shall inspect the completed work. The department, upon completion of such inspection, shall submit to the board a report as to its findings. Upon a finding that the work has been satisfactorily completed in accordance with the approved plans, the board shall certify for reimbursement any costs incurred in excess of five hundred dollars (\$500) per mile of levee, if the entire cost incurred per mile of levee is not in excess of one thousand dollars (\$1,000), and shall certify for reimbursement 50 percent of any costs incurred per mile of levee if the entire cost incurred per mile of levee is greater than one thousand dollars (\$1,000).

(Added by Stats. 1973, Ch. 717.)

12989. The department shall conduct at least one annual inspection of every levee for which maintenance or improvement costs have been reimbursed pursuant to this part. In addition, the department shall inspect nonproject levees of local agencies for the purpose of monitoring and ascertaining the degree of compliance with, or progress toward meeting, the standards in the Flood Hazard Mitigation Plan, as set forth in Section 12984.

The local agency shall cooperate with the department in the conduct of these inspections, including the provision of reasonable access over local agency lands and easements.

(Amended by Stats. 1986, Ch. 824, Sec. 3. Effective

September 15, 1986.)

12990. Whenever the department finds that the annual routine maintenance work specified in the plans approved by the board is not being performed in accordance with the agreement entered into between the local agency and the board, the department may establish a maintenance area in accordance with the provisions of Chapter 4.5 (commencing with Section 12878) of Part 6 of this division, as nearly as the same may be applicable, except that the work to be performed shall be the routine annual maintenance work for the nonproject levee as specified in the plans approved by the board. Upon the formation of a maintenance area, the department shall thereafter annually maintain the nonproject levee in accordance with such plans and subject to the provisions of Chapter 4.5 (commencing with Section 12878) of Part 6 of this division, as nearly as the same may be applicable.

(Added by Stats. 1973, Ch. 717.)

12991. The board is authorized to make, from time to time, such rules and regulations as may be necessary to carry out, and as are consistent with, this part.

(Added by Stats. 1973, Ch. 717.)

12992. Before any plan is approved, agreement entered into, or moneys advanced or reimbursed under this part, the local agency shall first enter into an agreement with the board indemnifying and holding and saving the State of California, the board, the department, any other agency or department of the state, and their employees free from any and all liability for damages, except that caused by gross negligence, that may arise out of the approvals, agreements, inspections, or work performed under this part.

Any funds appropriated for any of the purposes of this part may be used to satisfy any judgment against the state covered by this section, pending indemnification by the local agency.

(Added by Stats. 1988, Ch. 28, Sec. 9. Effective March 14, 1988.)

12993. Applicants shall apply for federal disaster assistance, whenever eligible, under Public Law 93-288. If, and to the extent that, it is determined that the work performed does not qualify for federal disaster assistance, the applicant may apply for reimbursement under Section 12986, and the costs shall be deemed incurred by the applicant in the year in which the latter application is filed.

(Added by Stats. 1988, Ch. 28, Sec. 10. Effective March 14, 1988.)

DELTA PROTECTION ACT OF 1992

This act, incorporated into the Public Resources Code (Section 21080.22 and Division 19.5), establishes the Delta Protection Commission and specifies its duties and powers. The Commission is to develop a comprehensive long-term resources management plan for the Delta by July 1, 1994, and is to be abolished on January 1, 1997. The Delta primary zone, the area to which the resource management plan will apply, is shown on the map titled Delta Primary and Secondary Zones.

SECTION 1. Section 21080.22 is added to the Public Resources Code, to read:

21080.22. (a) This division does not apply to activities and approvals by a local government necessary for the preparation of general plan amendments pursuant to Section 29763, except that the approval of general plan amendments by the Delta Protection Commission is subject to the requirements of this division.

(b) For purposes of Section 21080.5, a general plan amendment is a plan required by the regulatory program of the Delta Protection Commission.

SEC. 2. Division 19.5 (commencing with Section 29700) is added to the Public Resources Code, to read:

DIVISION 19.5. DELTA PROTECTION ACT OF 1992

CHAPTER 1. FINDINGS AND DECLARATIONS

29700. This division shall be known, and may be cited, as the Johnston-Baker-Andal-Boatwright Delta Protection Act of 1992.

29701. The Legislature finds and declares that the Sacramento-San Joaquin Delta is a natural resource of statewide, national, and international significance, containing irreplaceable resources, and 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.

29702. The Legislature further finds and declares that the basic goals of the state for the delta are the following:

(a) Protect, maintain, and, where possible, enhance and restore the overall quality of the delta environment, including, but not limited to, agriculture, wildlife habitat, and recreational activities.

(b) Assure orderly, balanced conservation and development of delta land resources.

(c) Improve flood protection by structural and nonstructural means to ensure an increased level of public health and safety.

29703. The Legislature further finds and declares as follows:

(a) The delta is an agricultural region of great value to the state and nation and the retention and continued cultivation and production of fertile peatlands and prime soils are of significant value.

(b) The agricultural land of the delta, while adding greatly to the economy of the state, also provides a significant value as

open space and habitat for water fowl using the Pacific Flyway, as well as other wildlife, and the continued dedication and retention of that delta land in agricultural production contributes to the preservation and enhancement of open space and habitat values.

(c) Agricultural lands located within the primary zone should be protected from the intrusion of nonagricultural uses.

29704. The Legislature further finds and declares that the leveed islands and tracts of the delta and portions of its uplands are floodprone areas of critical statewide significance due to the public safety risks and the costs of public emergency responses to floods, and that improvement and ongoing maintenance of the levee system is a matter of continuing urgency to protect farmlands, population centers, the state's water quality, and significant natural resource and habitat areas of the delta. The Legislature further finds that improvements and continuing maintenance of the levee system will not resolve all flood risks and that the delta is inherently a floodprone area wherein the most appropriate land uses are agriculture, wildlife habitat, and, where specifically provided, recreational activities, and that most of the existing levee systems are degraded and in need of restoration, improvement, and continuing management.

29705. The Legislature further finds and declares that the delta's wildlife and wildlife habitats, including waterways, vegetated unleveed channel islands, wetlands, and riparian forests and vegetation corridors, are highly valuable, providing critical wintering habitat for waterfowl and other migratory birds using the Pacific Flyway, as well as certain plant species, various rare and endangered wildlife species of birds, mammals, and fish, and numerous amphibians, reptiles, and invertebrates, that these wildlife species and their habitat are valuable, unique, and irreplaceable resources of critical statewide significance, and that it is the policy of the state to preserve and protect these resources and their diversity for the enjoyment of current and future generations.

29706. The Legislature further finds and declares that the resource values of the delta have deteriorated, and that further deterioration threatens the maintenance and sustainability of the delta's ecology, fish and wildlife populations, recreational opportunities, and economic productivity.

29707. The Legislature further finds and declares that there is no process by which state and national interests and values can be protected and enhanced for the delta, and that, to protect the regional, state, and national interests for the long-term agricultural productivity, economic vitality, and ecological health of the delta resources, it is necessary to provide and implement delta land use planning and management by local governments.

29708. The Legislature further finds and declares that the cities, towns, and settlements within the delta are of significant historical, cultural, and economic value and that their continued protection is important to the economic and cultural vitality of the region.

29709. The Legislature further finds and declares as follows:

(a) Regulation of land use and related activities that threaten the integrity of the delta's resources can best be advanced through comprehensive regional land use planning implemented through reliance on local government in its local land use planning procedures and enforcement.

(b) In order to protect regional, state, and national interests in the long-term agricultural productivity, economic vitality, and ecological health of delta resources, it is important that there be a coordination and integration of activities by the various agencies whose land use activities and decisions cumulatively impact the delta.

29710. The Legislature further finds and declares that agricultural, recreational, and other uses of the delta can best be protected by implementing projects that protect wildlife habitat before conflicts arise.

29711. The Legislature further finds and declares that the inland ports of Sacramento and Stockton constitute economic and water dependent resources of statewide significance, fulfill essential functions in the maritime industry, and have long been dedicated to transportation, agricultural, commercial, industrial, manufacturing, and navigation uses consistent with federal, state, and local regulations, and that those uses should be maintained and enhanced.

29712. The Legislature further finds and declares as follows:

(a) The delta's waterways and marinas offer recreational opportunities of statewide and local significance and are a source of economic benefit to the region, and, due to increased demand and usage, there are public safety problems associated with that usage requiring increased coordination by all levels of government.

(b) Recreational boating within the delta is of statewide and local significance and is a source of economic benefit to the region, and to the extent of any conflict or inconsistency between this division and any provisions of the Harbors and Navigation Code, regarding regulating the operation or use of boating in the delta, the provisions of the Harbors and Navigation Code shall prevail.

29713. The Legislature further finds and declares that the voluntary acquisition of wildlife and agricultural conservation easements in the delta promotes and enhances the traditional delta values of agriculture, habitat, and recreation.

29714. The Legislature further finds and declares that, in enacting this division, it is not the intent of the Legislature to authorize any governmental agency acting pursuant to this division to exercise their power in a manner which will take or damage private property for public use, without the payment of just compensation therefor. This section is not intended to increase or decrease the rights of any owner of property under the California Constitution or the United States Constitution.

29715. To the extent of any conflict or inconsistency between this division and any provision of the Water Code, the provisions of the Water Code shall prevail.

29716. Nothing in this division authorizes the commission to exercise any jurisdiction over matters within the jurisdiction of, or to carry out its powers and duties in conflict with the powers and duties of, any other state agency.

CHAPTER 2. DEFINITIONS

29720. Unless the context otherwise requires, the definitions set forth in this chapter govern the construction of this division.

29720.5. "Aggrieved person" has the same meaning as

defined in Section 29117.

29721. "Commission" means the Delta Protection Commission created by Section 29735.

29722. "Delta" means the Sacramento-San Joaquin Delta, as defined in Section 12220 of the Water Code, for all provisions of this division, other than Chapter 3 (commencing with Section 29735). For the purposes of Chapter 3 (commencing with Section 29735), "delta" means the area of the delta minus the area contained in Alameda County.

29723. (a) "Development" means on, in, over, or under land or water, the placement or erection of any solid material or structure; discharge of any dredged material or of any gaseous, liquid, solid, or thermal waste; grading, removing, dredging, mining, or extraction of any materials; change in the density or intensity of use of land, including, but not limited to, subdivisions pursuant to the Subdivision Map Act (Division 2 (commencing with Section 66410) of Title 7 of the Government Code), and any other division of land including lot splits, except where the land division is brought about in connection with the purchase of the land by a public agency for public recreational or fish and wildlife uses or preservation; construction, reconstruction, demolition, or alteration of the size of any structure, including any facility of any private, public, or municipal utility; and the removal or harvesting of major vegetation other than for agricultural purposes.

(b) "Development" does not include any of the following:

(1) All farming and ranching activities, as specified in subdivision (e) of Section 3482.5 of the Civil Code.

(2) The maintenance, including the reconstruction of damaged parts, of structures, such as marinas, dikes, dams, levees, riprap (consistent with Chapter 1.5 (commencing with Section 12306) of Part 4.8 of Division 6 of the Water Code), breakwater, causeways, bridges, ferries, bridge abutments, docks, berths, and boat sheds. "Maintenance" includes, for this purpose, the rehabilitation and reconstruction of levees to meet applicable standards of the United States Army Corps of Engineers or the Department of Water Resources.

(3) The construction, repair, or maintenance of farm dwellings, buildings, stock ponds, irrigation or drainage ditches, water wells, or siphons, including those structures and uses permitted under the California Land Conservation Act of 1965 (Chapter 7 (commencing with Section 51200) of Part 1 of Division 1 of Title 5 of the Government Code).

(4) The construction or maintenance of farm roads, or temporary roads for moving farm equipment.

(5) The dredging or discharging of dredged materials, including maintenance dredging or removal, as engaged in by any marina, port, or reclamation district, in conjunction with the normal scope of their customary operations, consistent with existing federal, state, and local laws.

(6) The replacement or repair of pilings in marinas, ports, and diversion facilities.

(7) Projects within port districts, including, but not limited to, projects for the movement, grading, and removal of bulk materials for the purpose of activities related to maritime commerce and navigation.

(8) The planning, approval, construction, operation, maintenance, reconstruction, alteration, or removal by a state agency

or local agency of any water supply facilities or mitigation or enhancement activities undertaken in connection therewith.

(9) Construction, reconstruction, demolition, and land divisions within existing zoning entitlements, and development within, or adjacent to, the unincorporated towns of the delta, as permitted in the Delta Area Community Plan of Sacramento County and the general plan of Yolo County, authorized prior to January 1, 1992.

(10) Exploration or extraction of gas and hydrocarbons.

(11) The planning, approval, construction, repair, replacement, alteration, reconstruction, operation, maintenance, or removal of oxidation and water treatment facilities owned by the City of Stockton or the City of Lodi, or facilities owned by any local agency within or adjacent to the unincorporated towns of the delta consistent with the general plan of the County of Sacramento or the County of Yolo, as the case may be.

29724. “Local agency” means any local agency, other than a local government, formed pursuant to general law or special act for the local performance of governmental or proprietary functions within limited boundaries or which maintains facilities within the delta. “Local agency” includes, but is not limited to, a port, water agency, flood control district, county service area, maintenance district or area, improvement district or improvement area, mosquito abatement district, resource conservation district, irrigation district, reclamation district, sanitary or sewer district, or any other zone or area, formed for the purpose of designating an area within which either an assessment or a property tax rate will be levied to pay for a service or improvement benefiting that area or a special function will be carried out within that area.

29725. “Local government” means the Counties of Contra Costa, Sacramento, San Joaquin, Solano, and Yolo, and the Cities of Sacramento, Stockton, Tracy, Antioch, Pittsburg, Isleton, Lathrop, Brentwood, Rio Vista, and West Sacramento.

29726. “Pacific Flyway” means the identified migratory bird flight path, including feeding and nesting habitat, as described in the Central Valley Habitat Joint Venture component of the North American Waterfowl Management Plan (NAWMP-1986).

29727. “Port” means the Port of Sacramento and the Port of Stockton, including all the land owned or leased by those ports.

29728. “Primary zone” means the delta land and water area of primary state concern and statewide significance which is situated within the boundaries of the delta, as described in Section 12220 of the Water Code, but which is not within either the urban limit line or sphere of influence line of any local government’s general plan or currently existing studies, as of January 1, 1992. The precise boundary lines of the primary zone includes the land and water areas as shown on the map titled “Delta Protection Zones” on file with the Secretary of State. Where the boundary between the primary zone and secondary zone is a river, stream, channel, or waterway, the boundary line shall be the middle of that river, stream, channel, or waterway.

29729. “Regional plan” means the resource management plan prepared and adopted pursuant to Section 29760.

29730. “Restoration” means actions which return a degraded or deteriorated area to a level of increased productivity, environmental quality, or beneficial values.

29731. “Secondary zone” means all the delta land and water

area within the boundaries of the delta not included within the primary zone, subject to the land use authority of local government, and which includes the land and water areas as shown on the map titled “Delta Protection Zones” on file with the Secretary of State.

29732. “Sphere of influence line” refers to those boundaries of local governments as defined in Sections 56425 and 56426 of the Government Code.

29733. “Unincorporated towns” means the communities of Walnut Grove, Clarksburg, Courtland, Hood, Locke, and Ryde.

29734. “Urban limit line” means that general plan line established and approved by any local government within the delta which delineates boundaries beyond which urban development is not publicly proposed by local government, as of January 1, 1992.

CHAPTER 3. ORGANIZATION

29735. There is hereby created the Delta Protection Commission consisting of 19 members as follows:

(a) One member of the board of supervisors of each of the five counties within the delta whose supervisorial district is within the primary zone shall be appointed by the board of supervisors of the county.

(b) Three elected city council members shall be selected and appointed by city selection committees, from regional and area councils of government, one in each of the following areas:

(1) One from the north delta, consisting of the Counties of Yolo and Sacramento.

(2) One from the south delta, consisting of the County of San Joaquin.

(3) One from the west delta, consisting of the Counties of Contra Costa and Solano.

(c) (1) One member each from the board of directors of five different reclamation districts which are located within the primary zone who are residents of the delta, and who are elected by the trustees of reclamations districts within the following areas:

(A) Two members from the area of the North Delta Water Agency as described in Section 9.1 of the North Delta Water Agency Act (Chapter 283 of the Statutes of 1973), provided at least one member is also a member of the Delta Citizens Municipal Advisory Council.

(B) One member from the West Delta consisting of the area of Contra Costa County within the delta.

(C) One member from the area of the Central Delta Water Agency as described in Section 9.1 of the Central Delta Water Agency Act (Chapter 1133 of the Statutes of 1973).

(D) One member from the area of the South Delta Water Agency as described in Section 9.1 of the South Delta Water Agency Act (Chapter 1089 of the Statutes of 1973).

(2) Each reclamation district may nominate one director to be a member. The member from an area shall be selected from among the nominees by a majority vote of the reclamation districts in that area. For purposes of this section, each reclamation district shall have one vote. The north delta area shall conduct separate votes to select each of its two members.

(d) The Director of Parks and Recreation or the director’s designee.

(e) The Director of Fish and Game or the director's designee.

(f) The Director of Food and Agriculture or the director's designee.

(g) The executive officer of the State Lands Commission or the executive officer's designee.

(h) The Director of Boating and Waterways or the director's designee.

(i) The Director of Water Resources or the director's designee.

29736. The term of office of the members of the commission shall be for four years. No member may serve in excess of two terms.

29737. Members shall serve without compensation, but the expenses of each member incurred in connection with official duties shall be paid by the commission.

29738. The position of a member of the commission shall be considered vacated upon the loss of any qualification required for appointment, and in that event the appointing authority shall appoint a successor within 30 days of the occurrence of the vacancy. Upon the occurrence of the first vacancy among any of the members listed in subdivision (d), (e), (f), (g), (h), or (i) of Section 29735, the Director of Conservation or the director's designee shall serve as the successor member.

29739. The commission shall elect from its own members a chairperson and vice chairperson whose terms of office shall be two years, and who may be reelected. If a vacancy occurs in either office, the commission shall fill the vacancy for the unexpired term.

29740. One nonvoting member who shall be a Member of the Senate, appointed by the Senate Committee on Rules, and one nonvoting member who shall be a Member of the Assembly, appointed by the Speaker of the Assembly, both of whom represent areas within the primary zone, shall meet with, and participate in the activities of, the commission to the extent that the participation is not incompatible with their respective positions as Members of the Legislature. For the purpose of this division, those Members of the Legislature shall constitute a joint interim investigating committee on the subject of this division, and as such shall have the powers and duties imposed upon those committees by the Joint Rules of the Senate and Assembly.

29741. The time and place of the first meeting of the commission shall be prescribed by the Governor, but in no event shall it be scheduled for a date later than January 31, 1993. All meetings after the first meeting shall be held in a city within the delta.

CHAPTER 4. POWERS AND DUTIES OF THE COMMISSION

29750. The commission shall meet at least monthly. All meetings shall be open to the public as required by law. Notice of the time and place of all regular and special meetings shall be published at least once in a newspaper of general circulation whose area of circulation is throughout the delta. Notice of any meeting shall be published at least seven days prior to the meeting date.

29751. A majority of the voting members of the commission shall constitute a quorum for the transaction of the business of the commission. A majority vote of the voting members present shall be required to take action with respect to any matter unless otherwise specified in this division. The vote of each member shall be individually recorded.

29752. The commission shall adopt its own rules, regulations, and procedures necessary for its organization and operation.

29753. The commission shall appoint agricultural, environmental, and recreational advisory committees for the purpose of providing the commission with timely comments, advice, and information. The commission may appoint committees from its membership or may appoint additional advisory committees from members of other interested public agencies and private groups. The commission shall seek advice and recommendations from advisory committees appointed by local government which are involved in subject matters affecting the delta.

29754. The commission shall establish and maintain an office within the delta, and for this purpose the commission may rent or own property and equipment. Any rule, regulation, procedure, plan, or other record of the commission which is of such a nature as to constitute a public record under state law shall be available for inspection and copying during regular office hours.

29755. The commission shall appoint, and fix the salary of, an executive director who shall have charge of administering the affairs of the commission, including entering into contracts, subject to the directions and policies of the commission. The executive director shall, subject to the approval of the commission, appoint those employees that are necessary to carry out the functions of the commission.

29756. The commission may promote, facilitate, and administer the acquisition of voluntary private and public wildlife and agricultural conservation easements in the delta.

29757. The commission may apply for and accept federal grants or other federal funds and receive gifts, donations, rents, royalties, state funds derived from bond sales, the proceeds of taxes or funds from any other state revenue sources, or any other financial support from public or private sources.

29758. All members of the commission are subject to Title 9 (commencing with Section 85100) of the Government Code.

29759. The commission shall be abolished as of January 1, 1997, and, if provided for by the Legislature, a successor agency shall administer this division on and after that date.

CHAPTER 5. RESOURCE MANAGEMENT PLAN

29760. (a) Not later than July 1, 1994, the commission shall prepare and adopt, by a majority vote of the membership of the commission, and thereafter review and maintain, a comprehensive long-term resource management plan for land uses within the primary zone of the delta. The regional plan shall consist of the map of the primary zone and text or texts setting forth a description of the needs and goals for the delta and a statement of the policies, standards, and elements of the regional plan.

(b) The regional plan shall meet the following requirements:

(1) Protect and preserve the cultural values and economic vitality that reflect the history, natural heritage, and human resources of the delta.

(2) Conserve and protect the quality of renewable resources.

(3) Preserve and protect agricultural viability.

(4) Restore, improve, and manage levee systems by promoting strategies, including, but not limited to, methods and procedures which advance the adoption and implementation of coordinated and uniform standards among governmental agencies for the maintenance, repair, and construction of both public and private levees.

(5) Preserve and protect delta dependent fisheries and their habitat.

(6) Preserve and protect riparian and wetlands habitat, and promote and encourage a net increase in both the acreage and values of those resources on public lands and through voluntary cooperative arrangements with private property owners.

(7) Preserve and protect the water quality of the delta, both for instream purposes and for human use and consumption.

(8) Preserve and protect open-space and outdoor recreational opportunities.

(9) Preserve and protect private property interests from trespassing and vandalism.

(10) Preserve and protect opportunities for controlled public access and use of public lands and waterways consistent with the protection of natural resources and private property interests.

(11) Preserve, protect, and maintain navigation.

(12) Protect the delta from any development that results in any significant loss of habitat or agricultural land.

(13) Promote strategies for the funding, acquisition, and maintenance of voluntary cooperative arrangements, such as conservation easements, between property owners and conservation groups that protect wildlife habitat and agricultural land, while not impairing the integrity of levees.

(14) Permit water reservoir and habitat development that is compatible with other uses.

(c) The regional plan shall not supersede the authority of local governments over areas within the secondary zone.

(d) In order to facilitate, in part, the requirements of paragraphs (8), (9), (10), and (11) of subdivision (b), the commission shall include in the plan, in consultation with all law enforcement agencies having jurisdiction in the delta, a strategy for the implementation of a coordinated marine patrol system throughout the delta which will improve law enforcement and coordinate the use of resources by all jurisdictions to ensure an adequate level of public safety. The strategic plan shall identify resources to implement that coordination. The commission shall have no authority to abrogate the existing authority of any law enforcement agency.

(e) To the extent that any of the requirements specified in this section are in conflict, nothing in this division shall deny the right of the landowner to continue the agricultural use of the land.

29761. The Director of the Office of Planning and Research shall submit comments and recommendations on the resource management plan for the commission's consideration, prior to the plan's adoption.

29762. The commission shall adopt, by a majority vote of the membership of the commission, the regional plan after at least three public hearings, with at least one hearing held in a city in the north delta, the south delta, and the west delta.

29763. Within 180 days of the adoption of the regional plan or any amendments by the commission, all local governments shall submit to the commission proposed amendments which will cause their general plans to be consistent with the criteria in Section 29763.5 with respect to land located within the primary zone.

29763.5. The commission shall act on proposed general plan amendments within 60 days of submittal. The commission shall approve, by a majority vote of the commission membership, proposed general plan amendments of a local government, as to land located within the primary zone, only after making all of the following written findings, to the extent they are not inconsistent with subdivision (k), based on substantial evidence in the record:

(a) The general plan, and any development approved or proposed that is consistent with the plan, are consistent with the regional plan.

(b) The general plan, and any development approved or proposed that is consistent with the plan, will not result in wetland or riparian loss.

(c) The general plan, and development approved or proposed that is consistent with the plan, will not result in the degradation of water quality.

(d) The general plan, and any development approved or proposed that is consistent with the plan, will not result in increased nonpoint source pollution.

(e) The general plan, and any development approved or proposed that is consistent with the plan, will not result in the degradation or reduction of Pacific Flyway habitat.

(f) The general plan, and any development approved or proposed that is consistent with the plan, will not result in reduced public access, provided the access does not infringe on private property rights.

(g) The general plan, and any development approved or proposed that is consistent with the plan, will not expose the public to increased flood hazard.

(h) The general plan, and any development approved or proposed that is consistent with the plan, will not adversely impact agricultural lands or increase the potential for vandalism, trespass, or the creation of public or private nuisances on public or private land.

(i) The general plan, and any development approved or proposed that is consistent with the plan, will not result in the degradation or impairment of levee integrity.

(j) The general plan, and any development approved or proposed that is consistent with the plan, will not adversely impact navigation.

(k) The general plan, and any development approved or proposed that is consistent with the plan, will not result in any increased requirements or restrictions upon agricultural practices in the primary zone.

29763.8. A local government shall adopt its proposed general plan amendments within 60 days after their approval by the commission.

29764. Nothing in this division shall confer permitting authority upon the commission, nor shall anything in this division require local governments to conform their general plan, or land use entitlement decisions, to that of the regional plan, except as to those areas within the primary zone. The regional plan, as it relates to lands within the secondary zone, shall not preempt local general plans for areas within the secondary zone.

29765. Prior to the commission approving the general plan amendments of the local government, the local government may approve development within the primary zone only after making all of the following written findings on the basis of substantial evidence in the record:

(a) The development will not result in wetland or riparian loss.

(b) The development will not result in the degradation of water quality.

(c) The development will not result in increased nonpoint source pollution or soil erosion, including subsidence or sedimentation.

(d) The development will not result in degradation or reduction of Pacific Flyway habitat.

(e) The development will not result in reduced public access, provided that access does not infringe upon private property rights.

(f) The development will not expose the public to increased flood hazards.

(g) The development will not adversely impact agricultural lands or increase the potential for vandalism, trespass, or the creation of public or private nuisances on private or public land.

(h) The development will not result in the degradation or impairment of levee integrity.

(i) The development will not adversely impact navigation.

(j) The development will not result in any increased requirements or restrictions upon agricultural practices in the primary zone.

29766. Nothing in this division shall deny the right of private or public property owners and local governments to establish agriculture preserves and enter into contracts pursuant to the California Land Conservation Act of 1965 (Chapter 7 (commencing with Section 51200) of Part 1 of Division 1 of Title 5 of the Government Code) or apply other enforceable restrictions or zoning within the primary zone or the secondary zone.

29767. In implementing the regional plan, the exercise of the power of eminent domain is prohibited unless requested by the landowner.

CHAPTER 6. APPEAL AND JUDICIAL REVIEW

29770. (a) Any person aggrieved by any action taken by a local government in implementing the regional plan or otherwise taken pursuant to this division may file an appeal with the commission. The ground for an appeal and the commission consideration of an appeal shall be that an action, as to land located exclusively within the primary zone, is inconsistent with the regional plan, the portions of a general plan that implement the regional plan, or this division. The appeal shall be heard by

the commission within 60 days of the filing of the appeal, unless the commission, either itself or by delegation to the executive director, determines that the issue raised on appeal is not within the commission's jurisdiction or does not raise an appealable issue.

(b) The commission shall, by regulation, adopt administrative procedures governing these appeals.

29771. After a hearing on the appeal, held in accordance with regulations adopted pursuant to Section 29770, the commission shall either deny the appeal or remand the matter to the local government, after making specific findings, for reconsideration. Upon remand, the local agency may modify the permit or approval and resubmit the matter for review to the commission. The permit or approval shall not be effective until the commission adopts written findings based on substantial evidence in the record that the permit or approval is consistent with the regional plan and the approved local general plan.

29772. An aggrieved person may seek judicial review of any action taken by the commission in adopting the regional plan or by a local government that is appealable pursuant to subdivision (a) of Section 29770, by filing a petition for writ of mandate in accordance with Section 1094.5 of the Code of Civil Procedure within 60 days after the date that the action was taken or, if appealed to the commission, within 60 days after the final decision of the commission.

CHAPTER 7. FINANCIAL PROVISIONS

29775. A penalty assessment in the amount of 10 percent shall be assessed on any fine imposed pursuant to Section 12002, 12002.1, or 12002.2 of the Fish and Game Code for a violation that occurs within the delta. A penalty assessment in the amount of 10 percent shall also be assessed on any fine imposed pursuant to Section 668 of the Harbors and Navigation Code for any violation occurring within the delta.

29776. Any penalty assessed pursuant to Section 29775 shall be transmitted to the Treasurer for deposit in the Sacramento-San Joaquin Delta Protection Fund, which is hereby created in the State Treasury. The money in the Sacramento-San Joaquin Delta Protection Fund is available, upon appropriation by the Legislature, for support of the commission, commencing in the 1992-93 fiscal year, in an amount not to exceed two hundred fifty thousand dollars (\$250,000) in any fiscal year.

29777. (a) The commission shall submit to the Governor and the Legislature, on or before December 31, 1993, a report setting forth its recommendation for legislation that would provide funding sources to replace the penalty assessment prescribed by Section 29775 that would provide sufficient funds, in an amount not to exceed two hundred fifty thousand dollars (\$250,000) in any fiscal year, for its activities and operations pursuant to this division.

(b) In preparing the report, the commission shall meet and consult with individuals and groups whose activities the commission is considering as potential funding sources.

(c) The commission shall not incur costs in excess of the amount of funds available for expenditure by the commission in any fiscal year.

CHAPTER 8. ANNUAL REPORT

29780. Commencing on January 1, 1995, and every year thereafter, the commission shall submit to the Governor and the Legislature a report describing the progress in achieving the objectives of this division. The report shall include, but not be limited to, all of the following:

(a) An evaluation of the effectiveness of the regional plan in preserving agricultural lands, restoring delta habitat, improving levee protection and water quality, providing increased public access and recreational opportunities, and in undertaking other functions prescribed in this division.

(b) An update of the regional plan, using baseline conditions set forth in the original regional plan.

(c) The status of the environmental thresholds established by the commission in the original regional plan.

SEC. 3. No reimbursement is required by this act pursuant to Section 6 of Article XIII B of the California Constitution because the local agency or school district has the authority to levy service charges, fees, or assessments sufficient to pay for the program or level of service mandated by this act. Notwithstanding Section 17580 of the Government Code, unless otherwise specified in this act, the provisions of this act shall become operative on the same date that the act takes effect pursuant to the California Constitution.

SEC. 4. The sum of two hundred fifty thousand dollars (\$250,000) is hereby appropriated from the California Environmental License Plate Fund to the Delta Protection Commission as a loan for costs incurred for organization and operation of the commission, including costs incurred for preparation and adoption of the regional plan, as defined in Section 29729 of the Public Resources Code. The loan shall be repaid to the California Environmental License Plate Fund not later than December 31, 1998.

Selected References

The Department of Water Resources has published many documents relating to the Delta over the years. The following reports are the most pertinent ones released between 1978 and 1992:

Delta Water Facilities, Program for: Delta Protection and Water Transfer, Water Conservation, Water Recycling, and Surface and Ground Water Storage. Bulletin 76. July 1978.

Delta Levees Investigation. Bulletin 192-82. December 1982.

Delta Alternatives Material (four volumes). December 1982. Reference copies only. Volumes III and IV contain material on Senate Bill 200 and Assembly Concurrent Resolution 90 (Proposition 8). Division of Planning.

Alternatives for Delta Water Transfer. November 1983.

Sacramento-San Joaquin Delta Water Quality Surveillance Program, Monitoring Results Pursuant to Delta Water Rights Decision 1485. Text and three volumes of data. August 1985. Central District.

Final Environmental Impact Report on Proposed Additional Pumping Units, H. O. Banks Delta Pumping Plant, Summary. January 1986. Central District.

Interagency Delta Health Aspects Monitoring Program, Project Report. December 1986. Central District.

Sacramento-San Joaquin Delta Emergency Water Plan. Report to Legislature. December 1986. Central District.

Flood Protection of State Highways in the Sacramento-San Joaquin Delta. December 1987. Central District.

Sacramento-San Joaquin Delta Flood Hazard Mitigation Plan. January 1989. Central District.

The Delta as a Source of Drinking Water, Summary of Monitoring Results: 1983-1987. January 1989. Central District.

Water Quality Conditions in the Sacramento-San Joaquin Delta During 1987. Report to the State Water Resources Control Board in Accordance with Water Rights Decision 1485, Order 4(f). May 1989. Central District.

The Delta as a Source of Drinking Water, Monitoring Results: 1983-1987. August 1989. Central District.

Delta Subsidence Investigation. October 1989. Central District.

Proposed Sherman Island Wildlife Management Plan -- Initial Study and Negative Declaration. January 1990. Division of Planning.

Delta Levee Slope Protection Alternatives. February 1990. Division of Design and Construction.

Actions and Priorities, Delta Flood Protection Act, Eight Western Delta Islands. March 1990. Division of Planning.

Negative Declaration: Proposed South Delta Water Management Program -- Land Purchase. April 1990. Division of Planning.

Water Quality Conditions in the Sacramento-San Joaquin Delta During 1987. (Text and three volumes of data.) Text, May 1990; Volume 1, *Water Quality*, May 1990; Volume 2, *Phytoplankton*, May 1990; Volume 3, *Benthos*, May 1990. Central District.

Delta Island Drainage Investigation, Report of the Interagency Delta Health Aspects Monitoring Program. June 1990. Division of Local Assistance.

Draft Environmental Impact Report/Environmental Impact Statement: South Delta Water Management Program (Phase I of Water Banking Program). June 1990. Division of Planning.

Management of the State Water Project. Appendix E, 1987 Water Operations in the Sacramento-San Joaquin Delta. Bulletin 132-88. October 1990.

Interagency Delta Health Aspects Monitoring Program, Summary of Monitoring Results, January 1988--December 1989. October 1990. Division of Local Assistance.

Draft Environmental Impact Report/Environmental Impact Statement: North Delta Program. November 1990. Division of Planning.

Water Quality Conditions in the Sacramento-San Joaquin Delta During 1989. Report to the State Water Quality Control Board in Accordance with Water Rights Decision 1485, Order 4(f). July 1991. Central District.

Use of Global Positioning System to Establish a Common Vertical Datum in the Sacramento-San Joaquin Delta, California. August 1991. Division of Land and Right of Way.

Early Stages and Early Life History of the Delta Smelt in the Sacramento-San Joaquin Estuary, with Comparison of Early Life Stages of the Long Fin Smelt. August 1991. Central District.

Long-term Trends in Zooplankton Distribution and Abundance in the Sacramento-San Joaquin Estuary. May 1992. Environmental Services Office.

Water Quality Conditions in the Sacramento-San Joaquin Delta in 1990. June 1992. Environmental Services Office.

Biological Assessment -- Effects of Central Valley Project and State Water Project Operations on Winter-run Chinook Salmon. October 1992. Environmental Services Office.

Evaluation of Selected Biological Factors That May Have Contributed to the Drought and Post-drought Decline in Chlorophyll, a Concentration. April 1990 (released in December 1992). Environmental Services Office.

Time Line of Delta Events

- 1772** First recorded sighting of Delta by Fray Juan Crespi and Captain Pedro Farges.
- 1776** San Carlos—first ship to enter San Francisco Bay.
- 1849** Settlers begin arriving in the Delta to farm its rich soils while Forty-Niners pass through on their way to strike gold in the Sierra foothills.
- 1850** Congress passes the Federal Swamp and Overflow Act, which provided for the title of wetlands to be transferred from the Federal Government to the states.
- 1861** California Legislature authorizes the Reclamation District Act, allowing drainage of Delta lands and construction of sturdier levees.
- 1869** Sherman Island is the site of the first coordinated levee system in the Delta.
- 1879** Prized by fisherman, the Striped Bass is brought by rail from the East Coast to the Delta. Two more shipments are required before the fish is established.
- 1880** Most of the Delta reclaimed using dredges developed to build levees quickly and inexpensively. By 1930, all but minor areas of swampland had been leveed and were being farmed.
- 1884** Federal Circuit Court decision in *Woodruff v. North Bloomfield, et al.*, requires termination of mining debris discharges into California rivers. Hydraulic mining had deposited tons of silt and sand in Delta channels and up-stream rivers.
- 1900** California's population is estimated at 1.5 million.
- 1902** Congress passes the Reclamation Act for development of irrigated lands in the western United States.
- 1911** The Reclamation Board is created by the California Legislature to implement a comprehensive flood control plan for the Sacramento and San Joaquin rivers.
- 1914** California Legislature passes bill to revise water right law regarding appropriation of surface water.
- 1930** State completes comprehensive investigation of Delta salinity and its control, and also the State Water Plan (now the Central Valley Project) to transfer northern California water throughout the Central Valley.
- 1933** Corps of Engineers dredges Stockton Deep Water Ship Channel to Port of Stockton.
- Congress authorizes the Central Valley Project (CVP).
- 1940** Export of Delta water begins with U.S. Bureau of Reclamation (USBR) completion of the Contra Costa Canal, the first unit of the CVP.
- 1944** Shasta Dam and Reservoir completed as a key feature of the CVP; adds water to Delta channels during low-flow periods, thereby limiting salinity intrusion.
- 1951** Delta export increases with completion of the Delta-Mendota Canal, another unit of the CVP.
- USBR constructs the Delta Cross Channel to aid in transferring water from the Sacramento River across the Delta to the Tracy Pumping Plant, which serves the Delta Mendota Canal.
- 1959** State Legislature passes the Delta Protection Act and the Burns-Porter Act to assist in financing the State Water Project, including Delta facilities. The SWP, which would increase Delta exports, was approved by California voters in 1960.
- 1960** California voters approve the Burns-Porter Act (also called the State Water Project Development Bond Act) authorizing the sale of \$1.75 billion of general obligation bonds to help finance the SWP. California's population is 15.7 million.
- 1963** Corps of Engineers dredges the Sacramento Deep Water Channel to the port of Sacramento.
- 1965** Interagency Delta Committee, formed in 1961, completed its report recommending various Delta facilities, including the Peripheral Canal, to offset adverse effects of increasing Delta exports.
- 1967** Oroville Dam and Reservoir is completed as a key feature of the SWP and the Feather River Fish Hatchery is opened to replace spawning areas lost as a result of the dam.
- The first stage of the Harvey O. Banks Delta Pumping Plant is completed along with the John E. Skinner Fish Facility.
- 1971** State Water Resources Control Board (SWRCB) adopts its Delta Water Rights Decision 1379 establishing Delta water quality standards to be met by the Central Valley Project (CVP) and SWP.
- 1973** California Aqueduct completed to Southern California.
- Legislature passes Senate Bill 541 (also known as the Way Bill) to provide State financial assistance for maintenance and improvement of certain Delta levees.
- Delta Environmental Advisory Committee (DEAC) concludes that a federal-State Peripheral Canal, properly designed and operated, is necessary to protect the Delta.
- 1978** SWRCB issues Water Right Decision 1485 updating Delta water quality standards and establishing water quality standards for Suisun Marsh.

1980 State Legislature passes Senate Bill 200 specifying the Peripheral Canal as the Delta water transfer facility, requiring staged construction and fish screen testing but without requiring federal participation.

1982 California voters defeat Proposition 9, which includes the Peripheral Canal, the SB 200 package of statewide facilities, and Delta protection, by a 3-2 margin.

1986 Congress passes DWR and USBR historic accord, the CVP-SWP Coordinated Operation Agreement.

California Supreme Court affirms State court of Appeal ruling (Racanelli Decision) strengthening SWRCB powers to protect the Bay/Delta system. The Racanelli Decision covered eight cases challenging SWRCB's Decision 1485, issued in 1978, and its Water Quality Control Plan for the Delta and Suisun Marsh. The decision recognizes SWRCB's broad authority and discretion over water rights and water quality issues, including jurisdiction over the federal CVP.

DWR and the Department of Fish and Game sign the Delta Pumping Plant fishery mitigation agreement for direct fish loss.

1987 DWR installs Middle River Weir as part of an agreement with the South Delta Water Agency to improve water conditions for local agricultural diverters. It is the first component of a temporary program designed to provide data for a more permanent solution.

1988 DWR completes pumping plant for North Bay Aqueduct and the Suisun Marsh salinity control gates.

1988 Legislature passes Senate Bill 34, which provides \$120 million over a 10-year period for DWR to rebuild Delta levees, enlarge channels, and help reclamation districts make levee improvements.

An engineering study by the California Urban Water Agencies examines options for improving drinking water quality for users of Delta water.

1990 California's population is now 29.8 million. (1990, U.S. Census)

1991 Construction completed on four additional pumping units at the Banks Pumping Plant.

1992 The Legislature passes the Delta Protection Act of 1992 establishing the Delta Protection Commission. The Commission is to develop a comprehensive, long-term resources management plan for the Delta by July 1, 1994.

Congress passes the Central Valley Project Improvement Act (PL 102-575) which allows water transfers from CVP contractors to other water users, reforms water pricing, and commits up to 800,000 acre-feet annually to fish and wildlife purposes.

Governor establishes Bay-Delta Oversight Committee for long-term Delta planning.

1993 The Delta Smelt is listed as a Threatened Species and actions are defined (such as pulse flows on the Sacramento River and limitations on certain flows within the Delta) to improve conditions for the smelt and the Winter-run Salmon (an Endangered Species).

Species of Concern

Fish, Wildlife, and Plant Species of Concern in the Sacramento-San Joaquin Delta
(Federal listing effective January 31, 1992; State listing effective April 9, 1992)

Fish:

Winter-run Chinook Salmon, *Oncorhynchus tshawytscha* (SE, FT)
Sacramento Splittail, *Pogonichthys macrolepidotus* (FC)
Delta Smelt, *Hypomesus transpacificus* (FT, 4/93)
Green Sturgeon, *Acipenser medirostris*
Sacramento Perch (native population), *Archoplites interruptus*
Sacramento Blackfish, *Orthodon microlepidotus*
Hardhead, *Mylopharodon conocephalus*
Longfin Smelt, *Spirinchus thaleichthys*

Birds:

Bald Eagle, *Haliaeetus leucocephalus* (SE, FE)
Tricolored Blackbird, *Agelaius tricolor*
American Peregrine Falcon, *Falco peregrinus anatum* (SE, FC)
California Clapper Rail, *Rallus longirostris obsoletus* (SE, FE)
Swainson's Hawk, *Bueteo swinsoni* (ST, FC)
Greater Sandhill Crane, *Grus canadensis tabida* (ST)
California Black Rail, *Laterallus jamaicensis coturniculus* (ST, FC)
California Least Tern, *Sterna albifrons browni* (SE, FE)
Calif. Yellow-Billed Cuckoo, *Coccyzus americanus occidentalis* (ST, FC)
California Brown Pelican, *Pelecanus occidentalis californicus* (SE, FE)

Mammals:

San Joaquin Kit Fox, *Vulpes macrotis mutica* (ST, FE)
Salt Marsh Harvest Mouse, *Reithrodontomys raviventris* (SE, FC)
Riparian Brush Rabbit, *Sylvilagus bachmani riparius*
San Joaquin Valley Woodrat, *Neotoma fuscipes riparia*
San Pablo California Vole, *Microtus californicus sanpabloensis*
Pacific Western Big-eared Bat, *Plecotus townsendii townsendii*
Salt Marsh Vagrant Shrew, *Sorex vagrans halicoetes*
Suisun Ornate Shrew, *Sorex ornatus sinuosus*
San Francisco Dusky-footed Woodrat, *Neotoma fuscipes annectens*

Reptiles:

Giant Garter Snake, *Thamnophis Gigas*
Northwestern Pond Turtle, *Clemmys marmorata marmorata*
Alameda Whip Snake, *Masticophis lateralis euryxanthus* (ST)

Amphibians:

California Red-legged Frog, *Rana aurora draytonii*
California Tiger Salamander, *Ambystoma tigrinum californiense*
Western Spadefoot Toad, *Scaphiopus hammondi hammondi*

Plants:

Palmate-bracted Bird's-beak, *Cordylanthus palmatus*
Butte County Meadowfoam, *Limnanthes floccosa* ssp. *californica*
Sacramento Valley Milk-vetch, *Astragalus tener* var. *ferrisae*
California Hibiscus, *Hibiscus californicus*
Ahart's Rush, *Juncus leiospermus* var. *ahartii*
Veiny Monardella, *Monardella douglasii* var. *venosa*
Ahart's Whitlow-wort, *Paronychia ahartii*
Hartweg's Golden Sunburst, *Pseudobahia bahiifolia*
Large-flowered Fiddleneck, *Amsinckia grandiflora*
Contra Costa Wallflower, *Erysimum capitatum* var. *angustatum* (SE, FE)
Antioch Dunes Evening-primrose, *Oenothera deltoides* ssp. *howellii* (SE, FE)
Solano Grass, *Tuctoria mucronata*
Suisun Aster, *Aster chilensis* var. *lentus*
Heartscale, *Atriplex cordulata*
Valley Spearscale, *Atriplex joaquiniana*
Slough Thistle, *Cirsium crassicaule*
Hispid Bird's-beak, *Cordylanthus mollis* ssp. *hispidus*
Soft Bird's-beak, *Cordylanthus mollis* ssp. *mollis* (SR, FC)
Recurved Larkspur, *Delphinium recurvatum*
Contra Costa Buckwheat, *Eriogonum tuncatum*
Delta Coyote-thistle, *Eryngium racemosum* (SE, FC)
Diamond-petaled Poppy, *Eschscholzia rhombipetala*
Fragrant Fritillary, *Fritillaria liliacea*
Adobe Lily, *Fritillaria pluriflora*
Boggs Lake Hedge-hyssop, *Gratiola heterosepala* (SE, FC)
Diablo Rock-rose, *Helianthella castanada*
Brewer's Dwarf-flax, *Hesperolinon breweri*
California Hibiscus, *Hibiscus californicus*
Hinds' Walnut, *Juglans hindsii*
Contra Costa Goldfields, *Lasthenia conjugens*
Delta Tule-pea, *Lathyrus jepsonii* ssp. *jepsonii*
Legenere, *Legenere limosa*
Mason's Lilaepsis, *Lilaepsis masonii* (SR, FC)

Colusa Grass, *Neostapfia colusana* (SE, FC)
Slender Orcutt Grass, *Orcuttida tenuis* (SE, FC)
Gairdner's Yampah, *Perideridia gairdneri* ssp. *gairdneri*
Bearded Allocarya, *Plagiobothrys hystriculus*
Valley Sagittaria, *Sagittaria sanfordii*
Showy Indian Clover, *Trifolium amoenum*
Caper-fruited Tropicocarpum, *Tropicocarpum capparideum*
Beach Layia, *Layia carnosa*
Sonoma Alopecurus, *Alopecurus aequalis* var. *sonomensis*
Swamp Sandwort, *Arenaria paludicola*
Northcoast Bird's-beak, *Cordylanthus maritimus* ssp. *palustris*
Hoover's Button-celery, *Eryngium aristulatum* var. *hooveri*
San Francisco Gumplant, *Gindelia maritima*
Wedge-leaved Horkelia, *Horkelia cuneata* ssp. *jepsonii*
Hairless Allocarya, *plagiobothrys glaber*
Marin Knotweed, *Polygonum marinense*
Sacramento Orcutt Grass, *Orcuttia viscida* (SE, FC)
Crampton's Tuctoria, *Tuctoria mucronata* (SE, FE)
Shippee Meadowfoam, *Limnanthes floccosa* ssp. *california* (SE, FC)
Green's Tuctoria, *Tuctoria greenii* (SR, FC)
Dudley's Lousewort, *Pedicularis dudleyi* (SR)

Invertebrates:

Valley Elderberry Longhorn Beetle, *Desmocerus californicus dimorphus*
Sacramento Valley Tiger Beetle, *Cicindela hirticollis abrupta*
Delta June Beetle, *Polyphylla stellata*
Antioch Dunes Anthicid Beetle, *Anthicus antiochensis*
Sacramento Anthicid Beetle, *Anthicus sacramento*
Lange's Metalmark butterfly, *Apodemia mormo langei*
Vernal Pool Fairy Shrimp, *Branchinecta lynchi*
California Linderiella, *Linderiella occidentalis*
Conservancy Fairy shrimp, *Branchinecta longiantenna*
Longhorn Fairy Shrimp, *Branchinecta longiantenna*
Vernal Pool Tadpole Shrimp, *Lepidurus packardii*

Middlekauf's Shieldback Katydid, *Idiostatus middlekaufi*
Ciervo Aegialian Scarab Beetle, *Coelus gracilis*
San Joaquin Dune Beetle, *Coelus gracilis*
Curved-foot Hygrotus Diving Beetle, *Hygrotus curvipes*
Antioch Cophuran Robberfly, *Cophura hurdi*
Hurd's Metapogan Robberfly, *Metapogan hurdi*
Antioch Mutillid Wasp, *Mymosula pacifica*
Yellow-banded Andrenid Bee, *Perdita hirticeps luteocincta*
Antioch Andrenid Bee, *Perdita Scitula antiochensis*
Antioch Sphecid Wasp, *Philanthus nasalis*

Non-Native Species

Introduced Species in the Sacramento - San Joaquin Delta

Plants

Common Name	Scientific Name
Barnyard grass	<i>Echinochloa crusgalli</i>
Asparagus	<i>Asparagus officinalis</i>
Water hyacinth	<i>Eichhornia crassipes</i>
Oats	<i>Avena</i> spp.
Ripgut grass	<i>Bromus diandrus</i>
Pampas grass	<i>Cortaderia selloana</i> , <i>C. jubata</i>
Bermuda grass	<i>Cynodon dactylon</i>
Fescue	<i>Festuca</i> spp.
Foxtail	<i>Hordeum stebbinsi</i>
Barley	<i>Hordeum vulgare</i>
Italian wildrye	<i>Lolium multiflorum</i>
Knot grass	<i>Paspalum dilatatum</i>
Canary grass	<i>Phalaris canariensis</i>
Rabbitfoot grass	<i>Polypogon monspeliensis</i>
Johnson grass	<i>Sorghum halpense</i>
Milo	<i>Sorghum vulgare</i>
Corn	<i>Zea mays</i>
Pond weed	<i>Potamogeton</i> sp.
Silver maple	<i>Acer saccharinum</i>
California pepper	<i>Schinus molle</i>
Poison hemlock	<i>Conium maculatum</i>
Fennel	<i>Poeniculum vulgare</i>
Oleander	<i>Nerium oleander</i>
Periwinkle	<i>Vinca major</i>
Horseweed	<i>Conyza canadensis</i>
Common brass buttons	<i>Cotula coronopifolia</i>
Cardoon	<i>Cynara cardunculus</i>
Horseweed	<i>Erigeron canadensis</i>
Prickly lettuce	<i>Lactuca serriola</i>
Bristly oxtonque	<i>Picris echioides</i>
Milk thistle	<i>Silybum marianum</i>
Sow thistle	<i>Sonchus</i> spp.
Cocklebur	<i>Xanthium strumarium</i> var. <i>canadense</i>
Mustard	<i>Brassica geniculata</i>
Common yellow mustard	<i>Brassica campestris</i>
Perennial peppergrass	<i>Lepidium latifolium</i>
Wild radish	<i>Raphanus sativus</i>
Australian saltbush	<i>Atriplex semibaccata</i>
Mexican tea	<i>Chenopodium ambrosioides</i>
Russian thistle	<i>Salsola kali</i>

Field bindweed	<i>Convolvulus arvensis</i>
Hedge bindweed	<i>Convolvulus sepium</i>
Wild radish	<i>Raphanus sativus</i>
Acacia	<i>Acacia</i> sp.
Lotus	<i>Lotus uliginosus</i>
White sweet clover	<i>Melilotus albus</i>
Yellow sweet clover	<i>Melilotus indicus</i>
Black locust	<i>Robinia pseudoacacia</i>
Spanish broom	<i>Spartium junceum</i>
Broad leaf filaree	<i>Erodium botrys</i>
Parrot's feather	<i>Myriophyllum brasiliense</i>
English walnut	<i>Juglans regia</i>
Henbit	<i>Lamium</i> spp.
Horehound	<i>Marrubium vulgare</i>
Velvet leaf	<i>Arbutilon theophrasti</i>
Hemp	<i>Cannabis sativa</i>
Bottlebrush	<i>Callistemon</i> spp.
Eucalyptus	<i>Eucalyptus</i> spp.
Buckhorn plantain	<i>Plantago lanceolata</i>
Common knotweed	<i>Polygonum aviculare</i>
Water smartweed	<i>Polygonum amphibium</i>
Curly dock	<i>Rumex crispus</i>
Almond	<i>Prunus amygdalus</i>
Himalaya-berry	<i>Rubus procerus</i>
Weeping willow	<i>Salix babylonica</i>
Common mullein	<i>Verbascum thapsus</i>
Jimson weed	<i>Datura stramonium</i>
Chinese elm	<i>Ulmus parviflora</i>
Mat grass	<i>Lippia nodiflora</i>
Puncture vine	<i>Tribulus terrestris</i>

Invertebrates

Common Name	Scientific Name
Hydra	<i>Cladonama uchidi</i>
Amphipod	<i>Corophium alienense</i>
	<i>Caprella mutica</i>
Isopod	<i>Dynoides dentisinus</i>
	<i>Ianiropsis serricaudis</i>
	<i>Cirolana arcuata</i>
Cumace	<i>Hemileucon hinumensis</i>
Copepod	<i>Oithona davisae</i>
	<i>Sinocalanus doerrii</i>
	<i>Limnocalanus sinensis</i>
	<i>Pseudodiaptomus marinus</i> and <i>P. forebesi</i>
Bivalve	<i>Potamocorbula amurensis</i>
	<i>Theora fragilis</i>

Other Clams

Asiatic clam	<i>Corbicula fluminea</i>
Japanese cockle	<i>Tapes Japonica</i>
Gem clam	<i>Gemma gemma</i>
Grass shrimp	<i>Palaemon macrodactylus</i>
Crayfish	<i>Pacifastacus leniuculus</i>
Crayfish	<i>Procambarus clarkii</i>
Mud crab	<i>Rhithropanopeus harrisi</i>

Amphibian

Common Name	Scientific Name
Bullfrog	<i>Rana catesbeiana</i>

Fish

Common Name	Scientific Name
Threadfin shad	<i>Dorosoma petenense</i>
American shad	<i>Alosa sapidissima</i>
Brown trout (sea-run)	<i>Salmo trutta</i>
Golden shiner	<i>Notemigonus crysoleucas</i>
Fathead minnow	<i>Pimephales promelas</i>
Goldfish	<i>Carassius auratus</i>
Carp	<i>Cyprinus carpio</i>
Black bullhead	<i>Ictalurus melas</i>
Brown bullhead	<i>Ictalurus nebulosus</i>
Yellow bullhead	<i>Ictalurus natalis</i>
White catfish	<i>Ictalurus catus</i>
Channel catfish	<i>Ictalurus punctatus</i>
Blue catfish	<i>Ictalurus furcatus</i>
Rainwater killifish	<i>Lucania parva</i>
Mosquito fish	<i>Gambusia affinis</i>
Inland silverside	<i>Menidia audena</i>
Threespine stickleback	<i>Gasterosteus aculaetus</i>
Striped bass	<i>Morone saxatilis</i>
Bluegill	<i>Lepomis macrochirus</i>
Green sunfish	<i>Lepomis cyanellus</i>
Redear sunfish	<i>Lepomis microlophus</i>
Warmouth	<i>Lepomis gulosus</i>
White crappie	<i>Pomoxis annularis</i>
Black crappie	<i>Pomoxis nigromaculatus</i>
Largemouth bass	<i>Micropterus salmoides</i>
Small mouth bass	<i>Micropterus dolomieu</i>
Bigscale logperch	<i>Percina macrolepida</i>

Yellow perch
Yellowfin goby
Chameleon goby

Perca flavescens
Acanthogobius flavimanus
Tridentiger trigonocephalus

Birds

Common Name

Scientific Name

Ring-necked pheasant
Rock dove
European starling

Phasianus colchicus
Columba livia
Sturnus vulgaris

Mammals

Common Name

Scientific Name

Virginia opossum
Muskrat
Black rat (roof rat)
Norway rat
House mouse
Feral cats and dogs

Didelphis virginiana
Ondatra zibethicus
Rattus rattus
Rattus norvegicus
Mus musculus
Felis domesticus, Canis domesticus

Legislators

*Following is a list of legislators and their Districts in the Delta.
Actual District boundaries are shown on pages 72, 74, and 75.*

STATE SENATE DISTRICTS

4	Maurice Johannessen	(916) 445-3353
5	Patrick Johnston	(916) 445-2407
6	Leroy F. Greene	(916) 445-7807
7	Daniel E. Boatwright	(916) 445-6083
12	Dick Monteith	(916) 445-1392

STATE ASSEMBLY DISTRICTS

8	Thomas Hannigan	(916) 445-8368
9	Phillip Isenberg	(916) 445-1611
10	Larry Bowler	(916) 445-7402
11	Robert Campbell	(916) 445-7890
15	Richard K. Rainey	(916) 445-6161
17	Michael Machado	(916) 445-7931
26	Sal Cannella	(916) 445-8570

CONGRESSIONAL DISTRICTS

3	Vic Fazio	(916) 978-4381
5	Robert T. Matsui	(916) 551-2846
7	George Miller	(510) 602-1880
10	Bill Baker	(510) 932-8899
11	Richard W. Pombo	(209) 835-4247
18	Gary Condit	(209) 527-1914

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Delta Atlas On-Line

A version of the Sacramento-San Joaquin Delta Atlas is available on the World Wide Web.

The address for the on-line Delta Atlas is <http://locke.water.ca.gov>, which is the Division of Planning's home page. From there you may access the Delta Atlas or several other DWR Planning reports, such as Bulletin 160-93, *The California Water Plan Update*.

You may also be interested in other DWR or California Resources World Wide Web sites. Below is a partial list of water and other natural resources related sites.

- Department of Water Resources Home Page:
[http:// wwwdwr.water.ca.gov](http://wwwdwr.water.ca.gov)
- California Cooperative Snow Surveys Home Page:
[http:// snow.water.ca.gov](http://snow.water.ca.gov)
- California Environmental Resources Evaluation System (CERES) Home Page:
<http://resources.agency.ca.gov>
- California Home Page:
<http://www.ca.gov/gov/calhome.html>
- California's Natural Resources Home Page:
[http://resources.agency.ca.gov/ceres/calweb/
Natural_Resources.html](http://resources.agency.ca.gov/ceres/calweb/Natural_Resources.html)